

Committee Report

REGULAR CALENDAR

May 20, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred SB 147-FN,**

**AN ACT adopting omnibus legislation relative to
student aid, the central registry, transportation of
students, and special education costs. 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:	SB 147-FN
Title:	adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.
Date:	May 20, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1635h

STATEMENT OF INTENT

The majority believes that this four-part bill should pass with amendment. As amended, Part I of the bill deletes the requirement that for a graduating high school student to receive a high school diploma, the student shall either 1) file a Free Application for Federal Student Aid (FAFSA) or 2) file a state board of education waiver stating that the student has chosen not to do so. Completing the FAFSA is required by the US government in order for a student to receive federal grants such as the Pell Grant. Currently, New Hampshire public school principals, counselors, or other personnel forward FAFSA information to students and parents, and often provide informative sessions to assist parents and students in understanding the complicated financial aid form. Estimates indicate that the percentage of NH students completing FAFSA forms in various school districts is anywhere from less than 20% to as high as 74%. It is the majority position that graduating high school students and their parents should be informed and provided assistance in completing the FAFSA; however, requiring all students to file or complete a FAFSA waiver in order to graduate is a government overreach. As amended, Part I will only require districts or schools to notify the Department of Education (DOE) of the number and percentage of graduating high school students provided in-person school assistance in completing the complicated FAFSA form. The responsibility, confidentiality, and filing of a FAFSA form is that of students and parents, and not that of the school or government. Part II of the bill was requested by the DOE in consultation with the Department of Safety (DOS). This will allow DOE to submit written requests to DOS for checks in the central registry of founded abuse and neglect reports for applicants seeking teacher credentials. The Part III amendment permits districts to contract with coach carriers to transport students for school activities on trips of at least 150 miles round trip, such as field trips like the longer Washington, D.C. trip taken by many middle schools. There is no current provision in statute permitting school districts to utilize coach bus carriers. As the law is currently written, districts must utilize school buses. The motor vehicle used by the contract carrier of passengers shall bear a valid state inspection sticker and comply with the applicable provisions of RSA 376, and be operated by a driver who holds a valid commercial driver's license. This amendment eliminates potential liability issues for districts. Part IV, as amended, allows the DOE to set aside additional monies, up to \$250,000 in total, to help mitigate the impact of catastrophic special education costs when emergency assistance is necessary to prevent significant financial harm to small school districts. It further provides a framework to enable the creation of special education risk pools where districts can join in groups of five or more to explore ways to share and mitigate risk for unexpected special education costs and placements. The specifics will be determined within the locally-developed agreements, to allow interested districts to explore a way to avoid significant and un-budgeted new special education

Original: House Clerk

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costs. This is enabling legislation and provides an alternative to the \$6 million in rainy day funds set aside throughout the state by districts to deal with this exact problem.

Vote 11-9.

Rep. Glenn Cordelli
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

SB 147-FN, adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the **Majority** of Education. The majority believes that this four-part bill should pass with amendment. As amended, Part I of the bill deletes the requirement that for a graduating high school student to receive a high school diploma, the student shall either 1) file a Free Application for Federal Student Aid (FAFSA) or 2) file a state board of education waiver stating that the student has chosen not to do so. Completing the FAFSA is required by the US government in order for a student to receive federal grants such as the Pell Grant. Currently, New Hampshire public school principals, counselors, or other personnel forward FAFSA information to students and parents, and often provide informative sessions to assist parents and students in understanding the complicated financial aid form. Estimates indicate that the percentage of NH students completing FAFSA forms in various school districts is anywhere from less than 20% to as high as 74%. It is the majority position that graduating high school students and their parents should be informed and provided assistance in completing the FAFSA; however, requiring all students to file or complete a FAFSA waiver in order to graduate is a government overreach. As amended, Part I will only require districts or schools to notify the Department of Education (DOE) of the number and percentage of graduating high school students provided in-person school assistance in completing the complicated FAFSA form. The responsibility, confidentiality, and filing of a FAFSA form is that of students and parents, and not that of the school or government. Part II of the bill was requested by the DOE in consultation with the Department of Safety (DOS). This will allow DOE to submit written requests to DOS for checks in the central registry of founded abuse and neglect reports for applicants seeking teacher credentials. The Part III amendment permits districts to contract with coach carriers to transport students for school activities on trips of at least 150 miles round trip, such as field trips like the longer Washington, D.C. trip taken by many middle schools. There is no current provision in statute permitting school districts to utilize coach bus carriers. As the law is currently written, districts must utilize school buses. The motor vehicle used by the contract carrier of passengers shall bear a valid state inspection sticker and comply with the applicable provisions of RSA 376, and be operated by a driver who holds a valid commercial driver's license. This amendment eliminates potential liability issues for districts. Part IV, as amended, allows the DOE to set aside additional monies, up to \$250,000 in total, to help mitigate the impact of catastrophic special education costs when emergency assistance is necessary to prevent significant financial harm to small school districts. It further provides a framework to enable the creation of special education risk pools where districts can join in groups of five or more to explore ways to share and mitigate risk for unexpected special education costs and placements. The specifics will be determined within the locally-developed agreements, to allow interested districts to explore a way to avoid significant and un-budgeted new special education costs. This is enabling legislation and provides an alternative to the \$6 million in rainy day funds set aside throughout the state by districts to deal with this exact problem. **Vote 11-9.**

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REGULAR CALENDAR

May 20, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Education to which
was referred SB 147-FN,**

**AN ACT adopting omnibus legislation relative to
student aid, the central registry, transportation of
students, and special education costs. Having
considered the same, and being unable to agree with
the Majority, report with the following amendment, and
the recommendation that the bill OUGHT TO PASS
WITH AMENDMENT.**

