

# Committee Report

**CONSENT CALENDAR**

**February 18, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Education to which was referred HB  
442,**

**AN ACT relative to penalties for a school's failure to file  
department of education reports. 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 COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Education</b>
Bill Number:	<b>HB 442</b>
Title:	<b>relative to penalties for a school's failure to file department of education reports.</b>
Date:	<b>February 18, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-0383h</b>

### **STATEMENT OF INTENT**

This bill, as amended, was requested by the Department of Education. They currently have the authority to withhold some funds from public schools if they fail to submit reports as required by state and federal law. This bill adds requirements and penalties for failure to submit required reports for chartered public schools and non-public schools.

Vote 20-0.

Rep. Glenn Cordelli  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Education

**HB 442**, relative to penalties for a school's failure to file department of education reports. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill, as amended, was requested by the Department of Education. They currently have the authority to withhold some funds from public schools if they fail to submit reports as required by state and federal law. This bill adds requirements and penalties for failure to submit required reports for chartered public schools and non-public schools. **Vote 20-0.**

Amendment to HB 442

1 Amend RSA 189:28, I as inserted by section 2 of the bill by replacing it with the following:

2

3 I. The governing body of every public, ***chartered public school, and nonpublic*** education  
4 agency, shall, on or before [~~August 1~~] ***the deadline established by the department as deemed***  
5 ***appropriate*** in each year, submit to the department of education those statistical reports necessary  
6 to compute the average daily membership of pupils attending each school district, and the average  
7 daily membership of pupils resident in each school district. Information relating to the fall  
8 enrollment, drop-outs, staffing census, and [~~average teacher salary,~~] ***prior year annual safety***  
9 ***reports*** as of October 1 of each school year, ***and other reports necessary to meet state and***  
10 ***federal requirements as determined by the department,*** shall be submitted to the department  
11 of education on or before [~~October 15~~] ***the deadline established by the department.***

12 ***I-a. The governing body of every public and chartered public school shall submit***  
13 ***the average teacher salary as of October 1 of each school year to the department of***  
14 ***education on or before the deadline established by the department.***

15 ***I-b. Nonpublic schools shall submit the following: general statistics of nonpublic***  
16 ***schools, nonpublic school restraint and seclusion collection data, general fall report of***  
17 ***non-public schools, school emergency operation plan, and other reports necessary to meet***  
18 ***state and federal requirements as determined by the department of education. If the***  
19 ***governing body of a non-public school fails to submit the statistical reports by the***  
20 ***established deadlines for 2 consecutive years, the commissioner may request the state***  
21 ***board of education to revoke the enabling charter or approval.***

# Voting Sheets



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



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

2021 SESSION

Education

Bill #: HB 442 Motion: OTP AM #: 038 3h Exec Session Date: 2-18-2021

<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. <i>Jeanne Potter</i>	✓		
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.	✓		
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	



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Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L. <i>Jeanne Watter</i>	✓		
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Hobson, Deborah L. <i>Jeanne Potter</i>	✓		
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<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

Amendment to HB 442

1 Amend RSA 189:28, I as inserted by section 2 of the bill by replacing it with the following:

2

3 I. The governing body of every public, ***chartered public school, and nonpublic*** education  
4 agency, shall, on or before [~~August 1~~] ***the deadline established by the department as deemed***  
5 ***appropriate*** in each year, submit to the department of education those statistical reports necessary  
6 to compute the average daily membership of pupils attending each school district, and the average  
7 daily membership of pupils resident in each school district. Information relating to the fall  
8 enrollment, drop-outs, staffing census, and [~~average teacher salary,~~] ***prior year annual safety***  
9 ***reports*** as of October 1 of each school year, ***and other reports necessary to meet state and***  
10 ***federal requirements as determined by the department,*** shall be submitted to the department  
11 of education on or before [~~October 15~~] ***the deadline established by the department.***

12 ***I-a. The governing body of every public and chartered public school shall submit***  
13 ***the average teacher salary as of October 1 of each school year to the department of***  
14 ***education on or before the deadline established by the department.***

15 ***I-b. Nonpublic schools shall submit the following: general statistics of nonpublic***  
16 ***schools, nonpublic school restraint and seclusion collection data, general fall report of***  
17 ***non-public schools, school emergency operation plan, and other reports necessary to meet***  
18 ***state and federal requirements as determined by the department of education. If the***  
19 ***governing body of a non-public school fails to submit the statistical reports by the***  
20 ***established deadlines for 2 consecutive years, the commissioner may request the state***  
21 ***board of education to revoke the enabling charter or approval.***

