

Committee Report

REGULAR CALENDAR

March 29, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred HB 388,**

**AN ACT relative to changing a pupil's school or
assignment because of a manifest educational hardship.**

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 388
Title:	relative to changing a pupil's school or assignment because of a manifest educational hardship.
Date:	March 29, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0923h

STATEMENT OF INTENT

The bill relates to current law regarding local board approval of a student's change of schools when in the best interests of the student or State Board of Education approval of a school change due to a student experiencing a manifest educational hardship. In both cases, the current law restricts the school assignment to another public school or public academy. The bill, as amended, allows parents to request transfer also to approved private schools (religious or non-religious). If that transfer is approved, the private school may charge tuition to the family or can enter into a tuition payment agreement with the resident school district. That is the same existing law for when the student transfers to an out-of-district public school, so the bill simply extends that provision to private schools. When there is a recognized educational hardship that impacts a student's education, that student deserves the education option to meet their needs, regardless of whether a public or private school.

Vote 11-9.

Rep. Glenn Cordelli
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. The bill relates to current law regarding local board approval of a student's change of schools when in the best interests of the student or State Board of Education approval of a school change due to a student experiencing a manifest educational hardship. In both cases, the current law restricts the school assignment to another public school or public academy. The bill, as amended, allows parents to request transfer also to approved private schools (religious or non-religious). If that transfer is approved, the private school may charge tuition to the family or can enter into a tuition payment agreement with the resident school district. That is the same existing law for when the student transfers to an out-of-district public school, so the bill simply extends that provision to private schools. When there is a recognized educational hardship that impacts a student's education, that student deserves the education option to meet their needs, regardless of whether a public or private school. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 30, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Education to which
was referred HB 388,**

**AN ACT relative to changing a pupil's school or
assignment because of a manifest educational hardship.**

**Having considered the same, and being unable to agree
with the Majority, report with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. David Luneau

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 388
Title:	relative to changing a pupil's school or assignment because of a manifest educational hardship.
Date:	March 30, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

In 2020, state law with respect to changing a pupil's school because of a manifest educational hardship was overhauled. The new law followed several years of collaboration between key stakeholders and won strong bipartisan support. This bill, as introduced, tossed out all that work. This bill, as amended, restores the current policy but includes substantive changes that were not subject to a hearing. One of the proposed changes would give a parent/ guardian of a student who does not live in a school district or attend schools in that district the right to appeal decisions made by that district. A change such as this deserves a thorough hearing and public input. And the newly reformed policy deserves time to be rigorously evaluated.

Rep. David Luneau
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 388, relative to changing a pupil's school or assignment because of a manifest educational hardship. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the **Minority** of Education. In 2020, state law with respect to changing a pupil's school because of a manifest educational hardship was overhauled. The new law followed several years of collaboration between key stakeholders and won strong bipartisan support. This bill, as introduced, tossed out all that work. This bill, as amended, restores the current policy but includes substantive changes that were not subject to a hearing. One of the proposed changes would give a parent/ guardian of a student who does not live in a school district or attend schools in that district the right to appeal decisions made by that district. A change such as this deserves a thorough hearing and public input. And the newly reformed policy deserves time to be rigorously evaluated.

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 388

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 School Attendance; Change of School or Assignment; Best Interest of Student. Amend RSA
4 193:3 to read as follows:

5 193:3 Change of School or Assignment; Best Interest of Student.

6 I.(a) The parent or guardian of a student may apply to the superintendent of the student's
7 district of residence if the parent or guardian believes it would be in the best interest of the student
8 to change the student's school or assignment.

9 (b) Upon such request, the superintendent shall schedule a meeting with the parent or
10 guardian, to be held within 10 days of the request.

11 (c) Prior to or at such meeting, the parent or guardian shall make a specific request that
12 the student be re-assigned by the school board to another public school, ~~[or]~~ public academy, **or an**
13 **approved private school** within the district or to a public school, ~~[or]~~ public academy, **or an**
14 **approved private school** in another district.

15 (d) At such meeting, the parent or guardian may present documents, witnesses, or other
16 relevant evidence supporting the parent's belief that it is in the best interest of the student to change
17 the student's school or assignment. The superintendent may present such information as he or she
18 deems appropriate.

19 (e) In determining whether it is in the best interest of the student to change the
20 student's school or assignment, the superintendent shall consider the student's academic, physical,
21 personal, or social needs.

22 (f) If the superintendent finds it is in the best of the interest of the student to change the
23 student's school or assignment, the superintendent shall initiate:

24 (1) A change of assignment within the student's current assigned school;

25 (2) The student's transfer to another public school or public academy within the
26 district of residence; or

27 (3) The student's transfer to a public school, ~~[or]~~ public academy, **or an approved**
28 **private school** in another district.

29 (g) If a student is reassigned as a result of a best interest determination **to a public**
30 **school or public academy**, the superintendents **or administrators** involved in the reassignment
31 shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the
32 superintendent of the receiving district for good cause shown or pursuant to school board policy of

Amendment to HB 388

- Page 2 -

1 the receiving district. The school board of the student's district of residence shall approve the
2 payment of tuition upon the superintendent's finding that is in the best interest of the student to be
3 reassigned. Transportation shall be the responsibility of the parent or legal guardian.

4 (h) ***If the student is reassigned as the result of a best interest determination to***
5 ***an approved private school, the private school may charge tuition to the parent or may***
6 ***enter into an agreement for payment of tuition with the school district in which the child***
7 ***resides.***

8 (i) If the superintendent does not find that it is in the best interest of the student to
9 change the student's school or assignment, the parent or guardian may request a hearing with the
10 school board of residence to determine if the student is experiencing a manifest educational hardship
11 under paragraph II.