Rep. David Luneau

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	SB 147-FN
Title:	adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.
Date:	May 20, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1588h

STATEMENT OF INTENT

The minority could not support any of the changes to this omnibus bill. Part I of the bill would require schools to provide assistance to students and families for completing the Free Application for Federal Student Aid (FAFSA), and would make completion of the FAFSA, or obtaining a waiver for such, a requirement for high school graduation. Many high school students do not complete the FAFSA because they think they cannot afford post-secondary education. Oftentimes, completion of the FAFSA reveals otherwise and may confirm that the student is qualified for federal Pell grants. This would open the door for many more high school graduates to further their education and obtain degrees or credentials in fields that are in high demand and improve economic opportunities for themselves and our state as a whole. Other states that have done this, including Louisiana and Texas, have seen a significant increase in FAFSA completion rates. The committee amendment eliminates the requirement for schools to provide FAFSA assistance and for students to complete the form. Part III of the bill would make it legal for school districts to contract with commercial transportation service providers, like coach bus companies, to transport students on long distance trips. And it would also place specific requirements on the provider for qualified drivers and vehicle inspection. The committee amendment simply makes the practice of contracting with a coach bus company legal without any steps to assure student safety. Part IV of the bill creates a special fund to pay for special education costs only available to towns with populations of less than 1,000 people. The committee amendment expands this to allow schools to participate in an insurance risk pool that could mitigate unanticipated special education costs, but this could have unintended and even adverse consequences as a public hearing has not been held on this significant policy change. A minority amendment eliminates the entirety of part IV.

Rep. David Luneau
FOR THE MINORITY

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REGULAR CALENDAR

Education

SB 147-FN, adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for the **Minority** of Education. The minority could not support any of the changes to this omnibus bill. Part I of the bill would require schools to provide assistance to students and families for completing the Free Application for Federal Student Aid (FAFSA), and would make completion of the FAFSA, or obtaining a waiver for such, a requirement for high school graduation. Many high school students do not complete the FAFSA because they think they cannot afford post-secondary education. Oftentimes, completion of the FAFSA reveals otherwise and may confirm that the student is qualified for federal Pell grants. This would open the door for many more high school graduates to further their education and obtain degrees or credentials in fields that are in high demand and improve economic opportunities for themselves and our state as a whole. Other states that have done this, including Louisiana and Texas, have seen a significant increase in FAFSA completion rates. The committee amendment eliminates the requirement for schools to provide FAFSA assistance and for students to complete the form. Part III of the bill would make it legal for school districts to contract with commercial transportation service providers, like coach bus companies, to transport students on long distance trips. And it would also place specific requirements on the provider for qualified drivers and vehicle inspection. The committee amendment simply makes the practice of contracting with a coach bus company legal without any steps to assure student safety. Part IV of the bill creates a special fund to pay for special education costs only available to towns with populations of less than 1,000 people. The committee amendment expands this to allow schools to participate in an insurance risk pool that could mitigate unanticipated special education costs, but this could have unintended and even adverse consequences as a public hearing has not been held on this significant policy change. A minority amendment eliminates the entirety of part IV.

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Cc: Committee Bill File

Rep. Mullen, Hills. 7
May 19, 2021
2021-1588h
06/10

Amendment to SB 147-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT adopting omnibus legislation relative to student aid, the central registry, and
4 transportation of students.

5

6 Amend section 1, sponsorship, by deleting Part IV.

7

8 Amend the bill by deleting PART IV.

2021-1588h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry.
- III. The transportation of pupils.

Amendment to SB 147-FN

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

2

3 1 Sponsorship. This act consists of the following proposed legislation:

4 Part I. LSR 21-0933, relative to filing an application for federal student aid, sponsored by
5 Sen.Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5.

6 Part II. LSR 21-0951, relative to a central registry in the department of education to
7 maintain records of founded reports of abuse and neglect, sponsored by Sen.Ward, Prime/Dist. 8.

8 Part III. LSR 21-1019, relative to the transportation of pupils in a contract carrier,
9 sponsored by Sen. Kahn, Prime/Dist.10; Sen.Watters, Dist. 4; Sen. Prentiss, Dist. 5.

10 Part IV. Relative to additional state aid for special education for certain communities of
11 1,000 or fewer residents and relative to special education risk management association.

12 2 Legislation Enacted. The general court hereby enacts the following legislation:

13

14 PART I

15 Relative to filing an application for federal student aid.

16 1 New Subparagraph; Delivery of an Adequate Education. Amend RSA 193-E:3, I by inserting
17 after subparagraph (n) the following new subparagraph:

18 (o) The number and percentage of graduating high school students provided in-person
19 school assistance in completing a free application for federal student aid (FAFSA) form.

20 2 Effective Date. Part I of this act shall take effect upon its passage.

21

22 PART II

23 Relative to a central registry in the department of education to maintain records
24 of founded reports of abuse and neglect.

25 1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

26 (s) License standards for educational personnel, to include the establishment and
27 implementation of a secure system for conducting criminal background checks pursuant to RSA
28 189:13-a for all first-time applicants listed in this section, the establishment and implementation of
29 a secure system for accessing findings of abuse for individuals on the central registry pursuant to
30 RSA 169-C:35, and educator certification fees for granting licenses to educational personnel,
31 including teachers, paraprofessionals, superintendents, assistant superintendents, special education
32 administrators, business administrators, principals, vocational directors, coordinators of

Amendment to SB 147-FN
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1 comprehensive health education and services, directors of pupil personnel services, guidance
2 directors, guidance counselors, school psychologists, associate school psychologists, speech-language
3 specialists, social workers, health educators, physical education teachers, consumer and family
4 science teachers, elementary teachers, specialists in assessment of intellectual functioning, school
5 bus drivers and transportation monitors, media supervisors, media generalists, and master teachers
6 as authorized by RSA 186:8 and RSA 186:11, X, professional licenses including beginning educator
7 licenses, experienced educator licenses, and intern authorizations, and other classifications of
8 educators, administrators, specialists, and paraprofessionals necessary to address educational needs
9 as determined by the state board upon the recommendation of the professional standards board
10 pursuant to RSA 186:60.

