

HB 1588-FN - AS INTRODUCED

2022 SESSION

22-2231

10/11

HOUSE BILL ***1588-FN***

AN ACT relative to students attending public schools that mandate the wearing of face masks without an emergency order in place.

SPONSORS: Rep. Love, Rock. 6

COMMITTEE: Education

ANALYSIS

This bill allows students in a school that has mandated face masks to transfer to a school or program in another school district and have the costs for such transfer paid by the resident district.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to students attending public schools that mandate the wearing of face masks without an emergency order in place.

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

1 1 New Section; Education; Schools Requiring Face Masks; Procedure for transfer. Amend RSA
2 193 by inserting after section 3-a the following new section:

3 193:3-b Schools Requiring Face Masks; Procedure for Transfer. Notwithstanding any provision
4 of law to the contrary, for any public school for which the school board of the district mandates the
5 use of face masks for students, without a state of emergency being declared by the governor or the
6 legislature, students shall be permitted to transfer to and attend a school in a different school
7 district which has not required face mask use by students. The school district enforcing a face mask
8 mandate for its students shall cover the costs of transportation and tuition costs for any student
9 wishing to go to a different approved public or nonpublic school outside of the district, including any
10 education program funded by a grant from the education freedom account program under RSA 194-
11 F, provided that for a transfer under this section the income eligibility for grants to an education
12 freedom account shall be waived. Such tuition, transfer, and payment of costs shall be as required
13 in law for students attending the receiving district school or alternative program. The parent or
14 guardian of a student may apply to the superintendent of the student's district of residence if the
15 parent or guardian believes it would be in the best interest of the student to change the student's
16 school. Any such requests shall be granted and be deemed in the best interests of the student.

17 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1588-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to students attending public schools that mandate the wearing of face masks without an emergency order in place.

FISCAL IMPACT: ☐ State ☐ County ☒ Local ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill amends RSA 193:3 to allow for a student who attends a public school that is enforcing a face mask mandate, outside of a state of emergency declaration, to attend a different school (public, nonpublic, alternative program) that does not have such a mandate. The school district with the face mask mandate would be required to pay the costs of transportation and tuition costs for any such student who wishes to transfer. To the extent students exercise the provisions of this bill, there may be an indeterminable increase in local school district expenditures should the student transfer to a nonpublic school, or a shift in costs between public school districts should the student transfer to a different public school.

It is assumed any fiscal impact would not occur until FY 2023.

AGENCIES CONTACTED:

Department of Education