12 II.(a) "Manifest educational hardship" means that a student has a documented hardship in
13 his or her current educational placement; and that such hardship has a detrimental or negative
14 impact on the student's academic achievement or growth, physical safety, or social and emotional
15 well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits
16 the ability of the student to receive an education.

17 (b) The superintendent shall duly notify the school board that the parent or guardian
18 has requested a manifest educational hardship hearing, upon which the school board shall schedule
19 a hearing to be held no more than 15 days after the request has been received.

20 (c) At such hearing, the parent or guardian may present documents, witnesses, or other
21 relevant evidence supporting their belief that the student is experiencing a manifest educational
22 hardship. The superintendent may present such information as he or she may deem appropriate to
23 assist the school board in reaching its decision. The parties shall have the right to examine all
24 evidence and witnesses.

25 (d) Prior to or at such hearing, the parent or guardian shall make a specific request that
26 the student be re-assigned by the school board to another public school, ~~or~~ public academy, ***or an***
27 ***approved private school*** within the district or to a public school, ~~or~~ public academy ***or an***
28 ***approved private school*** in another district.

29 (e) The parent or guardian shall have the burden of establishing the presence of a
30 manifest educational hardship by clear and convincing evidence.

31 (f) If the school board finds that the student has a manifest educational hardship, the
32 school board shall grant the parent's or guardian's request to re-assign the student to another public
33 school, ~~or~~ public academy ***or an approved private school*** within the district or to a public school,
34 ~~or~~ public academy, ***or an approved private school*** in another district.

35 (g) If the school board finds that the parent or guardian has not met their burden of
36 proof, the parent or guardian may appeal the local school board decision to the state board of
37 education. If the state board of education chooses to accept the parent's or guardian's appeal, the

Amendment to HB 388

- Page 3 -

1 state board of education shall schedule hearing on the matter, pursuant to applicable department of
2 education rules.

3 (h) If a student is assigned to attend *a public school or public academy* in another
4 district because of a manifest educational hardship, the district in which the student resides shall
5 pay tuition to the district to which the child is re-assigned. Such tuition shall be computed according
6 to RSA 193:4. The school board of the district in which the student resides shall approve the tuition
7 payment.

8 III. The state board of education may permit such child to withdraw from the school the
9 student currently attends for such time as the state board deems necessary. Children with
10 disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules
11 adopted under RSA 186-C:16.

12 III-a.(a) A student reassigned under this section shall be counted in the average daily
13 membership in residence of the student's resident school district. The student's resident district
14 shall forward any tuition payment due to the district to which the student was reassigned.

15 (b) The superintendent of the student's resident school administrative unit shall notify
16 the department of education within 30 days of any reassignment of students under this section.

17 (c) Nothing in this section shall alter or impair the right of a child with a disability, as
18 defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA
19 186-C:16.

20 (d) The total reassignments or transfers in any one school year shall not exceed one
21 percent of the average daily membership in residence of a school district, or 5 percent of the average
22 daily membership in residence of any single school, whichever is greater, unless the school board
23 votes to exceed this limit.

24 (e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to
25 manifest educational hardship. Each school board shall establish a policy, consistent with the state
26 board's rules, which shall allow a school board, with the recommendation of the superintendent, to
27 take appropriate action including assignment to another public school or public academy within the
28 district or to a public school or public academy in another district.

29 (f) Students re-assigned under this section shall meet the admission requirements of the
30 school to which the student is re-assigned.

31 IV.(a) Any person having custody of a child may apply to enroll that child in a public school
32 or public academy outside the school district in which the person and child reside. If the non-
33 resident school district or public academy agrees to enroll the child it may charge tuition to the
34 parent or may enter into an agreement for payment of tuition with the school district in which the
35 child resides.

36 (b) When a child is enrolled pursuant to subparagraph (a), the district in which the child
37 is enrolled shall immediately notify the district in which the child resides of the name, date of birth,

Amendment to HB 388
- Page 4 -

1 address, and grade assignment of the child. This same notification shall be made at the beginning of
2 each school year for which the child is enrolled.

3 (c) When a child is enrolled pursuant to subparagraph (a), the district in which the child
4 resides shall retain all responsibility for the provision of special education and related services
5 pursuant to RSA 186-C.

6 (d) The decision by a school district or a public academy to deny enrollment of a non-
7 resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a
8 disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the
9 Rehabilitation Act of 1973, as amended. ***If a parent or guardian believes the denial was based***
10 ***upon the child's disability, such parent may appeal the decision to the state board of***
11 ***education consistent with the provisions of RSA 21-N:11, III or file a complaint with the***
12 ***state commission for human rights under RSA 354-A:28. The decision of a parent to enroll***
13 ***a child in a chartered public school shall not be subject to the provisions of this section.***

14 (e) The decision of a parent to enroll a child in a charter school shall not be subject to the
15 provisions of this section.

16 (f) Disputes related to the provision of special education services under this paragraph
17 shall be governed by RSA 186-C.

18 V. A placement made by a child's special education team pursuant to that child's
19 individualized education program shall not be deemed a change of school assignment for purposes of
20 this section.

21 VI. If there is no public school for the child's grade in the resident district, the school board
22 may assign the child to another public school in another school district or to any ~~[nonsectarian]~~
23 private school that has been approved as a school tuition program by the school board. The school
24 board may execute a contract with an approved ~~[nonsectarian]~~ private school to provide for the
25 education of a child who resides in the school district, and may raise and appropriate money for the
26 purposes of the contract, if the school district does not have a public school at the pupil's grade level
27 and the school board decides it is in the best interest of the pupil.