11 2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

12 I. There shall be established a state registry for the purpose of maintaining a record of
13 founded reports of abuse and neglect. The registry shall be confidential and subject to rules on
14 access established by the commissioner of the department under RSA 541-A. The commissioner of
15 the department shall allow the credentialing bureau of the department of education access to the
16 records of applicants for purposes of RSA 21-N:9, II(s) and in accordance with RSA 189:13-c.

17 3 New Paragraphs; Central Registry. Amend RSA 169-C:35 by inserting after paragraph VII
18 the following new paragraphs:

19 VIII. Upon receipt of a written request from the department of education, credentialing
20 bureau, the department shall provide the department of education with a copy of the notice of
21 finding or court order establishing the finding and resulting individual's name being placed on the
22 central registry.

23 IX. The department of education shall maintain the confidentiality of all division for
24 children, youth, and families records.

25 4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by
26 inserting after section 13-b the following new section:

27 189:13-c Credentialing Applicant State Registry Check.

28 I. In this subdivision, "credentialing applicant" means a first-time applicant for a New
29 Hampshire teaching credential.

30 II. The department shall complete a central registry check as established in RSA 169-C:35
31 on each credentialing applicant. The central registry check shall include a check of the department's
32 central registry of founded reports of child abuse under RSA 169-C:35.

33 III. By submitting an application for a teaching credential, an applicant is deemed to have
34 consented to have the department of education check his or her name for findings of abuse on the
35 central registry pursuant to RSA 169-C:35.

36 IV. Any individual whose name has been submitted for this check who has been the subject
37 of finding of abuse, shall be denied a teaching credential by the department.

Amendment to SB 147-FN
- Page 3 -

1 V. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of a
2 credentialing applicant and the ability to appeal a denial of a teaching credential pursuant to a
3 founded report of child abuse under RSA 169-C:35.

4 5 Effective Date. Part II of this act shall take effect January 1, 2022.

6 PART III

7 Relative to the transportation of pupils in a contract carrier.

8 1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
9 section 6-d the following new section:

10 189:6-e Pupils Transported in a Contract Carrier.

11 I. A school district may contract with a contract carrier of passengers, as defined by RSA
12 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport
13 pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall
14 bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated
15 by a driver who holds a valid commercial driver's license.

16 II. In this section, "school activities" shall include, but is not limited to, sporting events,
17 intramural events, events associated with student clubs or organizations, job training programs,
18 field trips, special education transition services that require travel of at least 150 miles round trip.
19 "School activities" shall not include transportation between home and school.

20 2 Effective Date. Part III of this act shall take effect upon its passage.

21
22 PART IV

23 Relative to additional state aid for special education for certain communities of
24 1,000 or fewer residents and special education risk management association.

25 1 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

26 III.(a) The state board of education through the commissioner, department of education,
27 shall distribute aid available under this paragraph as entitlement to such school districts as have a
28 special education pupil for whose costs they are responsible, for whom the costs of special education
29 in the fiscal year exceed $3\frac{1}{2}$ times the estimated state average expenditure per pupil for the school
30 year preceding the year of distribution. If in any year, the amount appropriated for distribution as
31 special education aid in accordance with this section is insufficient therefor, the appropriation shall
32 be prorated proportionally based on entitlement among the districts entitled to a grant. If there are
33 unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall
34 be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to
35 \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to
36 assist those school districts which, under guidelines established by rules of the state board of
37 education, may qualify for emergency assistance ~~[for]~~ **to mitigate the impact of** special education

1 costs. *The state may designate up to an additional \$250,000 of the funds which are*
2 *appropriated under this paragraph for each fiscal year for any community of 1,000 or*
3 *fewer residents to mitigate the impact of special education costs when emergency*
4 *assistance is necessary to prevent significant financial harm to such district or*
5 *community.* Upon application to the commissioner of education, and approval by the commissioner,
6 such funds may be accepted and expended by school districts in accordance with this chapter;
7 provided, however, that if a school district has received emergency assistance funds for certain
8 children with disabilities, it shall not receive special education aid for those same children with
9 disabilities. If any of the funds designated for emergency assistance under this paragraph are not
10 used for such emergency assistance purposes, the funds shall be used to assist school districts in
11 meeting special education cost increases in their special education programs as provided by this
12 paragraph.

13 2 Findings. The general court finds that:

14 I. Under federal and state law, local school districts are required to provide all children with
15 a free appropriate public education (FAPE).

16 II. The average per student special education cost in 2020 was \$74,000.

17 III. Special education costs are increasing each school year.

18 IV. Only 15 percent of the funds necessary to pay for mandated special education services
19 are provided by the federal government.

20 V. Only 20 percent of the funds necessary to pay for mandated special education services are
21 provided by the state of New Hampshire.

22 VI. The remaining 65 percent of the funds necessary to pay for mandated special education
23 services are borne by local school district taxpayers.

24 VII. Local school district budgets must be finalized prior to the start of the next school year
25 and before the number of special education students and associated services are known.

26 VIII. Consequently, last minute student transfers into the district as well as unforeseen
27 special education services for those students can far exceed the budgets for these services.

