

Senate Education Committee

Ryan Meleedy 271-4151

SB 97-FN, relative to intra-district public school transfers.

Hearing Date: January 28, 2025

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill authorizes parents to transfer their children to other schools within their resident district as long as such school has the capacity to accommodate the student.

Sponsors:

Sen. Sullivan

Sen. Pearl

Rep. Layon

Who supports the bill: 14 People signed in support of SB 97-FN. To access the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who opposes the bill: 41 People signed in opposition to SB 97-FN. To access the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Who is neutral on the bill: 2 People signed in neutrality to SB 97-FN. To access the full list of sign-ins, please email the committee aide (ryan.meleedy@gc.nh.gov).

Summary of testimony presented in support:

Senator Victoria Sullivan:

- Committee Vice Chair Senator Victoria Sullivan introduced Senate Bill 97, which would allow any child to attend any school within their district.
- Senator Sullivan had a constituent who came to her and expressed the need for the student to transfer to a school within the same district but closer to the student's relative, where they received before—and after-school care. Senator Sullivan had to go to the Department of Education and was able to get the student placed in the school that suited the student's after-school needs.
- Senator Sullivan expressed that this bill would help with bullying issues. This bill would help families who need to get their children out of a bullying situation at their assigned school.

- Senator Sullivan explained that this bill would not impact taxpayers because the families already pay the same tax rate, and students should not be limited to opportunities or schools because of their ZIP code.
- Senator Sullivan explained there must be capacity in the school that the family wishes to send the student and that parents must provide for transportation.
- Senator Sullivan expressed this bill would benefit transient students in Manchester, who often move from apartment to apartment and have to switch schools. She stated that the bill can be seen as an alternative to the Education Freedom Accounts (EFAs).
- Senator Prentiss inquired about the bill, asking Senator Sullivan if it would allow the students to just go to a different school within the district or if they have to apply on a case-by-case basis. Senator Sullivan explained that the applicant would have to contact the Superintendent of a given school prior to July 1st, and the Superintendent would have to determine if there is capacity in the school. Senator Sullivan continued that if an instance arose in the middle of a school year, the family would have to apply and present a case.
- Senator Prentiss inquired on whether these situations could be handled on a case-by-case basis and if Senator Sullivan knew how often this happened. Senator Sullivan explained that it happens frequently in Manchester because of bullying, and that it gives transient students stability in their education.
- Senator Altschiller inquired about specific language in the bill and asked if this bill would bypass the EFAs by including private schools. Senator Sullivan responded that in hardship and other circumstances, public schools may tuition students into private schools, which is already in existing law. Senator Sullivan continued by adding that this bill allows parents to decide that transferring to another public school in the district is in the best interest of their child without having to present a full case.
- Senator Altschiller asked Senator Sullivan what an approved private school means in the bill. Senator Altschiller was concerned that this bill would allow parents to bypass the manifest hardship pathway and was curious about why the students would not participate in the EFA program. Senator Sullivan responded by reading lines twenty-four through twenty-nine and believed that a lot of the language of concern already existed in the law. Senator Sullivan said she was willing to get back to Senator Altschiller and was open to entertaining an amendment.
- Senator Altschiller expressed concern about how this bill would affect rural school districts and the way the 'best interest of the student' is determined. Senator Altschiller explained a hypothetical scenario about student placement based on the student's needs and a district having to cover the cost of a paraprofessional in two districts. Senator Sullivan responded that out-of-district placements need to be approved by the superintendent based on a student's specific needs and that students come in and out of a school district all the time; there is always flexibility over the summer time.
- Senator Altschiller asked what would happen if a school were to fill their open spots for enrollment with students who are transferring in, and then multiple students move into the district. Senator Sullivan said this is a common occurrence in large districts, and that students often move into overpopulated schools.

- Senator Altschiller expressed concern for smaller districts' ability to appropriately budget if this bill were to go into effect. Senator Sullivan responded that school districts already consider students moving in and out of their district during their budget season, and she did not share the same capacity concerns as Senator Altschiller.

Summary of testimony presented in opposition:

Debra Howes - American Federation of Teachers, New Hampshire

- Ms. Howes testified in opposition to the bill.
- Ms. Howes explained that every child in the state is entitled to a robust and adequate education but explained that there are ample inequities on a district-by-district and school-by-school basis for fulfilling this obligation.
- She explained that this bill would allow students to essentially abandon a school because it does not meet the standards that she previously described, and it enables the state and local governments to avoid addressing these underlying shortcomings.
- She explained that the passage of this bill would only create bigger inequalities in public education.
- Ms. Howes took issue with the bill's requirement for districts to accept in-district transfer requests rather than simply giving them the option to do so.
- She expressed concern about the bill's lack of a solid definition for the 'best interests of the child'. She explained that some schools have stronger support systems for others, and that input from school staff members should be included in the notion of 'best interest of the child'.
- She explained that there might be a lot of costs that aren't apparent when transferring a child between schools, which could create an unfair burden for taxpayers.
- Ms. Howes stressed that all students should be afforded an adequate education, which should be the state's priority over allowing students to transfer.
- Senator Altschiller asked, under the system that this bill proposes, if special education students who transfer to a new school and are evaluated as needing a program that is more expensive at their previous school, if the taxpayers in the new school would be responsible for paying the additional cost, or the town of which the child transferred from. Ms. Howes explained that the evaluation would not be based on a unilateral decision from the new school and that the old school would submit their input and previous educational accommodations for the outbound student. She explained that it could potentially create a cost differential issue.

Neutral Information Presented:

Jerry Frew - New Hampshire School Administrators Association

- Mr. Frew emphasized that with the sheer amount of school choice bills making their way through the House and Senate, the New Hampshire state legislature

should take their time and consider carefully what the implications of each proposed plan would look like.

- He expressed concern that much of the language in each school choice bill contradicts the rest of the ones being proposed, with Senate Bill 97 being no exception.
- Mr. Frew urged the committee and the rest of the New Hampshire state legislature to come together and form a comprehensive plan if they decide to move forward with a school choice bill plan.
- Mr. Frew stressed that many implications haven't been thoroughly considered, and he suggested that a study committee investigate these complications and determine which plan to move forward with to avoid contradicting language.
- He suggested that the legislature address how the selection process is determined for students who are seeking enrollment in a new district.
- Mr. Frew reemphasized the committee's responsibility to carefully and thoughtfully consider each school choice bill and mentioned that Representative Erica Layon had proposed a bill the day before that contradicts Senate Bill 97.
- Senator Ward expressed agreement with Mr. Frew's sentiments.

Barrett Christina – New Hampshire School Boards Association

- Mr. Christina suggested that an amendment be brought forward for the bill to address the issue of student selection that Mr. Frew highlighted in his testimony. The amendment would require schools to develop their own policy for selection.
- He suggested that the committee consider amending the bill in order to classify bullying and social issues as grounds for consideration for student acceptance in a transfer request.
- Mr. Christina addressed a concern that Senator Altschiller raised about in-district private school transfers, explaining that his understanding was that private school transfers were already in existing law and that the bill simply reiterates it for clarity purposes.