

HB 455 - AS INTRODUCED

2021 SESSION

21-0673

06/04

HOUSE BILL **455**

AN ACT relative to the ability of a parent to enroll a child in the public school of their choice.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ammon, Hills. 40; Rep. Rouillard, Hills. 6; Rep. O'Hara, Belk. 9

COMMITTEE: Education

ANALYSIS

This bill permits pupils to attend any public school in the state and certain other states.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the ability of a parent to enroll a child in the public school of their choice.

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

1 1 Public School Choice RSA 194-D is repealed and reenacted to read as follows:

CHAPTER 194-D

PUBLIC SCHOOL CHOICE ACT

4 194-D:1 Definitions. In this chapter:

5 I. "Department" means the department of education.

6 II. "Parent" means a parent, guardian, person having legal custody of a child or, in the case
7 of a child with a disability, an educational surrogate parent who has been appointed in accordance
8 with state or federal law.

9 III. "Public school choice" means the ability of a parent to enroll their child in the public
10 school or public academy of their choice.

IV. "Pupil" means any child who is at least 5 years of age and not more than 20 years of age who is eligible for attendance in public schools in New Hampshire, and who lives with a parent.

V. "Receiving district" means the school of choice district in which a non-resident pupil enrolls.

15 VI. "Resident district" means the school district in which the pupil resides.

16 VII. "School board" means the school district school board or board of trustees.

17 VIII. "State board" means the state board of education.

IX. "Teacher" means any individual providing direct instruction to pupils, and who meets the requirements of the Elementary and Secondary Education Act of 1965, Public Law 89-10, and the Individuals With Disabilities Education Act, 20 U.S. Code chapter 33.

21 194-D:2 Parental Choice; Establishment.

22 I. Pupils who are residents of this state shall be able to attend any public school, public
23 academy, or program within New Hampshire or in any state that has an interstate compact with
24 New Hampshire that does not require nonresident pupils to pay an application fee or tuition.

25 II. Every school district shall adopt such policies and procedures as are reasonable and
26 necessary to implement the provisions of this chapter including, but not limited to, time lines for
27 application to and acceptance in any program or school which may provide for enrollment of the
28 student on or before October 1.

29 III. The department shall make information available to the public about the enrollment
30 options through the public school system.

HB 455 - AS INTRODUCED
- Page 2 -

1 194-D:3 Admission and Enrollment.

2 I. A parent may enroll their child in the public school or public academy of their choice
3 without regard to residence or district boundaries.

4 II. A parent of pupil wishing to attend a non-resident public school shall submit an
5 application to the receiving district.

6 III. The receiving district shall provide a copy of the application to the department.

7 IV. No receiving district shall reject an application based upon grade or age levels, pupil
8 needs, areas of academic focus, aptitude, academic or athletic achievement.

9 V. A receiving district may deny applications for the following reasons only:

10 (a) Lack of space or capacity in the receiving school. No receiving district shall be
11 required to undertake space expansion to accommodate applying pupils.

12 (b) The pupil is under suspension or expulsion in the resident district.

13 VI. If the number of applications exceeds the space or capacity of the requested school, a
14 waiting list shall be established from which students may be enrolled as space becomes available.

15 VII. Application decisions shall be made within 10 school days by the receiving district. The
16 parent and the department shall be notified of the decision.

17 VIII. The parent may appeal a denied application to the state board in accordance with RSA
18 541.

19 194-D:4 Implementation.

20 I. The department shall develop an application for enrollment in a non-resident school.

21 II. The state board of education shall adopt rules, under to RSA 541-A, relative to the
22 procedures and guidelines necessary to effect the purposes of this chapter.

23 III. The receiving district shall not be required to provide transportation to public school
24 choice pupils living outside the district boundaries. The parent may provide transportation to a
25 specific bus stop on an existing route of the receiving district.

26 IV. Pupils may apply for intra-district enrollment in a public school outside their resident
27 school attendance area within the same school district.

28 194-D:5 Funding.

29 I. The commissioner of the department of education shall apply for all federal funding
30 available for public school choice.

31 II. Per pupil adequate education grants shall be distributed under RSA 198:40-a, plus any
32 differentiated aid. Transfers shall be made in accordance with the distribution of adequate
33 education grants under RSA 198:42. The state education grants shall follow the pupil.

34 2 Legal Residence Required. Amend RSA 193:12, I to read as follows:

35 I. Notwithstanding any other provision of law, no person shall attend school, or send a pupil
36 to the school, in any district in which the pupil is not a legal resident, without the consent of the

HB 455 - AS INTRODUCED

- Page 3 -

- 1 district or of the school board except as otherwise provided in this section or in RSA 193:28, *or RSA*
- 2 *194-D*.
- 3 3 Effective Date. This act shall take effect 60 days after its passage.