28 IX. Districts with smaller tax bases struggle to meet these unexpected special education
29 costs.

30 X. To compensate for lack of funds, districts may compromise the quality and quantity of the
31 services provided to our children. Consequently, our children do not get the services they need to
32 enable them to grow to their fullest potential.

33 XI. To compensate for lack of funds, districts often move money from programming in one
34 area to provide mandated funding in the areas of special education.

35 XII. To ensure that all our children receive and enjoy their basic right to a public education,
36 it is a valid public purpose that the general court may promote mechanisms that provide special
37 education funding stability to local school districts.

Amendment to SB 147-FN
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1 XIII. Recognizing the risk, some districts in the state purposely create non-lapsing special
2 education capital reserve accounts as “rainy-day” funds.

3 3 Purpose. The purpose of this act is to:

4 I. Provide the legal mechanisms necessary to create and maintain a special education cost
5 recovery pool.

6 II. Permit local school districts to voluntarily join a risk pool of the type outlined in RSA 5-B
7 which may self-insure or include an insurance agreement to be offered within the pool to members.

8 III. Minimize the state regulatory oversight of the pool.

9 IV. Provide legal protections to the local school districts that enter into pool agreements.

10 V. Provide local school districts with information necessary to:

11 (a) Understand the extent of special education aid coverage available to them.

12 (b) Understand the methods used to determine policy premiums.

13 (c) Compare past special education costs borne by the district with the cost of pool
14 coverage.

15 (d) Make informed decisions prior to each year’s school district budget formation.

16 (e) Promote the general welfare by providing districts with options to cover
17 unanticipated special education costs.

18 (f) Recognize the need to protect student privacy by maintaining control over student
19 data by the department of education.

20 4 New Subparagraph; Pooled Risk Management. Amend RSA 5-B:3 by inserting after
21 subparagraph (g) the following new subparagraph:

22 (h) Unanticipated special education cost recovery.

23 5 New Chapter; Pooled Risk Management for Unanticipated Special Education Cost Recovery.
24 Amend RSA by inserting after chapter 186-C the following new chapter:

25 CHAPTER 186-D

26 SPECIAL EDUCATION RISK MANAGEMENT ASSOCIATION

27 186-D:1 Definitions. In this chapter:

28 I. "Cost predictor spreadsheet tool" means an actuary-designed tool that can be used to
29 predict future school district special education obligations based on past claims analysis.

30 II. "Risk pool" means a non-lapsing reserve account held by the state treasurer from which
31 all cost recovery funding is derived. The account held by the treasurer may be funded by member
32 school district assessments, insurance proceeds, interest, or other sources.

33 III. "RSA 5-B special education cost recovery association" means a voluntary group of at
34 least 5 school districts that form an association under the RSA 5-B risk pool provision specifically to
35 deal with special education cost recovery.

36 IV. "RSA 5-B special education cost recovery association governing board" means a group of
37 at least 5 superintendents elected from the association members.

Amendment to SB 147-FN
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1 V. "Unanticipated special education cost recovery" means the program providing school
2 districts with expanded pathways to recover those costs that are directly associated with special
3 education provided to students assigned to the school district and payable under RSA 186-C:18 that
4 occur after school budgets are fixed.

5 186-D:2 Risk Management Association. No fewer than 5 school districts, by resolution of their
6 governing bodies, may form an RSA 5-B special education cost recovery association under the laws of
7 this state to develop and administer a risk management program for the purpose of recovering
8 unanticipated costs of special education. The members of the association may agree to pool self-
9 insurance reserves, risks, claims, losses, and the expenses of administrative services associated with
10 them. Each district shall be represented by its superintendent, or designee. The members of the
11 association shall elect a governing board from among the members. The RSA 5-B special education
12 cost recovery association governing board shall consist of no fewer than 5 member superintendents,
13 or designees, with diversity in terms of district size and geographic region represented. Each board
14 member shall serve one 3-year term and may only serve one term in each 9 year period. The
15 chairperson of the governing board shall be chosen by the board. Minutes of each meeting shall be
16 kept and made available to the public. There shall be one 2-week period annually, to be decided by
17 the governing board, when new districts shall be allowed to join the association.

18 186-D:3 Duties of the Department of Education. The department shall:

19 I. Provide all school districts with materials to facilitate the formation of an association
20 under RSA 186:D:2.

21 II. Update the department website to include the name of each special education cost
22 recovery association with contact information, current membership, a description of the risk pool
23 association, and the advantages and disadvantages of the program.

24 III. Gather current student data regarding claims and costs which shall be redacted to
25 exclude, to the greatest extent possible, personal student information for all requests for proposals.

26 IV. Arrange one or more educational opportunities for interested school districts. Topics
27 shall include but not be limited to: risk pools, risk calculators, premium predictors, required
28 information for actuarial calculations, the effects of claims on future premiums, and the advantages
29 and disadvantages of using insurance products to achieve the goals of the association.

30 V. Annually assist the risk pool governing board by calculating the unreimbursed special
31 education amounts to be paid to the risk pool member districts from the risk pool funds held by the
32 state treasurer.

33 186-D:4 Requests for Proposals.

34 I. The department of education shall be the sole drafter of requests for proposals in order to
35 protect all student privacy provisions. Proposals shall be submitted no later than June 30 and shall
36 require a contract duration of not less than 3 years. The proposals shall be for the purpose of
37 soliciting bids with actuarial firms specifying:

Amendment to SB 147-FN
- Page 7 -

1 (a) Annual cost, based on actuarial calculations, of self-funding a reimbursement pool
2 including individual cost structure for each school district's unreimbursed costs directly associated
3 with special education provided to students assigned to the school district and payable under RSA
4 186-C:18.

