CHAPTER 226
HB 1165 - FINAL VERSION

8Feb2024... 0322h
05/02/2024 1629s
13Jun2024... 2331EBA

2024 SESSION

24-2118
10/08

HOUSE BILL ***1165***

AN ACT relative to procedures for school facilities under the department of education.

SPONSORS: Rep. Ladd, Graf. 5

COMMITTEE: Education

ANALYSIS

This bill revises requirements for school district receipt and use of school building aid and clarifies rulemaking and administration of the school building aid and public school infrastructure fund.

This bill is a request of the department of education.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 226
HB 1165 - FINAL VERSION

8Feb2024... 0322h
05/02/2024 1629s
13Jun2024... 2331EBA

24-2118
10/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to procedures for school facilities under the department of education.

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

226:1 State Board of Education; Rulemaking; School Building Construction. Amend RSA 21-N:9, II(c) to read as follows:

(c) Standards for school building construction***, including under the provisions of RSA 198:15-a through RSA 198:15-z***.

226:2 School Building Aid; Amount of Grant. Amend RSA 198:15-b, III(c) to read as follows:

(c) The state board of education shall adopt rules pursuant to RSA 541-A relative to the maximum usable site size for land purchases qualifying for a school building aid grant. These standards shall take into account the type and size of the school and shall be based on the minimum site size appropriate for the construction of a school. [~~Maximum size standards shall be expressed as a maximum acreage per pupil.~~]

226:3 New Paragraph; School Building Aid; Use of Grant. Amend RSA 198:15-b by inserting after paragraph III the following new paragraph:

IV. All school building aid grants shall be deposited into an established school district expendable trust created pursuant to RSA 198:20-c, with unused building aid grant funds remaining invested at all times. School construction project funds maintained in the expendable trust shall not be commingled with non-project funds of the district. All interest accrued shall be used for operation and maintenance cost or capital improvement projects for the related school facility.

226:4 School Building Aid; Approval of Plans. Amend RSA 198:15-c, III to read as follows:

III. A school district or chartered public school that accepts school building aid for construction shall engage the services of [~~a~~] ***an owner's*** project manager for construction or reconstruction projects of $1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The ***owner's*** project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the ***owner's*** project manager.

226:5 Public School Infrastructure Fund; Authorization. Amend RSA 198:15-y, I through the introductory paragraph of RSA 198:15-y, III to read as follows:

I. The general court recognizes that there is a need to provide funding for infrastructure projects for public ***preschools,*** elementary***,*** and secondary schools. Therefore, it is the intent of this chapter to designate certain surplus funds in the 2016-2017 biennial budget to provide grants to fund select school infrastructure projects in accordance with this chapter.

II. There is hereby established in the office of the state treasurer the public school infrastructure fund which shall be kept distinct and separate from all other funds and which shall be administered by the department of education. After transferring sufficient funds to the revenue stabilization reserve account to bring the balance of that account to $100,000,000, the state treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated. The department of education may retain up to 3 percent of the total annual appropriation of the public school infrastructure fund on or after July 1, 2019, to be used to administer the public school infrastructure program.

III. The [~~governor, in consultation with the~~] public school infrastructure commission[~~,~~] may authorize ***the department of education to*** fund expenditures with approval of the fiscal committee of the general court [~~and the executive council. Funds may be expended~~] for the following purposes:

226:6 Public School Infrastructure Commission. Amend RSA 198:15-z, IV to read as follows:

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. [~~The commission shall meet at least monthly.~~] The commission shall provide a report on or before [~~June 30, 2021~~] ***November 30 of each year*** to the general court with information on fund expenditures for the year, projects begun or completed during the previous year, the balance in the public school infrastructure fund, and any other information the commission deems appropriate.

226:7 Investigation of Air Quality. Amend RSA 200:11-a to read as follows:

200:11-a Investigation of Air Quality.

I. The school principal, or designee shall annually investigate the air quality of any schoolhouse or building used for school purposes [~~using a checklist~~] ***and report the findings by completing a survey*** provided by the department of education. The [~~checklist~~] ***survey*** shall be established in rules adopted by the state board of education pursuant to RSA 541-A. The purpose of the [~~review~~] ***investigation*** shall be to consider physical factors that can influence the air quality within the schoolhouse or building. The [~~review~~] ***investigation*** shall require a physical assessment of the facilities, not a measurement of the air quality. The[~~checklist~~] ***survey*** shall allow an evaluation of the following physical conditions that can impact air quality: general cleanliness, ventilation, moisture control, and chemical use and storage. The completed [~~checklist~~] ***survey*** shall be filed after the annual inspection with the department of education, the local school board, and the local health officer. [~~Checklists~~] ***Survey responses*** shall remain on file for 5 years. [~~Checklists~~] ***Survey responses*** shall be reviewed during the 5 year school approval process and shall be a factor in the approval process for a public school.

II. The department of education shall [~~ensure that~~] ***notify*** every public school in New Hampshire [~~possesses a copy of~~] ***how to access*** the United States Environmental Protection Agency Tools for Schools program and shall encourage public schools to implement the program to help provide and maintain good indoor air quality in public school buildings.

III. Any school principal or designee who has conducted a good faith report under RSA 200:11-a shall be immune from civil liability.

226:8 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 19, 2024
Effective Date: September 17, 2024