28 VII. In this section, "approved as a school tuition program" means a school that has been
29 approved and contracted by the school board to provide students with the opportunity to acquire an
30 adequate education as defined in RSA 193-E:2. Upon approval by the school board, the school shall
31 receive status as an approved school tuition program, shall be deemed in compliance with the
32 provisions of RSA 193-E:3-b, I(a) and (b), and shall qualify as a school approved to provide the
33 opportunity for an adequate education. The school shall be required to submit to the school board an
34 annual student performance progress report in a format selected by the school board, which may
35 include reporting of aggregate achievement data to protect student privacy, and that demonstrates
36 that students are afforded educational opportunities that are substantially equal in quality to state

Amendment to HB 388

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1 performance standards for determining an adequate education. A private school that receives
2 tuition program students shall:

3 (a) Comply with statutes and regulations relating to agency approvals such as health,
4 fire safety, and sanitation;

5 (b) Be a ~~nonsectarian~~ school ***approved and contracted by a local public school***
6 ***board to provide students with the opportunity for an adequate education;***

7 (c) Be incorporated under the laws of New Hampshire or the United States; and

8 (d) Administer an annual assessment in reading and language arts, mathematics, and
9 science as defined in RSA 193-C:6 to tuition program students. The assessment may be any
10 nationally recognized standardized assessment used to measure student academic achievement,
11 shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-
12 C:6 for school tuition program students. The school's annual assessment results for tuition program
13 students shall be submitted to the commissioner and school board. If the school enrolls 10 or more
14 publicly-funded tuition program students and if the school's group assessment percentile score for
15 tuition program students is less than the 40th percentile, the commissioner may require a site visit
16 to determine if the school provides the opportunity for an adequate education in accordance with
17 RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to
18 demonstrate that it provides an opportunity for an adequate education, the school may be subject to
19 revocation of tuition program status.

20 ***VIII. If the student is assigned to an approved private school under the manifest***
21 ***educational hardship determination and the private school agrees to enroll the child, it***
22 ***may charge tuition to the parent or may enter into an agreement for payment of tuition***
23 ***with the school district in which the child resides.***

24 2 Effective Date. This act shall take effect 60 days after its passage.

Voting Sheets



①

Challenge of the Chair - shall ruling be upheld
 2021 SESSION HB 388 amendment
 0923h germane?

Education

Bill #: _____ Motion: amendment
non-germane AM #: _____ Exec Session Date: 3-23-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk	✓		
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	12	8	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report

Amendment

2021 SESSION

Education

Bill #: HB 388 Motion: OTP AM #: 0923h Exec Session Date: 3-23-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk		✓	
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	



2021 SESSION

Education

Bill #: HB 388 Motion: OTP/A AM #: 0923h Exec Session Date: 3-23-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
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Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk		✓	
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
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TOTAL VOTE:	12 11	8 9	

Amendment to HB 388

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8 to change the student's school or assignment.

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10 guardian, to be held within 10 days of the request.

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Amendment to HB 388

- Page 2 -

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2 payment of tuition upon the superintendent's finding that is in the best interest of the student to be
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16 the ability of the student to receive an education.

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18 has requested a manifest educational hardship hearing, upon which the school board shall schedule
19 a hearing to be held no more than 15 days after the request has been received.

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21 relevant evidence supporting their belief that the student is experiencing a manifest educational
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Amendment to HB 388

- Page 3 -

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16 the department of education within 30 days of any reassignment of students under this section.

17 (c) Nothing in this section shall alter or impair the right of a child with a disability, as
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20 (d) The total reassignments or transfers in any one school year shall not exceed one
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22 daily membership in residence of any single school, whichever is greater, unless the school board
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26 board's rules, which shall allow a school board, with the recommendation of the superintendent, to
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33 resident school district or public academy agrees to enroll the child it may charge tuition to the
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35 child resides.

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37 is enrolled shall immediately notify the district in which the child resides of the name, date of birth,

Amendment to HB 388
- Page 4 -

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2 each school year for which the child is enrolled.

3 (c) When a child is enrolled pursuant to subparagraph (a), the district in which the child
4 resides shall retain all responsibility for the provision of special education and related services
5 pursuant to RSA 186-C.

6 (d) The decision by a school district or a public academy to deny enrollment of a non-
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12 ***state commission for human rights under RSA 354-A:28. The decision of a parent to enroll***
13 ***a child in a chartered public school shall not be subject to the provisions of this section.***

14 (e) The decision of a parent to enroll a child in a charter school shall not be subject to the
15 provisions of this section.

16 (f) Disputes related to the provision of special education services under this paragraph
17 shall be governed by RSA 186-C.

18 V. A placement made by a child's special education team pursuant to that child's
19 individualized education program shall not be deemed a change of school assignment for purposes of
20 this section.

21 VI. If there is no public school for the child's grade in the resident district, the school board
22 may assign the child to another public school in another school district or to any ~~[nonsectarian]~~
23 private school that has been approved as a school tuition program by the school board. The school
24 board may execute a contract with an approved ~~[nonsectarian]~~ private school to provide for the
25 education of a child who resides in the school district, and may raise and appropriate money for the
26 purposes of the contract, if the school district does not have a public school at the pupil's grade level
27 and the school board decides it is in the best interest of the pupil.