5 (b) The bids may also indicate recommendations for options that exist for using
6 insurance products, including re-insurance, to achieve the same result as the self-insurance risk pool
7 along with the advantages and disadvantages of each. The commissioner of the department of
8 education may grant bidders access to data, including claims history, to the extent necessary to
9 achieve accuracy of the annual cost. All data shall be protected under signed confidentiality
10 agreements and shall be devoid of sensitive personal student information to the extent possible. The
11 department of education shall impose a one month deadline after issuance of the request for
12 proposals to receive bids. Any bids received by the department after the deadline shall be returned
13 to the sender unopened and shall not be considered for acceptance. The department shall specify the
14 minimum threshold for bid acceptance. Acceptance criteria shall include, but not be limited to,
15 weighted factors such as insurance coverage, financial stability of the proposing insurance carrier,
16 bond rating of the company, and insurance maintenance costs in any not included in the premiums.
17 The bids that meet the minimum threshold shall then be ranked by the department based on the bid
18 premium costs for each level of insurance coverage specified in the request for proposals.

19 II. The governing board of the association shall select the most qualified proposal. The
20 board shall decide whether to self-fund or provide insurance products, or both, to the members and
21 shall notify the department of education which shall then notify the selected bidder.

22 III. If the decision is to purchase an insurance product each member district shall be notified
23 and shall be responsible for its share of the premium. Should the insurance agreement require a
24 vote at town meeting, a majority vote of those present and voting shall be required to approve the
25 agreement. The association shall be responsible for informing each member school district of the
26 process and timing of the billing, the handling of late premiums, the lapsing of premiums, and the
27 adjudication process in case of disputes.

28 IV. If the decision is to self-fund, the association board shall provide each member with an
29 outline indicating, at minimum, the cost for the district and the risk pool reimbursement period,
30 which shall be not more than 3 months after the state has reimbursed each school district in the
31 association for the final portion of special education state aid under RSA 186-C:18. Any eligible
32 special education expenses incurred by a member school district that were not reimbursed by the
33 state and were not reimbursed by a purchased insurance product through the association shall be
34 reimbursed by the risk pool to the full extent permitted by the risk pool governing agreement.

35 V. The selected bidder shall create or update a cost predictor spreadsheet tool so all the
36 school districts may develop budgets and test various situations to arrive a reasonable special
37 education expense prediction. Specific situations built into the spreadsheet shall include, but not be

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1 limited to, full or limited state funding and changes in student population or cost trends. The
2 spreadsheet shall be able to determine rates and district contributions for membership in the risk
3 pool with additional data updates possible to maintain accuracy. The department of education may
4 limit the usage or sharing of the spreadsheet if they solely determine that student privacy may be
5 compromised. The spreadsheet tool and each subsequent revision shall be the sole property of the
6 department of education.

7 VI. All costs associated with the establishment of the risk pool including filing fees, requests
8 for proposals, education and training for prospective members of the association, and the actuarial
9 services and cost predictor spreadsheet tool shall be the responsibility of the department of
10 education for the first 5 years after the effective date of this chapter.

11 VII. All costs associated with the administration of the risk pool after the filing fees are paid
12 and all costs after the initial 5 year period shall be the responsibility of the association governing
13 board. The governing board may pay those costs from the risk pool fund and shall adjust member
14 district yearly charges to reflect the administration costs by separate line item.

15 VIII. Risk pool funds shall be held in a non-lapsing account by the state treasurer. The
16 governing body may withdraw the funds only by written request with signed board approval. The
17 fund withdrawals shall be kept to a minimum number each year. Funds shall only be removed for
18 payment of unreimbursed costs of all member districts and for administrative costs.

19 IX. The risk pool may be terminated by a resolution of the association governing board and
20 notification to the secretary of state, the department of education, and the state treasurer. All funds
21 shall be distributed to the districts after a professional audit to determine the rightful share.
22 Disputes may be directed to the attorney general.

23 6 Effective Date. Part IV of this act shall take effect 60 days after its passage.

2021-1635h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry in the department of education maintaining records of founded reports of abuse and neglect.
- III. The transportation of pupils in a contract carrier.
- IV. Mitigation of special education costs and a special education risk management association.

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # SB 147

BILL TITLE: adopting omnibus leg relative to student aid, central registry, transportation of students esp-ec
DATE: 5-20-21
LOB ROOM: 301-303

MOTION: (Please check one box)

OTP/A ITL Retain (1st year) Adoption of Amendment # 1537h
1555h
1559h
(if offered) Interim Study (2nd year)

Moved by Rep. Cordelli Seconded by Rep. Beehm Vote: 11-9

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ___ YES NO

Minority Report? Yes ___ No If yes, author, Rep: Luneau Motion _____

Respectfully submitted: Rep Barbara Shaw
Rep. Barbara Shaw, Clerk



*Vote on
 Amendment 1573*

2021 SESSION

Resources, Recreation and Development

Bill #: _____ Motion: _____ AM #: _____ Exec Session Date: 05/19/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman <i>Merner</i>	✓		
Gould, Linda R. <i>Lascelles</i>	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Rung, Rosemarie <i>Weston</i>	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		

21 ∅

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on Bill # SB147

BILL TITLE: adopting omnibus leg relative to student aid, central regis
transformation of students & sped costs

DATE: 5-20-21

LOB ROOM: 301-303

① Amendment to Part I
MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 1537h
 Interim Study (2nd year) (if offered)

Moved by Rep. Ladd Seconded by Rep. Cordelli Vote: 11-9

② Amendment to Part III
MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 1535h
 Interim Study (2nd year) (if offered)

Moved by Rep. Lukas Seconded by Rep. Hobson Vote: 11-9

③ Amendment to Part IV
MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 1539h
 Interim Study (2nd year) (if offered)

