

CHAPTER 211
HB 771-FN - FINAL VERSION

05/15/2025 1881s

2025 SESSION

25-0788
07/02

HOUSE BILL ***771-FN***

AN ACT relative to funding for open enrollment schools.

SPONSORS: Rep. Peternel, Carr. 6; Rep. Ladd, Graf. 5; Rep. Terry, Belk. 7; Rep. Verville, Rock. 2;
Sen. Rochefort, Dist 1

COMMITTEE: Education Funding

ANALYSIS

This bill:

I. Changes how funding for open enrollment schools is sent and received.

II. Requires school districts to establish a line item in their operating budgets that reflects expenditures for open enrollment tuition costs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to funding for open enrollment schools.

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

1 211:1 Education; Open Enrollment Schools; Definitions. Amend RSA 194-D:1, I to read as follows:

2 I. "Open enrollment public school", [øf] "open enrollment school", **or "open enrollment program"**
3 means any public school which, in addition to providing educational services to pupils residing within its
4 attendance area or district, chooses to accept pupils from other attendance areas within its district and
5 from outside its district.

6 211:2 Education; Open Enrollment Schools; Funding. Amend RSA 194-D:5 to read as follows:

7 194-D:5 Funding.

8 I. There shall be no tuition charge for any pupil attending an open enrollment school located in
9 that pupil's resident district. For an open enrollment school authorized by **a receiving** [the] school district,
10 the pupil's **sending** [resident] district shall pay **the receiving district** [to such school] an amount equal to not
11 less than 80 percent of **the sending** [that] district's average cost per pupil as determined by the
12 department of education using the most recent available data as reported by the **sending** district to the
13 department.

14 II. In accordance with current department of education standards, the funding and educational
15 decision-making process for children with disabilities attending a chartered public or open enrollment
16 school shall be the responsibility of the **sending** school district and shall retain all current options available
17 to the parent and to the school district.

18 [~~III. Any federal or other funding available in any year to a sending district shall, to the extent and~~
19 ~~in a manner acceptable to the funding source, be directed to an open enrollment school in a receiving~~
20 ~~district on an eligible per pupil basis.]~~

21 **III. [IV.]** The commissioner of the department of education shall apply for all federal funding
22 available to open enrollment schools [under the No Child Left Behind Act, Title I of the Elementary and
23 Secondary Education Act,] or other federal [source] **sources** of funds. The commissioner shall expend
24 any such funds received in a manner acceptable to the funding source.

25 **IV. [V.]** A sending district may provide funds, services, equipment, materials, or personnel to an
26 open enrollment school, in addition to the amounts specified in this section in accordance with the policies
27 of the sending school district.

28 **V. [VI.]** An open enrollment school may accept pupils at tuition rates at less than the amounts
29 established by this chapter.

30 **VI. [VII.]** An open enrollment school may receive financial aid, private gifts, grants, or revenue as
31 if it were a school district.

32 211:3 Education; Open Enrollment Schools; Budgets. Amend RSA 194-D:6 to read as follows:

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1 194-D:6 Budgets. *Each school district shall establish a line item in their operating budget, on*
2 *an annual basis, reflecting estimated expenditures for open enrollment school tuition and offsetting*
3 *revenue estimates from sending school districts* [That portion of a school district's estimated expenditures
4 on open enrollment school tuition shall be shown as a separate line item in a school district's budget].

5 211:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 15, 2025
Effective Date: September 13, 2025

