

Floor Amendment to HB 1636

1 Amend the bill by replacing sections 6 and 7 with the following:

2
3 6 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA 194
4 by inserting after section 60 the following new subdivision:

5 Chartered Public School Use of Unused District Facilities
6 194:61 Unused District Facilities.

7 I. For the purpose of this section, "unused facility" means a school building owned by a
8 school district in which less than 10 percent of the square footage of the school building is used
9 during a school year for direct student instruction and for which the school district has no school
10 board-approved written plan for future use. In order to comply with this paragraph, such school
11 board-approved plan shall include direct student academic instruction within 2 years of the plan's
12 approval.

13 II. On July 1, 2019, and on July 1 every year thereafter, the superintendent of each school
14 district shall report to the department of education each unused facility owned by the school
15 district. The department shall establish and maintain a list of unused facilities owned by each
16 school district and make such list available on the department's website. A school district may
17 exclude an unused facility from the school district's annual report only once.

18 III. Pursuant to paragraph I, a school district shall offer an unused facility to a chartered
19 public school for purchase or lease as follows:

20 (a) If a school district's school board extends an offer to purchase or lease an unused
21 facility to a party, other than an approved chartered public school operating in this state, the
22 contract shall include a provision which makes the purchase or lease subject to the right of first
23 refusal by an approved chartered public school operating in this state.

24 (b)(1) If the offer to purchase or lease is accepted, the school district selling or leasing
25 the unused facility shall, by first class certified mail, notify all approved chartered public schools in
26 this state, as listed on the department of education's website, of the contract to purchase or lease
27 the unused facility. The certified mail notice shall contain clear language that the unused facility is
28 available to any approved chartered public school in this state only, and shall list the offering school
29 district's name and location, the square footage of the unused facility, the contact information of the
30 offering school district's representative, and the expiration date of the right of first refusal which
31 shall be 60 days after the date of the certified mailing.

32 (2) The offering school district shall also post notice of the contract for the purchase

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1 or lease of an unused facility in a newspaper of statewide circulation for at least 5 days.

2 (3) A chartered public school that fails to exercise its right of first refusal shall
3 forfeit such right as it pertains to the specific unused facility and any future right or interest in the
4 specific unused facility.

5 (c) If the offering school district has not received an offer to purchase or lease an
6 unused facility from a party, other than an approved chartered public school operating in this state,
7 a chartered public school may initiate, and the school board of the offering school district shall
8 engage in, good faith negotiations for the purchase or lease of the unused facility.

9 (d) If 2 or more chartered public schools notify the offering school district indicating an
10 interest in the unused facility, to lease or purchase, the offering school district shall make the final
11 selection of the purchaser or lessee.

12 (e) The criteria used to evaluate parties interested in the purchase or lease of an unused
13 facility shall be public information and shall not be subject to RSA 91-A.

14 IV. In right of first refusal negotiations with a chartered public school, it shall be the option
15 of the offering school district whether to sell or lease the property under consideration, at fair
16 market value or less, for a term to be agreed upon by the parties. A lease shall include ingress to
17 and egress from the facility, and where a part of a facility is leased, the right to access and use of
18 the common area shared by all tenants and users of the facility. If a chartered public school leases
19 the entire facility, the chartered public school may incur debt to make improvements to the facility,
20 and the school district shall subordinate its interest in the lease to such debt.

21 V. The chartered public school shall have 6 months after the date of making a written offer
22 to complete the purchase or lease of the unused facility for a price negotiated with the school
23 district.

24 VI. During the term of a lease, a chartered public school shall be responsible for direct
25 expenses related to the facility or any part of the facility leased, including utilities, insurance,
26 maintenance, property taxes, and repairs.

27 VII. If a chartered public school plans to sell an unused facility which it has purchased, it
28 shall first offer the facility to the school district from which it was purchased. Such offer shall be
29 governed by the procedures set forth in paragraphs III, IV, and V.

30 7 Effective Date.

31 I. Section 6 of this act shall take effect July 1, 2019.

32 II. The remainder of this act shall take effect upon its passage.

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2018-1851s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs. The bill also makes unused school district facilities available to chartered public schools.