Moved by Rep. Jayon Seconded by Rep. Baehm Vote: 11-9

④ Amendment to Part IV
MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # 1588h
 Interim Study (2nd year) (if offered)

Moved by Rep. Mullen Seconded by Rep. ~~Cordelli~~ Luner Vote: 9-11

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Motion

Respectfully submitted:
Rep. Barbara Shaw, Clerk



2021 SESSION

Education

#1
Amendment to Part I SB147

Bill #: ~~1537h~~ 1537h Motion: OTP AM #: 1537h Exec Session Date: 5-20-21

~~1537h~~
SB 147

<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. <i>Notter</i>	✓		
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. <i>Porter</i>		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	



2021 SESSION

Education ^{#2} (amendment part III)

Bill #: SB 147 Motion: 0 TP AM #: 1555h Exec Session Date: 5-20-21

<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. <i>notter</i>	✓		
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. <i>Porter</i>		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	



2021 SESSION

Education *Amendment #3*

Bill #: SB147 Motion: OTP AM #: 1559h Exec Session Date: 5-20-21

<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. <i>Matter</i>	✓		
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. <i>Parter</i>		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	



2021 SESSION

Amendment #4 to Part IV
Education

Bill #: SB147 Motion: OTP AM #: 1588h Exec Session Date: 5-20-21

<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. <i>Notter</i>		✓	
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. <i>Porter</i>	✓		
Woodcock, Stephen L.	✓		
TOTAL VOTE:	9	11	



2021 SESSION

Education

Bill #: SB 147 Motion: OTPA/A AM #: 1537h
1555h
1559h Exec Session Date: 5 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. <i>Notter</i>	✓		
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. <i>Porter</i>		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	

Rep. Ladd, Graf. 4
Rep. Cordelli, Carr. 4
May 18, 2021
2021-1537h
06/04

Amendment to SB 147-FN

1 Amend the bill by replacing Part I with the following:

2

3

PART I

4

Relative to filing an application for federal student aid.

5

1 New Subparagraph; Delivery of an Adequate Education. Amend RSA 193-E:3, I by inserting
6 after subparagraph (n) the following new subparagraph:

6

7

(o) The number and percentage of graduating high school students provided in-person
8 school assistance in completing a free application for federal student aid (FAFSA) form.

8

9

2 Effective Date. Part I of this act shall take effect upon its passage.

UNAPPROVED

Amendment to SB 147-FN

1 Amend the bill by replacing Part III with the following:

2

3

PART III

4

Relative to the transportation of pupils in a contract carrier.

5

1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
6 section 6-d the following new section:

6

7

189:6-e Pupils Transported in a Contract Carrier.

8

I. A school district may contract with a contract carrier of passengers, as defined by RSA
9 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport
10 pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall
11 bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated
12 by a driver who holds a valid commercial driver's license.

13

II. In this section, "school activities" shall include, but is not limited to, sporting events,
14 intramural events, events associated with student clubs or organizations, job training programs,
15 field trips, special education transition services that require travel of at least 150 miles round trip.
16 "School activities" shall not include transportation between home and school.

17

2 Effective Date. Part III of this act shall take effect upon its passage.

2021-1555h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry.
- III. The transportation of pupils in a contract carrier.
- IV. Mitigation of special education costs.

UNAPPROVED

Amendment to SB 147-FN

1 Amend the bill by replacing Part II with the following:

2

3

PART II

4

Relative to a central registry in the department of education to maintain records
of founded reports of abuse and neglect.

5

6 1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

7

(s) License standards for educational personnel, to include the establishment and
implementation of a secure system for conducting criminal background checks pursuant to RSA
189:13-a for all first-time applicants listed in this section, the establishment and implementation of
a secure system for accessing findings of abuse for individuals on the central registry pursuant to
RSA 169-C:35, and educator certification fees for granting licenses to educational personnel,
including teachers, paraprofessionals, superintendents, assistant superintendents, special education
administrators, business administrators, principals, vocational directors, coordinators of
comprehensive health education and services, directors of pupil personnel services, guidance
directors, guidance counselors, school psychologists, associate school psychologists, speech-language
specialists, social workers, health educators, physical education teachers, consumer and family
science teachers, elementary teachers, specialists in assessment of intellectual functioning, school
bus drivers and transportation monitors, media supervisors, media generalists, and master teachers
as authorized by RSA 186:8 and RSA 186:11, X, professional licenses including beginning educator
licenses, experienced educator licenses, and intern authorizations, and other classifications of
educators, administrators, specialists, and paraprofessionals necessary to address educational needs
as determined by the state board upon the recommendation of the professional standards board
pursuant to RSA 186:60.

23

24 2 New Subparagraph; Department of Education; Rulemaking. Amend RSA 21-N:9, II by
25 inserting after subparagraph (cc) the following new subparagraph:

26

(dd) Establishing requirements for school districts to adopt a policy that educators shall
act in the best interests of all students by presenting facts with fidelity to the content and without
distortion, bias, or personal prejudice. Violations of this policy shall be considered a violation of the
educator code of conduct.

29

30 3 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

Amendment to SB 147-FN

- Page 2 -

1 I. There shall be established a state registry for the purpose of maintaining a record of
2 founded reports of abuse and neglect. The registry shall be confidential and subject to rules on
3 access established by the commissioner of the department under RSA 541-A. The commissioner of
4 the department shall allow the credentialing bureau of the department of education access to the
5 records of applicants for purposes of RSA 21-N:9, II(s) and in accordance with RSA 189:13-c.

6 4 New Paragraphs; Central Registry. Amend RSA 169-C:35 by inserting after paragraph VII
7 the following new paragraphs:

8 VIII. Upon receipt of a written request from the department of education, credentialing
9 bureau, the department shall provide the department of education with a copy of the notice of
10 finding or court order establishing the finding and resulting individual's name being placed on the
11 central registry.