# Hearing Minutes

**HOUSE COMMITTEE ON EDUCATION**

**PUBLIC HEARING ON HB 442**

**BILL TITLE:** relative to penalties for a school's failure to file department of education reports.

**DATE:** January 26, 2021

**LOB ROOM:** 201/203                      **Time Public Hearing Called to Order:** 1:00 PM

**Time Adjourned:** 1:30 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. Cordelli**

**Rep. Ladd**

**Rep. Layon**

**Rep. Pitre**

**TESTIMONY**

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

**Rep. Cordelli – Bill Sponsor**

- Worked with State Board of Education and DOE to develop this bill
- Past practices of late reporting has created issues
- Includes public charter schools – non-public schools
- Penalties for all specified in bill
- Will help department to fulfil statutory requirements

**Caitlin Davis – DOE – Supports**

- There are a few schools that are continually delinquent that causes severe issues with reporting both public schools and public charter schools
- Need legislation for accountability of funding
- All data required are already in law and no new submission added in bill
- Can submit before an audit is done because it would be difficult to reach deadlines

Respectfully submitted,

Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

BILL TITLE: PUBLIC HEARING on Bill # HB 442  
DATE: relative to penalties for a school's failure to file dept of ed reports  
1-26-202

ROOM: 201-203

Time Public Hearing Called to Order: 1:10 PM

Time Adjourned: 1:30 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

Respectfully  
submitted,  
Rep. Barbara Shaw,  
Clerk

TESTIMONY

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

① Rep Glenn Cordelli - Sponsor  
• worked with St. B of Ed & DOE to develop this bill

- past practices of late reporting has created issues
- includes <sup>public</sup> charter schools - non-public schools
- penalties for all specified in bill
- will help department to fulfill statutory requirements

② Caitlin Davis - DOE - supports

- There ~~are~~ are a few schools that are continually delinquent that causes severe issues with reporting both public schools & public chartered schools
- need legislation for accountability of funding
- all data required are already in law and no new submissions added in bill
- can submit before an audit is done because it would be difficult to reach deadlines

# House Remote Testify

## Education Committee Testify List for Bill HB442 on 2021-01-26

Support: 3   Oppose: 4   Neutral: 1   Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Davis, Caitlin	caitlin.d.davis@doe.nh.gov	603.271.3427	State Agency Staff	Education	Neutral	Yes (0m)	1/25/2021 5:01 PM
Cordelli, Glenn	glenn.cordelli@leg.state.nh.us	603.515.0008	An Elected Official	Myself	Support	Yes (0m)	1/26/2021 10:26 AM
Bergeron-Beaulieu, Jane	jbergeron@nhasea.org	4941149	A Lobbyist	NH Assoc. Special Education Administrators	Oppose	No	1/26/2021 12:33 PM
Porter, Marjorie	maporter995@gmail.com	603.464.0225	An Elected Official	Hillsborough District 1	Oppose	No	1/24/2021 1:43 PM
Bellemare, Bridey	bbellemare@nhasp.org	603.620.5797	A Lobbyist	NHASP	Oppose	No	1/26/2021 7:32 AM
Craven, Anita	acraven1955@gmail.com	603.823.5225	A Member of the Public	Myself	Oppose	No	1/26/2021 8:32 AM
Ploszaj, Tom	tom.ploszaj@leg.state.nh.us	603.279.9965	An Elected Official	Myself	Support	No	1/24/2021 8:13 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	1/25/2021 12:30 PM

# Testimony



Bill as  
Introduced

HB 442 - AS INTRODUCED

2021 SESSION

21-0667

06/08

HOUSE BILL **442**

AN ACT relative to penalties for a school's failure to file department of education reports.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Layon, Rock. 6; Rep. Pitre, Straf. 2

COMMITTEE: Education

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ANALYSIS

This bill:

I. Adds reports to those a school district, city, chartered public school or public academy must file annually.

II. Requires non-public schools to file statistical reports.

III. Makes failure to file such reports reason for revocation of a chartered public school's charter.

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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 penalties for a school's failure to file department of education reports.

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

1 1 Penalty for Failure to File Report. RSA 198:4-f is repealed and reenacted to read as follows:  
2 198:4-f Penalty for Failure to File Report.

3 I. A school district, city, chartered public school, or public academy shall file the reports due  
4 under RSA 198:4-d, III no later than September 1 of each year.

5 II. For just cause, the commissioner of the department of education may grant a school  
6 district, city, chartered public school, or public academy up to a 30-day extension to such reporting  
7 deadline. The commissioner may further extend the deadline when unusual or unforeseen  
8 circumstances prevent a school district, city, chartered public school, or public academy from  
9 submitting the required reports under paragraph I before the expiration of such extension.

10 III. The commissioner shall notify the governing body of the school district, city, chartered  
11 public school, or public academy that all state aid to education shall be withheld until complete and  
12 accurate information is submitted. In the case of a chartered public school which fails to comply  
13 with the reporting requirements by the established deadlines for 2 consecutive years, the  
14 commissioner may request the state board of education to revoke the enabling charter.