28 VII. In this section, "approved as a school tuition program" means a school that has been
29 approved and contracted by the school board to provide students with the opportunity to acquire an
30 adequate education as defined in RSA 193-E:2. Upon approval by the school board, the school shall
31 receive status as an approved school tuition program, shall be deemed in compliance with the
32 provisions of RSA 193-E:3-b, I(a) and (b), and shall qualify as a school approved to provide the
33 opportunity for an adequate education. The school shall be required to submit to the school board an
34 annual student performance progress report in a format selected by the school board, which may
35 include reporting of aggregate achievement data to protect student privacy, and that demonstrates
36 that students are afforded educational opportunities that are substantially equal in quality to state

Amendment to HB 388
- Page 5 -

1 performance standards for determining an adequate education. A private school that receives
2 tuition program students shall:

3 (a) Comply with statutes and regulations relating to agency approvals such as health,
4 fire safety, and sanitation;

5 (b) Be a ~~nonsectarian~~ school ***approved and contracted by a local public school***
6 ***board to provide students with the opportunity for an adequate education;***

7 (c) Be incorporated under the laws of New Hampshire or the United States; and

8 (d) Administer an annual assessment in reading and language arts, mathematics, and
9 science as defined in RSA 193-C:6 to tuition program students. The assessment may be any
10 nationally recognized standardized assessment used to measure student academic achievement,
11 shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-
12 C:6 for school tuition program students. The school's annual assessment results for tuition program
13 students shall be submitted to the commissioner and school board. If the school enrolls 10 or more
14 publicly-funded tuition program students and if the school's group assessment percentile score for
15 tuition program students is less than the 40th percentile, the commissioner may require a site visit
16 to determine if the school provides the opportunity for an adequate education in accordance with
17 RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to
18 demonstrate that it provides an opportunity for an adequate education, the school may be subject to
19 revocation of tuition program status.

20 ***VIII. If the student is assigned to an approved private school under the manifest***
21 ***educational hardship determination and the private school agrees to enroll the child, it***
22 ***may charge tuition to the parent or may enter into an agreement for payment of tuition***
23 ***with the school district in which the child resides.***

24 2 Effective Date. This act shall take effect 60 days after its passage.

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 388

BILL TITLE: relative to changing a pupil's school or assignment because of a manifest educational hardship.

DATE: March 4, 2021

LOB ROOM: 201/203 **Time Public Hearing Called to Order:** 11:20 AM

Time Adjourned: 12:10 PM

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock

Bill Sponsors:

Rep. Ladd

Rep. Cordelli

Rep. Pitre

Rep. Boehm

Rep. Shaw

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Rick Ladd – Bill Sponsor**

- Intent was not to change original law but only highlighted changes
- Will clarify original statute by moving original language to definition
- Will review with a subcommittee as to wording
- Approved school or stated in law

Barrett Christina – NHSBA – Opposed

- Made changes last year HB 38 – was included in 1558 omnibus Bill
- Language in present law
- This bill has changes that are confusing
- Established law is being altered after unanimous adoption last year
- Definition of manifest education is not as written in this bill
- Line 7 – significant implication of blame on public school
- Last year purposely kept manifest education in the public-school system
- Page 3 line 11 by adding private schools it is going against 193:4
- 2 types of private school DOE 400 approved for attendance approved DOE 404 for program
- DOE 404:2 approved for electives of a program
- Change in definition definitely a major problem
- Strongly opposed to bringing back a unanimous decision based on hard work which drastically alters law

***Ann Marie Banfield – Parental Rights**

- Overview of a letter by Mrs. Bouchard personal experience

Jody Underwood – Self – Croydon – Supports with reservation

- Approved not clear
- Definitions are different from law
- Needs clarification

Respectfully submitted,

Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING on Bill # HB 388
BILL TITLE: relative to changing a pupil's school or assignment
DATE: 3-4-2021 because of a manifest educational hardship

ROOM: 301-203

Time Public Hearing Called to Order: 11:20 AM

Time Adjourned: 12:10 PM

(please circle if present) all present

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

① Rep. Rick Ladd - sponsor →
* written testimony by email - notes
• intent was not to change original law but only highlighted changes
• will clarify original statute by moving original language to definition
• ~~was~~ will review with a subcommittee as to wording
• approved school as stated in law

② Barrett Christina - NHSBA - opposed
• made changes last year HB 388 - was included in 1558 omnibus bill.
• language in present law
• this bill has changes that are confusing
• established law is being altered after unanimous adoption last year.
• definition of manifest education is not as

written in this bill.

- line 7 - significant implication of blame on public school
 - last year purposely kept manifest education in the public school system
 - page 3 line 11 by adding ~~tuition~~ private schools it is going against 193:4
 - 2 types of private school DOE H00 approved for attendance
approved DOE H04 for program
 - DOE H04:2 approved for electives of a program
 - change in definition definitely a major ~~change~~ problem
 - strongly opposed to bringing back a unanimous decision based on hard work which drastically alters law
- ③ Ann Marie Banfield - parental rights
*written testimony overview of a letter by Mrs. Bouchard personal experience
- ④ Jody Underwood - self - Croydon - supports w/ reservation
- approved not clear
 - definitions are different from law
 - needs clarification

