HB 1817-FN - AS AMENDED BY THE HOUSE

11Mar2026... 0911h

2026 SESSION

26-2861
07/09

HOUSE BILL ***1817-FN***

AN ACT relative to access to curricular courses and cocurricular programs within school districts.

SPONSORS: Rep. McDonnell, Rock. 25; Rep. P. Brown, Rock. 14; Rep. Kuttab, Rock. 17; Rep. Morse, Merr. 3; Rep. Hill, Merr. 2; Rep. Thibault, Merr. 25

COMMITTEE: Education Policy and Administration

AMENDED ANALYSIS

This bill expands access to curricular courses and cocurricular programs within school districts for education freedom account students.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to access to curricular courses and cocurricular programs within school districts.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Education; School Attendance; Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated Pupils. Amend RSA 193:1-c to read as follows:

193:1-c Access to Public School Programs by Nonpublic, Public Chartered [~~Schools~~] ***School, Education Freedom Account,*** or Home Educated Pupils.

I. Nonpublic, public chartered school, ***education freedom account,*** or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides***, including the statewide assessment and preliminary scholastic aptitude test (PSAT)***. The local school board shall adopt a policy regulating participation in curricular courses and cocurricular programs[~~, provided that such~~]**.** ***Such*** policy shall not be more restrictive for non-public, public chartered school, ***education freedom account,*** or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" includes any pupil who is a "child with a disability" under RSA 186-C:2, I, until such time as such pupil has acquired a high school diploma or reached age 21 inclusive; but shall not include any other pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1 ***or RSA 193-A***.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
26-2861
03/20/2026

HB 1817-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2026-0911h)

AN ACT relative to access to curricular courses and cocurricular programs within school districts.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	Indeterminable		
Funding Source(s)	Education Trust Fund			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Local Revenue	$0	Indeterminable		
Local Expenditures	$0	Indeterminable		

METHODOLOGY:

This bill expands access to curricular courses and cocurricular programs within school districts for education freedom account students. The Department of Education states this bill will likely result in a significant cost at either the local level, state level, or both, depending upon interpretation**. The Department does not have a methodology that could be employed to determine the potential costs. It is not possible to know how many students would take advantage of what opportunities and how those costs would ultimately be born (by the local district or by the state).

**Under current law, the Department of Education through its data systems and implementation of funding formulas, holds to two policy principles:

<u>#1. Districts Are Provided State Funding When Required To Educate A Student</u>

The Department will provide state funding to districts when they are required to educate a student via the adequacy formula. This typically occurs by a student enrolling in their district school full-time. For home education students that have access to courses at their resident district, the Department compensates the district through the adequacy formula for each course the home education students enrolls in. The district formula doesn't apply to charter schools, as charter school students are already enrolled full-time in an educational pathway. Districts are not required to educate Education Freedom Account (EFA) students who have not been disenrolled from the EFA program. Therefore, they are not compensated with State funding.

#2. The State Does Not Double Pay State Funding For A Primary Pathway

The Department ensures at the SASid-level a student enrolled in a State funded district, charter school, or EFA pathway does not have the student counted twice for the purpose of State primary funding (i.e., adequacy funding). The only exception to this is part-time courses at the Virtual Learning Academy Charter School (VLACS), where District, Charter School, or EFA students are allowed to access a State funded VLACS course while having their primary pathway State funded.

The Department states this bill would violate policy principle #1 stated above. The policy could be to pay districts for educating EFA students similar to home educated students, however, this would violate principle #2.

Lastly, once an EFA student is enrolled more than 50 percent of the time in a district, they would have to disenroll from the EFA program. A potential unintended consequence of this could be more students being forced to disenroll from the EFA program unintentionally, because they accessed too many courses at their resident district.

AGENCIES CONTACTED:

Department of Education