15 2 Statistical Reports; Failure to File Report. Amend RSA 189:28, I to read as follows:

16 I. The governing body of every public, **chartered public school, and nonpublic** education  
17 agency, shall, on or before ~~[August 1]~~ **the deadline established by the department as deemed**  
18 **appropriate** in each year, submit to the department of education those statistical reports necessary  
19 to compute the average daily membership of pupils attending each school district, and the average  
20 daily membership of pupils resident in each school district. Information relating to the fall  
21 enrollment, drop-outs, staffing census, and average teacher salary, **prior year annual safety**  
22 **reports** as of October 1 of each school year, **and other reports necessary to meet state and**  
23 **federal requirements as determined by the department**, shall be submitted to the department  
24 of education on or before ~~[October 15]~~ **the deadline established by the department.**

25 **I-a.** ~~[Private]~~ **Nonpublic** schools shall submit ~~[average daily membership in attendance, fall~~  
26 ~~enrollment, and teacher staff census]~~ **the following: general statistics of nonpublic schools,**  
27 **non-public school restraint and seclusion collection data, general fall report of non-public**  
28 **schools, school emergency operation plan, and other reports necessary to meet state and**  
29 **federal requirements as determined by the department of education. If the governing body**  
30 **of a non-public school fails to submit the statistical reports by the established deadlines for**

1 **2 consecutive years, the commissioner may request the state board of education to revoke**  
2 **the enabling charter or approval.**

3 3 Statistical Reports; Failure to File Report. Amend RSA 189:28, IV to read as follows:

4 IV. The commissioner of the department of education may grant a ~~[school district, city, or~~  
5 ~~public academy,]~~ **public school, chartered public school, or nonpublic school** up to a 30-day  
6 extension of the reporting deadline set forth in paragraph I, **provided that such extension will**  
7 **not delay the statewide calculations.** The commissioner of the department of education shall  
8 notify the governing body of the public education agency that all state aid to education and all  
9 federal aid, if the report is required by federal law, shall be withheld until such time as complete and  
10 accurate information is submitted.

11 4 New Subparagraphs; Charter Revocation; Probation. Amend RSA 194-B:16, II by inserting  
12 after subparagraph (e) the following new subparagraphs:

13 (f) The school fails to comply with the reporting requirements in accordance with RSA  
14 198:4-f.

15 (g) The school fails to comply with the reporting requirements in accordance with RSA  
16 189:28, I.

17 5 School Money; Reports Required; Cities and School Districts. Amend RSA 198:4-d to read as  
18 follows:

19 198:4-d Reports Required; Cities and School Districts. The governing body of each city ~~[and]~~,  
20 school district, **and chartered public school** shall submit to the commissioner of the department of  
21 education the following reports pursuant to rules adopted under RSA 541-A by the commissioner of  
22 revenue administration which establish the form and content of such reports:

23 I. A report filed by the governing body of each city ~~[and]~~, school district, **and chartered**  
24 **public school** shall certify the appropriations voted by the meeting of the appropriate legislative  
25 body, whether city council, mayor and council, or mayor and board of aldermen, or by each annual or  
26 special school district meeting, along with estimated revenues. This report shall be filed within 20  
27 days of the close of the meeting.

28 II. A report filed by the governing body of each city ~~[and]~~, school district, **and chartered**  
29 **public school** shall revise all the estimated revenues for the year. This report shall be filed by  
30 September 1 of each year. The revised estimates by school districts for the adequate education  
31 grants calculated under RSA 198:41 shall be considered the most accurate within 5 percent of the  
32 amount estimated pursuant to RSA 198:40-a.

33 III. A financial report for each city ~~[and]~~, school district, **and chartered public school**  
34 shall be filed showing the summary of receipts and expenditures, according to uniform  
35 classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at  
36 the close of the year. This report shall be submitted on or before September 1 of each year. Each  
37 statistical report submitted under this section shall include a certification signed by the chairperson

HB 442 - AS INTRODUCED

- Page 3 -

1 of the school district's governing body or the chairperson of the board of trustees of approved public  
2 academies that states: "I certify, under the pains and penalties of perjury, to the best of my  
3 knowledge and belief, that all of the information contained in this document is true, accurate and  
4 complete."

5 III-a. The department of education and the department of revenue administration together  
6 shall develop and recommend school accounting standards. The departments shall report to the  
7 speaker of the house, the senate president, and the governor concerning such accounting standards  
8 on or before December 1, 1999.

9 IV. The budget committee in school districts operating under the municipal budget law shall  
10 file the budget within 20 days of the close of the annual or special meeting.

11 V. If a city or school district *or chartered public school* is audited by an independent  
12 public accountant, it shall submit a copy of the audited financial statements in accordance with RSA  
13 21-J:19, III.

14 VI. If a city or school district is audited under RSA 671:5, the procedures in RSA 41:31-a  
15 through 41:31-d shall be followed.

16 6 Effective Date. This act shall take effect upon its passage.