Respectfully submitted,
Rep Barbara Shaw,
Clerk

House Remote Testify

Education Committee Testify List for Bill HB388 on 2021-03-04

Support: 7 Oppose: 138 Neutral: 1 Total to Testify: 3

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Underwood, Jody	CROYDON, NH jodysun@gmail.com	An Elected Official	Myself	Support	Yes (3m)	3/1/2021 7:23 AM
Ladd, Carl	Concord, NH carl@nhsaa.org	A Lobbyist	New Hampshire School Administrators Association	Oppose	Yes (3m)	2/28/2021 1:38 PM
Christina, Barrett	Concord, NH bchristina@nhsba.org	A Lobbyist	New Hampshire School Boards Association	Oppose	Yes (2m)	2/28/2021 12:04 PM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Neutral	No	2/27/2021 4:07 PM
Thomas, Nicholas	Manchester, NH nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Support	No	2/28/2021 9:06 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Oppose	No	2/28/2021 9:35 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	2/28/2021 10:01 PM
barnes, ken	hopkinton, NH kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Oppose	No	2/28/2021 10:31 PM
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Oppose	No	2/28/2021 11:09 PM
st.martin, tom	candia, NH rockygorgenh@gmail.com	A Member of the Public	Myself	Oppose	No	2/28/2021 11:45 PM
Dunlap, Bernice	Laconia, NH bernicerd@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 6:56 AM
Garen, June	Gilmanton, NH jzanesgaren@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 8:24 AM
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Oppose	No	3/1/2021 8:54 AM

Satterfield, Peter	Pembroke, NH psatterfield@comcast.net	A Member of the Public	Myself	Oppose	No	3/1/2021 8:57 AM
Calitz, Louis	Manchester, NH louis@free603.org	A Member of the Public	Myself	Support	No	3/1/2021 9:48 AM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 9:52 AM
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 9:53 AM
Mattlage, Linda	Concord, NH l.mattlage@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 11:01 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	3/1/2021 11:03 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	3/1/2021 11:26 AM
Downing, Christine	Goshen, NH cdowning@goshenschooldistrictnh.org	An Elected Official	Myself	Oppose	No	3/1/2021 12:46 PM
Podlipny, Ann	chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Oppose	No	3/1/2021 1:20 PM
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 4:40 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	3/1/2021 7:12 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 7:23 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 7:26 PM
jakubowski, dennis	Loudon, NH dendeb146@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 7:45 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 7:50 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Oppose	No	3/1/2021 10:41 PM
Brackett, Glenn	Hooksett, NH communications@nhaficio.org	A Lobbyist	the men & women of the NH AFL-CIO	Oppose	No	3/1/2021 11:15 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	3/2/2021 10:03 AM

Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	3/2/2021 11:12 AM
Brown, Stacy	Newmarket, NH stay1time@gmail.com	A Member of the Public	Myself	Oppose	No	3/2/2021 11:26 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Oppose	No	3/2/2021 8:31 AM
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Oppose	No	3/2/2021 8:44 AM
Higgins, Patricia	HANOVER, NH phiggins47@gmail.com	A Member of the Public	Myself	Oppose	No	3/2/2021 12:41 PM
Hall, Wendy	Lebanon, NH whall@sau88.net	An Elected Official	Myself	Oppose	No	3/2/2021 1:28 PM
moe, Carmeiita	andover, NH carmelitaymoe@outlook.com	A Member of the Public	Myself	Oppose	No	3/2/2021 3:45 PM
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Oppose	No	3/2/2021 6:29 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	3/2/2021 8:24 PM
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Oppose	No	3/3/2021 6:31 AM
Schroeter, Susan	Newport, NH sschroeter@sau6.org	A Member of the Public	Myself	Oppose	No	3/3/2021 12:53 PM
POULIOT, SANDY	MILAN, NH spouliot@sau3.org	A Member of the Public	Myself	Oppose	No	3/3/2021 1:07 PM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 8:33 AM
Russell, Amanda	Dover, NH a.russell@dover.k12.nh.us	An Elected Official	Myself	Oppose	No	3/3/2021 10:28 AM
DeWitt, Michael	Pittsburg, NH suzbri13@myfairpoint.net	A Member of the Public	Myself	Oppose	No	3/3/2021 10:32 AM
Wilson, Kristin	West Lebanon, NH kwilson@sau60.org	A Member of the Public	Myself	Oppose	No	3/3/2021 11:07 AM
Corrigan, J	Gorham, NH jcorrigan@sau20.org	A Member of the Public	Myself	Oppose	No	3/3/2021 12:21 PM
Kiley, Jennifer	Temple, NH jkiley@conval.edu	A Member of the Public	Myself	Oppose	No	3/3/2021 1:54 PM

Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 3:12 PM
Zak, Lydia	Merrimack, NH Lydzak27@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 6:19 PM
Crawford, Jennifer	Keene, NH jmc32795@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 3:53 PM
Waterman, Raymond	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Oppose	No	3/3/2021 7:44 PM
Waterman, Patricia	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Oppose	No	3/3/2021 7:45 PM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 6:50 PM
Fitzgerald, Paulette	Lempster, NH pfitzgerald@sau8.org	A Member of the Public	Myself	Oppose	No	3/3/2021 6:51 PM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 7:06 PM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	3/3/2021 7:56 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 8:47 PM
Schissel, Mary	Newport, NH schissell@comcast.net	A Member of the Public	Myself	Oppose	No	3/3/2021 8:49 PM
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 8:55 PM
Cutting, Sarah	Alexandria, NH mrscutting211@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:21 PM
Katsekas, Wendy	Brentwood, NH Byledge@aol.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:42 PM
Lambert, Jennifer	Northumberland, NH jennlambert06@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:45 PM
Halle, Danielle	Bridgewater, NH dch76@metrocast.net	A Member of the Public	Myself	Oppose	No	3/3/2021 9:45 PM
Ballard, Larry	Amherst, NH larryballard@mac.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:46 PM
Snowdon, Jessica	Wolfeboro, NH Jessica.m.snowdon@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:48 PM