12 IX. The department of education shall maintain the confidentiality of all division for
13 children, youth, and families records.

14 5 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by
15 inserting after section 13-b the following new section:

16 189:13-c Credentialing Applicant State Registry Check.

17 I. In this subdivision, "credentialing applicant" means a first-time applicant for a New
18 Hampshire teaching credential.

19 II. The department shall complete a central registry check as established in RSA 169-C:35
20 on each credentialing applicant. The central registry check shall include a check of the department's
21 central registry of founded reports of child abuse under RSA 169-C:35.

22 III. By submitting an application for a teaching credential, an applicant is deemed to have
23 consented to have the department of education check his or her name for findings of abuse on the
24 central registry pursuant to RSA 169-C:35.

25 IV. Any individual whose name has been submitted for this check who has been the subject
26 of finding of abuse, shall be denied a teaching credential by the department.

27 V. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of a
28 credentialing applicant and the ability to appeal a denial of a teaching credential pursuant to a
29 founded report of child abuse under RSA 169-C:35.

30 6 Duties of the State Board of Education. Amend RSA 186:11, XXXIII to read as follows:

31 XXXIII. Discrimination. Ensure that there shall be no unlawful discrimination in any public
32 school against any person on the basis of sex, race, creed, color, marital status, [ø] national origin,
33 **or racial or sexual stereotyping, and that curriculum materials and instruction shall not**
34 **claim members of a particular race or sex are inherently racist, sexist, or oppressive, or**
35 **assign fault, blame, or bias to a race or sex** in educational programs, and that there shall be no
36 denial to any person on the basis of sex, race, creed, color, marital status, national origin, or
37 economic status of the benefits of educational programs or activities.

Amendment to SB 147-FN
- Page 3 -

- 1 7 Effective Date.
- 2 I. Sections 2 and 6 of Part II of this act shall take effect upon its passage.
- 3 II. The remainder of Part II of this act shall take effect January 1, 2022.

UNAPPROVED

2021-1558h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry and duties of the state board of education.
- III. The transportation of pupils.
- IV. Mitigation of special education costs.

UNAPPROVED

Amendment to SB 147-FN

1 Amend section 1 of the bill by replacing Part IV with the following:

2

3 Part IV. Relative to additional state aid for special education for certain communities of 1,000 or
4 fewer residents and relative to special education risk management association.

5

6 Amend the bill by replacing Part IV with the following:

7

8

PART IV

9

Relative to additional state aid for special education for certain communities of
10 1,000 or fewer residents and special education risk management association.

11

1 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

12

13 III.(a) The state board of education through the commissioner, department of education,
14 shall distribute aid available under this paragraph as entitlement to such school districts as have a
15 special education pupil for whose costs they are responsible, for whom the costs of special education
16 in the fiscal year exceed 31/2 times the estimated state average expenditure per pupil for the school
17 year preceding the year of distribution. If in any year, the amount appropriated for distribution as
18 special education aid in accordance with this section is insufficient therefor, the appropriation shall
19 be prorated proportionally based on entitlement among the districts entitled to a grant. If there are
20 unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall
21 be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to
22 \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to
23 assist those school districts which, under guidelines established by rules of the state board of
24 education, may qualify for emergency assistance ~~[for]~~ **to mitigate the impact of** special education
25 costs. **The state may designate up to an additional \$250,000 of the funds which are**
26 **appropriated under this paragraph for each fiscal year for any community of 1,000 or**
27 **fewer residents to mitigate the impact of special education costs when emergency**
28 **assistance is necessary to prevent significant financial harm to such district or**
29 **community.** Upon application to the commissioner of education, and approval by the commissioner,
30 such funds may be accepted and expended by school districts in accordance with this chapter;
31 provided, however, that if a school district has received emergency assistance funds for certain
32 children with disabilities, it shall not receive special education aid for those same children with
disabilities. If any of the funds designated for emergency assistance under this paragraph are not

Amendment to SB 147-FN
- Page 2 -

1 used for such emergency assistance purposes, the funds shall be used to assist school districts in
2 meeting special education cost increases in their special education programs as provided by this
3 paragraph.

4 2 Findings. The general court finds that:

5 I. Under federal and state law, local school districts are required to provide all children with
6 a free appropriate public education (FAPE).

7 II. The average per student special education cost in 2020 was \$74,000.

8 III. Special education costs are increasing each school year.

9 IV. Only 15 percent of the funds necessary to pay for mandated special education services
10 are provided by the federal government.

11 V. Only 20 percent of the funds necessary to pay for mandated special education services are
12 provided by the state of New Hampshire.

13 VI. The remaining 65 percent of the funds necessary to pay for mandated special education
14 services are borne by local school district taxpayers.

15 VII. Local school district budgets must be finalized prior to the start of the next school year
16 and before the number of special education students and associated services are known.

17 VIII. Consequently, last minute student transfers into the district as well as unforeseen
18 special education services for those students can far exceed the budgets for these services.

19 IX. Districts with smaller tax bases struggle to meet these unexpected special education
20 costs.

21 X. To compensate for lack of funds, districts may compromise the quality and quantity of the
22 services provided to our children. Consequently, our children do not get the services they need to
23 enable them to grow to their fullest potential.

24 XI. To compensate for lack of funds, districts often move money from programming in one
25 area to provide mandated funding in the areas of special education.

26 XII. To ensure that all our children receive and enjoy their basic right to a public education,
27 it is a valid public purpose that the general court may promote mechanisms that provide special
28 education funding stability to local school districts.

