HB 557-FN - AS AMENDED BY THE HOUSE

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2017 SESSION

17-0185
04/01

HOUSE BILL ***557-FN***

AN ACT relative to school attendance in towns with no public schools.

SPONSORS: Rep. Ladd, Graf. 4; Rep. Jasper, Hills. 37; Rep. Hinch, Hills. 21; Rep. Hill, Merr. 3; Rep. McGuire, Merr. 29; Rep. Chandler, Carr. 1; Rep. Cordelli, Carr. 4; Rep. V. Sullivan, Hills. 16; Rep. Irwin, Sull. 6; Sen. Bradley, Dist 3; Sen. Reagan, Dist 17; Sen. Giuda, Dist 2; Sen. Ward, Dist 8

COMMITTEE: Education

AMENDED ANALYSIS

This bill allows a school board to assign a child to an approved nonsectarian private school if there is no public school for the child's grade in the child's resident district. The bill also allows a school board to execute a contract with an approved nonsectarian private school to provide for the education of a child who resides in a district which does not have a public school at the child's grade level.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to school attendance in towns with no public schools.

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

1 Department of Education; Duties of the Commissioner. Amend RSA 21-N:4, XI to read as follows:

XI. Provide to the secretary of state in August of each year a list or lists of all colleges, universities, and career schools approved or licensed to operate in New Hampshire, all public high schools, and all [~~nonpublic high~~] schools in New Hampshire accredited by [~~a private school~~] ***an independent*** accrediting agency recognized by the department of education ***as defined in RSA 193-E:3-b, I(c)(2)***.

2 New Paragraph; School Boards; Duty to Provide Education. Amend RSA 189:1-a by inserting after paragraph III the following new paragraph:

IV. Pursuant to RSA 193:3, VI, a school board may execute a contract with any approved nonsectarian private school approved for attendance as defined in RSA 193:3, V or a nonsectarian private school accredited by an independent accrediting agency recognized by the department of education as defined in RSA 193-E:3-b, I(c)(2), to provide for the education of a child who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.

3 New Paragraphs; Change of School or Assignment. Amend RSA 193:3 by inserting after paragraph V the following new paragraphs:

VI. If there is no public school for the child's grade in the resident district, the school board may assign the child to another public school in another school district or to any nonsectarian private school which has been approved for attendance by the department of education or is a nonsectarian private school accredited by an independent accrediting agency recognized by the department of education as defined in RSA 193-E:3-b, I(c)(2). The school board may execute a contract with an approved nonsectarian private school to provide for the education of a child who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.

VII. In this subparagraph, "approved for attendance" shall mean a school which shall provide students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come, and provides an education that assures

quality of academic standards and criteria and measures improvement. The school shall not be exempt from statutes and regulations relating to agency approvals such as physical health, fire safety, and sanitation.

4 Compulsory School Attendance. Amend RSA 193:1, I(d) to read as follows:

(d) The child is attending a public or private school located in another state which has been approved by the state education agency of the state in which the school is located or ***is attending a nonsectarian private school located in New Hampshire that is approved for attendance by the department of education or is a nonsectarian private school accredited by an independent accrediting agency recognized by the department of education as defined in RSA 193-E:3-b, I(c)(2);***

5 Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E:3-b, I(c) to read as follows:

(c)***(1)*** A ***public school or a nonsectarian private*** school ***located in New Hampshire*** that furnishes the commissioner with evidence that it has received full accreditation from the New England Association of Schools and Colleges (NEASC) ***or other independent accrediting agency recognized by the department,*** shall be deemed to be in compliance with the provisions of subparagraphs (a) and (b) ***and shall qualify as an approved school for providing the opportunity for an adequate education***. The school shall submit to the commissioner copies of documentation necessary during the school's accreditation process including, but not limited to, the accreditation self-study report, peer review reports, reports of any follow-up activities taken by the school in response to [~~NEASC's~~] ***a recognized independent accrediting agency's*** recommendations for accreditation, and the annual school update report as required by [~~NEASC~~] ***a recognized independent accrediting agency*** each fall. In the fifth year of the 10-year accreditation, the school shall submit a progress report to the commissioner. A school accredited by [~~NEASC~~] ***a recognized independent accrediting agency*** shall meet or exceed [~~NEASC's~~] ***such agency's*** standards and shall use those standards to ***assure quality academic standards and criteria and to*** measure improvement.

(2) In this subparagraph, "recognized independent accrediting agency" means an accrediting organization such as the New England Association of Schools and Colleges, National Association of Independent Schools, Independent Schools Association of Northern New England, the National Council of Private School Accreditation, or other accrediting agency that engages member schools in a comprehensive peer review accreditation process that provides assurance of quality academic standards and criteria, and measures improvement.

6 School Districts; Tuition. Amend RSA 194:27 to read as follows:

194:27 Tuition. Any district not maintaining a high school or school of corresponding grade shall pay for the tuition of any pupil who with parents or guardian resides in said district or who, as a resident of said district, [~~after full investigation by the state board of education~~] ***and pursuant to***

RSA 193:3, VI, is determined to be entitled to have his or her tuition paid by the district where the pupil resides, and who attends an approved public high school or public school of corresponding grade in another district [~~or~~]***,*** an approved public academy***, a nonsectarian private school approved for attendance by the department of education, or a nonsectarian private school accredited by an independent accrediting agency recognized by the department of education as defined in RSA 193-E:3-b, I(c)(2)***. Except under contract as provided in RSA 194:22, the liability of any school district hereunder for the tuition of any pupil shall be the current expenses of operation of the receiving district for its high school, as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils.

7 District Taxes; Estimates. Amend RSA 198:4 to read as follows:

198:4 Estimates. The school board of each district in its annual report shall state in detail the additional sums of money, if any, which will be required during the ensuing fiscal year for the support of the public schools, for the purchase of textbooks, scholars' supplies, flags and appurtenances, for the payment of the tuition of the pupils in the district in high schools [~~and~~]***,*** academies***, and nonsectarian private schools approved for attendance by the department of education or accredited by an independent accrediting agency recognized by the department of education as defined in RSA 193-E:3-b, I(c)(2),*** in accordance with law, and for the payment of all other statutory obligations of the district.

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

LBAO
17-0185
1/14/17

HB 557-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to school attendance in towns with no public schools.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[ ] General	[X] Education	[ ] Highway	[ ] Other

LOCAL:

Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill allows a school district to assign a child to another public school in another school district or to a Department of Education approved private school, if there is no public school in the child's grade in their resident district. Additionally, this bill allows a school board to contract with a private school to educate a child who resides in a district without a public school at the child's grade level. It is unknown how many students this change would apply to or the value of any tuition agreements, therefore any impact to state adequate education grant expenditures, or local revenues and expenditures is indeterminable.

AGENCIES CONTACTED:

Department of Education