Takantjas, Edith	Belmont, NH Edeeyam@hotmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:50 PM
Campbell, Meagan	Bridgewater, NH lilnutmeg1@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:54 PM
Campbell, Kurt	Bridgewater, NH krtcampbell@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:58 PM
Blanchard, Amanda	Concord, NH mandysings82@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 9:59 PM
Harrison, Christina	Litchfield, NH tinabee_2001@yahoo.com	An Elected Official	Myself	Oppose	No	3/3/2021 10:04 PM
Heely, Jane	Concord, NH Jheely22@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:08 PM
Miller, Sheila	Bristol, NH smiller@sau4.org	A Member of the Public	Myself	Oppose	No	3/3/2021 10:12 PM
Mennella, Alexandra	Hooksett, NH amennella1@protonmail.com	A Member of the Public	Myself	Support	No	3/3/2021 10:13 PM
Amtmann, Natalie	Plymouth, NH natalieamtman@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:14 PM
Saucier, Dan	Rochester, NH Dasaucier@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:18 PM
Millar, Laura	Merrimack, NH Laurabmilar@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:20 PM
Millar, Jeff	Mont Vernon, NH Jeff@walhco.net	A Member of the Public	Myself	Oppose	No	3/3/2021 10:28 PM
Millar, Barbara	Mont Vernon, NH Bbm@walhco.net	A Member of the Public	Myself	Oppose	No	3/3/2021 10:31 PM
Gemme, Abigail	Manchester, NH abigailgemme@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:36 PM
Kaufold, Cory	Milford, NH cory.kaufold@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:39 PM
Rodrigues, Samantha	Derry, NH Sammie_sjd_414@yahoo.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:39 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	3/3/2021 10:51 PM
Farley, JJ	Nashua, NH Ejjfy@aol.com	A Member of the Public	Myself	Oppose	No	3/3/2021 10:59 PM

Josephson, Helina	CANAAN, NH helinahappy@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 11:24 PM
Josephson, Timothy	Canaan, NH josephsonth@gmail.com	An Elected Official	Mascoma Valley Regional School Board	Oppose	No	3/3/2021 11:30 PM
Ferrill, Chris	Sanbornville, NH Christopher.p.h.b.ferrill@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 12:08 AM
Mcgettigan, Niki	Temple, NH Mcgettigans@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 2:32 AM
Corbin, Stephanie	Bow, NH Bockman04@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 2:40 AM
Bickford, Lindsey	Gilford, NH Vintagebythepound@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 4:49 AM
Schwartz, Leah	Nashua, NH Leah.schwartz@unh.edu	A Member of the Public	Myself	Oppose	No	3/3/2021 11:59 PM
Osborne, Kelley	Amherst, NH Infiernofuegoorgy@hotmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 1:58 AM
Spencer, Kathy	Dover, NH kmswaldo@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:24 AM
Wheeler, Michelle	Rye, NH Michellelkwheeler@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:45 AM
Rainey, Ashley	Henniker, NH abrainey10@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:52 AM
Clemons, Ashley	Nashua, NH ashbclemons@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:52 AM
Colena, Mike	Hollis, NH thisishismail@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:55 AM
Moore, Melissa	Alexandria, NH melissajar0829@metrocast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 5:58 AM
Anctil, Janine	Litchfield, NH J9anctil@hotmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:00 AM
Kent, Trisha	Gilford, NH Trishadsh@yahoo.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:02 AM
Dufoc, Wendy	NH, NH wendylynee@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:19 AM
Gauthier, Heather	Rochester, NH hlyne88@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:20 AM

Marotte, Danielle	Nashua, NH rockgirl1976@comcast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 6:22 AM
Talbott, Beth	Windham, NH Betha.talbott@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:23 AM
Han, Yi-Fu	Barrington, NH yifuhan@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:16 AM
Godbout, Judith	Manchester, NH jegodbout@comcast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 7:26 AM
Cooney, Krystin	Deerfield, NH Krystincooney@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:25 AM
Morgan, King	Kingston, NH King.morganml@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:27 AM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:28 AM
Donnelly, Deanna	Londonderry, NH Lucsoph@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:29 AM
Corrow, Carisa	Penacook, NH Carisacorrow@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:35 AM
Lockhart, Kristi	Newmarket, NH Kristi.wellenberger@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:36 AM
Beers, Vicki	Milford, NH springbloom13@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:37 AM
Bellemare, Bridey	Concord, NH bbellemare@nhasp.org	A Lobbyist	The New Hampshire Association of School Principals (NHASP)	Oppose	No	3/4/2021 6:42 AM
Dudgeon, Lisa	Londonderry, NH tenrchk@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:44 AM
Smith, Laura	East Kingston, NH laurajsmith@comcast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 6:47 AM
Kidder, Kristina	Londonderry, NH Kristina0920@hotmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:49 AM
Pelletier, Stephanie	Weare, NH Slp12765@aol.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:59 AM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 7:30 AM
Roy, Joyce	Enfield, NH joyvr52@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 7:44 AM

LaRue, Cristina	Sandwich, NH crisper32@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 7:50 AM
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 7:55 AM
Petrucelli, Charles	Webster, NH chasmaxpet@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 7:56 AM
ellermann, maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	3/4/2021 7:57 AM
Murphy, Caitlin	Concord, NH violettefay@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 8:21 AM
Dugan-Henriksen, Jon	Lancaster, NH jduganh@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 8:32 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 8:45 AM
Tetreault, Kathy	Wolfeboro, NH ktetreault1610@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 8:59 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	3/4/2021 9:07 AM
Baird, Cathryn	Newport, NH freewillfarm@comcast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 9:22 AM
Wilke, Mary	CONCORD, NH wilke.mary@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 9:27 AM
McGettigan, Steven	Temple, NH steve.mcgettigan@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 10:01 AM
BILLINGHAM, CARLA	SALEM, NH billingham2@comcast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 10:04 AM
Scott, Sarah	Dover, NH sscott@afphq.org	A Lobbyist	Americans for Prosperity New Hampshire	Support	No	3/4/2021 10:58 AM
Sousa, Chris	Epping, NH chrissousavt@yahoo.com	A Member of the Public	Myself	Oppose	No	3/4/2021 11:37 AM
Pajak, Louise	Sandown, NH lbpajakcello@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 11:43 AM
Barber, Tory	New boston, NH Peaceinelevation@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:44 PM
Valine, Sandra	Pembroke, NH spembroke@aol.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:48 PM

Mitschmyer, Karrie	Peterborough, NH kmitschmyer@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 3:57 PM
Lee, Laura	Bedford, NH Laurablee@yahoo.com	A Member of the Public	Myself	Oppose	No	3/4/2021 5:06 PM
Keck, Kate	Hopkinton, NH k8squared@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:00 PM
Bryde, Tracey	MANCHESTER, NH traceybryde@gmail.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:48 PM
Bryde, Jon	Manchester, NH savesmade@yahoo.com	A Member of the Public	Myself	Oppose	No	3/4/2021 6:50 PM
Cannon, Elizabeth	Dunbarton, NH lizmcannon@sau66.org	A Member of the Public	Myself	Oppose	No	3/4/2021 7:26 PM
Ryan, Moira	Londonderry, NH army51kilo@hotmail.com	A Member of the Public	Myself	Support	No	3/4/2021 8:42 PM

Testimony

Archived: Tuesday, April 6, 2021 8:54:58 AM
From: [Claudia Damon](#)
Sent: Monday, March 22, 2021 11:53:09 AM
To: [~House Education Committee](#)
Subject: NH Voter asks you to oppose HB 388
Importance: Normal

Dear Member of the House Education Committee:

Please oppose HB388, relative to changing a pupil's school or assignment because of a manifest educational hardship. **The bill seeks to amend the current law that allows a transfer by permitting transfer to a private school at taxpayer expense.** Public funds raised from taxpayers need to stay in public schools where there is oversight and accountability. Our public schools are underfunded and it makes no sense to take funds away and divert them to private schools. Some private schools are religious and what they teach is antithetical to my religious beliefs and I should not have to pay for that, in fairness.

Please oppose HB388.

Thank you,
Claudia Damon
Concord, NH

Archived: Tuesday, April 6, 2021 8:54:58 AM
From: Donna Reardon
Sent: Sunday, March 21, 2021 4:17:00 PM
To: ~House Education Committee
Subject: HB388
Importance: Normal

Dear Representatives,

We are residents of Concord NH, and we OPPOSE HB388 relative to changing a pupil's school or assignment because of a manifest educational hardship.

The current law allows parents to request a transfer of their child from their public school to another one, within or outside their district, if they can demonstrate that staying in the current school is detrimental to the child. The local district pays the tuition to the receiving district.

HB388 would amend this law to allow parents to request a transfer to a private school, with taxpayers footing the bill.

Furthermore, this bill would ultimately raise our already high property taxes. Our tax dollars would go to private schools which have no transparency or accountability to the taxpayers. Our public school districts are currently underfunded, so we cannot afford to be paying private school tuition rates. Tuition will be calculated as: the current expenses of operation of the receiving school, as estimated by the State Board of Education for the preceding school year. This could be HUGE.

Please OPPOSE HB 388 because it is bad for the property tax payers, and means our tax money would go to funding private schools.

Thank you.

Donna and John Reardon
37 Curtisville Rd.
Concord NH 03301

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Donna Reardon
Co-Convenor Kent Street Coalition EEC Working Group
NH Environment, Energy & Climate Network (Google group)
email preferred: bugs42953@gmail.com
cell: 603-496-0252

Archived: Tuesday, April 6, 2021 8:55:35 AM
From: [Cindy](#)
Sent: Wednesday, March 3, 2021 7:06:01 PM
To: [~House Education Committee](#)
Subject: Constituent OPPOSED to HB388
Importance: Normal

Members of the House Education Committee,

I am opposed to HB388 as written because the inclusion of "... *other approved school not in the district of residents, ...*" is extremely suspect because it does not specify "... public school ...".

Construction of a genuine loop-hole potentially mandating that a school district pay tuition to a private school is quite underhanded.

Therefore, I encourage the committee to not move this bill forward.

Sincerely,

Lucinda Hope, M.Ed.

Bill as
Introduced

HB 388 - AS INTRODUCED

2021 SESSION

21-0517

06/05

HOUSE BILL **388**

AN ACT relative to changing a pupil's school or assignment because of a manifest educational hardship.

SPONSORS: Rep. Ladd, Graf. 4; Rep. Cordelli, Carr. 4; Rep. Pitre, Straf. 2; Rep. Boehm, Hills. 20; Rep. Shaw, Hills. 16

COMMITTEE: Education

ANALYSIS

This bill revises the procedures for a change of school or assignment because of manifest educational hardship.

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 changing a pupil's school or assignment because of a manifest educational hardship.

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

1 1 New Section; Change of School or Assignment; Definition; Manifest Educational Hardship.

2 Amend RSA 193 by inserting after section 2 the following new section:

3 193:2-a Definitions. In this chapter:

4 I. "Best interest of the student" means a condition or action taken that benefits or is
5 intended to favorably support a student's learning experience.

6 II. "Manifest educational hardship" means that a student has a documented physical,
7 mental, or emotional condition brought on by his or her current educational placement and that such
8 condition has a detrimental or negative impact on the student's academic achievement or growth,
9 physical safety, or social and emotional well-being. Such condition must be severe, pervasive, or
10 persistent so as to interfere with or limit the ability of the student to receive an education.

11 2 School Assignment; Change of School or Assignment. RSA 193:3, I-III are repealed and
12 reenacted to read as follows:

13 I. If the parent or guardian of a student believes it would be in the best interest of the
14 student to change the student's school or assignment, the parent or guardian may request a meeting
15 with the superintendent of the student's district of residence for the purpose of changing the
16 student's school or assignment to another public school or public academy within the district or to a
17 public school, ~~or~~ public academy, ~~[in another]~~ **or other approved school not in the** district of
18 **residence**. The superintendent shall meet with the parent or guardian within 10 instructional days
19 of receiving the request. At such meeting, the parent or guardian may present documents,
20 witnesses, or other relevant evidence supporting his or her belief that it is in the best interest of the
21 student to change the student's school or assignment. The superintendent may present such
22 information as he or she deems appropriate. In determining whether it is in the best interest of the
23 student to change the student's school or assignment, the superintendent shall consider the
24 student's academic, physical, personal, and social needs.

25 (a) The superintendent shall make a determination and notify the parent or guardian on
26 the student's school assignment request no more than 10 instructional days after the meeting with
27 the parent or guardian.

28 (b) If the superintendent finds it is in the best interest of the student to change the
29 student's school or assignment, the superintendent shall either change the assignment within the
30 student's current school, transfer the student to another public school or public academy within the

1 district of residence, or transfer the student to a public school, ~~[or]~~ public academy, **or other**
 2 **approved school** ~~[in another]~~ **not in the district of residence**. If a student is reassigned to
 3 another district **or school not in the district of residence** under this paragraph, the
 4 superintendents of the district of residence and the receiving district **or approved school** shall
 5 jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the
 6 superintendent of the receiving district **or approved school** for good cause shown or pursuant to
 7 the school board **or board of trustees** policy of the receiving district **or approved school**. The cost
 8 of transportation shall be the responsibility of the parent or legal guardian.

9 (c) If the superintendent finds that it is not in the best interest of the student to change
 10 the student's school or assignment, the parent or guardian may appeal the superintendent's decision
 11 to the school board of residence to determine if **the** student is experiencing a manifest educational
 12 hardship, as defined in RSA 193:2-a. The superintendent shall notify the school board that the
 13 parent or guardian has requested a manifest educational hardship hearing. The school board shall
 14 schedule a hearing to be held no more than 15 days after receiving the request.

15 II. If a student is assigned to attend school in another district **or approved school not in**
 16 **the district of residence** because of manifest educational hardship, the district in which the
 17 student resides shall pay tuition to the district **or approved school** in which the child is reassigned,
 18 with such tuition being computed under RSA 193:4. The state board of education may permit such
 19 child to withdraw from the school the student currently attends for such time as the state board
 20 deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due
 21 process review pursuant to rules adopted under RSA 186-C:16. A student reassigned under this
 22 section shall be counted in the average daily membership in residence of the student's resident
 23 school district. The student's resident district shall forward any tuition payment due to the district
 24 **or approved school** to which the student was reassigned. The superintendent of the student's
 25 resident school administrative unit shall notify the department of education within 30 days of any
 26 reassignment of students under this section. Nothing in this paragraph shall alter or impair the
 27 right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review
 28 pursuant to rules adopted under RSA 186-C:16. Changes of school or assignment based upon the
 29 best interest of the student or manifest educational hardship shall be subject to the following
 30 provisions:

31 (a) The student's parent or legal guardian petitions the superintendent for a change of
 32 school assignment or consents to the superintendent's recommendation for such a change;

33 (b) The superintendent determines that such a change would be in the student's best
 34 interest;

35 (c) The school board **or board of trustees** of each school district **or approved school**
 36 involved in the reassignment of the student votes to approve the reassignment; and

1 (d) The total reassignments or transfers in any one school year shall not exceed one
2 percent of the average daily membership in residence of a school district, or 5 percent of the average
3 daily membership in residence of any single school, whichever is greater, unless the school board
4 votes to exceed this limit.

5 II-a. If the person having custody of the child is aggrieved by the decision of the school
6 board, the person may appeal to the state board of education, and the state board of education, after
7 investigating the case and giving notice to the school board, may order such child to attend another
8 school in the same district, if such a school is available, or to attend **an approved** school [~~in~~
9 ~~another~~] **not in the** district **of residence**. In case the child is assigned to attend **an approved**
10 school [~~in another~~] **not in the** district **of residence**, the district in which such child resides shall pay
11 tuition computed as provided in RSA 193:4 to the district **or approved school** in which such child
12 attends. The state board of education may also permit such child to withdraw from school
13 attendance for such time as it may deem necessary or proper or may make such other orders with
14 respect to the attendance of such child at school as in its judgment the circumstances require.
15 Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant
16 to rules adopted under RSA 186-C:16.

17 III. The state board of education shall adopt rules pursuant to RSA 541-A, relative to
18 manifest educational hardship and related issues which affect a child's attendance at school. Each
19 school district shall establish a policy, consistent with the state board's rules, which shall allow a
20 school board, with the recommendation of the superintendent, to take appropriate action including
21 assignment to another public school or public academy within the district or to a public school, [~~or~~]
22 public academy, **or approved school** [~~in another~~] **not in the** district **of residence**. The school
23 district's manifest education policy may designate an assistant superintendent to act on the
24 superintendent's behalf regarding matters of student change of school or assignment. Students
25 reassigned under this section shall be subject to meeting the admission requirements of the school to
26 which the student is reassigned; and subject to the agreement of the superintendent of the receiving
27 school district **or approved school**.

28 3 Effective Date. This act shall take effect 60 days after its passage.