29 XIII. Recognizing the risk, some districts in the state purposely create non-lapsing special
30 education capital reserve accounts as “rainy-day” funds.

31 3 Purpose. The purpose of this act is to:

32 I. Provide the legal mechanisms necessary to create and maintain a special education cost
33 recovery pool.

34 II. Permit local school districts to voluntarily join a risk pool of the type outlined in RSA 5-B
35 which may self-insure or include an insurance agreement to be offered within the pool to members.

36 III. Minimize the state regulatory oversight of the pool.

37 IV. Provide legal protections to the local school districts that enter into pool agreements.

1 V. Provide local school districts with information necessary to:

2 (a) Understand the extent of special education aid coverage available to them.

3 (b) Understand the methods used to determine policy premiums.

4 (c) Compare past special education costs borne by the district with the cost of pool
5 coverage.

6 (d) Make informed decisions prior to each year's school district budget formation.

7 (e) Promote the general welfare by providing districts with options to cover
8 unanticipated special education costs.

9 (f) Recognize the need to protect student privacy by maintaining control over student
10 data by the department of education.

11 4 New Subparagraph; Pooled Risk Management. Amend RSA 5-B:3 by inserting after
12 subparagraph (g) the following new subparagraph:

13 (h) Unanticipated special education cost recovery.

14 5 New Chapter; Pooled Risk Management for Unanticipated Special Education Cost Recovery.
15 Amend RSA by inserting after chapter 186-C the following new chapter:

16 CHAPTER 186-D

17 SPECIAL EDUCATION RISK MANAGEMENT ASSOCIATION

18 186-D:1 Definitions. In this chapter:

19 I. "Cost predictor spreadsheet tool" means an actuary-designed tool that can be used to
20 predict future school district special education obligations based on past claims analysis.

21 II. "Risk pool" means a non-lapsing reserve account held by the state treasurer from which
22 all cost recovery funding is derived. The account held by the treasurer may be funded by member
23 school district assessments, insurance proceeds, interest, or other sources.

24 III. "RSA 5-B special education cost recovery association" means a voluntary group of at
25 least 5 school districts that form an association under the RSA 5-B risk pool provision specifically to
26 deal with special education cost recovery.

27 IV. "RSA 5-B special education cost recovery association governing board" means a group of
28 at least 5 superintendents elected from the association members.

29 V. "Unanticipated special education cost recovery" means the program providing school
30 districts with expanded pathways to recover those costs that are directly associated with special
31 education provided to students assigned to the school district and payable under RSA 186-C:18 that
32 occur after school budgets are fixed.

33 186-D:2 Risk Management Association. No fewer than 5 school districts, by resolution of their
34 governing bodies, may form an RSA 5-B special education cost recovery association under the laws of
35 this state to develop and administer a risk management program for the purpose of recovering
36 unanticipated costs of special education. The members of the association may agree to pool self-
37 insurance reserves, risks, claims, losses, and the expenses of administrative services associated with

Amendment to SB 147-FN
- Page 4 -

1 them. Each district shall be represented by its superintendent, or designee. The members of the
2 association shall elect a governing board from among the members. The RSA 5-B special education
3 cost recovery association governing board shall consist of no fewer than 5 member superintendents,
4 or designees, with diversity in terms of district size and geographic region represented. Each board
5 member shall serve one 3-year term and may only serve one term in each 9 year period. The
6 chairperson of the governing board shall be chosen by the board. Minutes of each meeting shall be
7 kept and made available to the public. There shall be one 2-week period annually, to be decided by
8 the governing board, when new districts shall be allowed to join the association.

9 186-D:3 Duties of the Department of Education. The department shall:

10 I. Provide all school districts with materials to facilitate the formation of an association
11 under RSA 186:D:2.

12 II. Update the department website to include the name of each special education cost
13 recovery association with contact information, current membership, a description of the risk pool
14 association, and the advantages and disadvantages of the program.

15 III. Gather current student data regarding claims and costs which shall be redacted to
16 exclude, to the greatest extent possible, personal student information for all requests for proposals.

17 IV. Arrange one or more educational opportunities for interested school districts. Topics
18 shall include but not be limited to: risk pools, risk calculators, premium predictors, required
19 information for actuarial calculations, the effects of claims on future premiums, and the advantages
20 and disadvantages of using insurance products to achieve the goals of the association.

21 V. Annually assist the risk pool governing board by calculating the unreimbursed special
22 education amounts to be paid to the risk pool member districts from the risk pool funds held by the
23 state treasurer.

24 186-D:4 Requests for Proposals.

25 I. The department of education shall be the sole drafter of requests for proposals in order to
26 protect all student privacy provisions. Proposals shall be submitted no later than June 30 and shall
27 require a contract duration of not less than 3 years. The proposals shall be for the purpose of
28 soliciting bids with actuarial firms specifying:

29 (a) Annual cost, based on actuarial calculations, of self-funding a reimbursement pool
30 including individual cost structure for each school district's unreimbursed costs directly associated
31 with special education provided to students assigned to the school district and payable under RSA
32 186-C:18.

33 (b) The bids may also indicate recommendations for options that exist for using
34 insurance products, including re-insurance, to achieve the same result as the self-insurance risk pool
35 along with the advantages and disadvantages of each. The commissioner of the department of
36 education may grant bidders access to data, including claims history, to the extent necessary to
37 achieve accuracy of the annual cost. All data shall be protected under signed confidentiality

Amendment to SB 147-FN

- Page 5 -

1 agreements and shall be devoid of sensitive personal student information to the extent possible. The
2 department of education shall impose a one month deadline after issuance of the request for
3 proposals to receive bids. Any bids received by the department after the deadline shall be returned
4 to the sender unopened and shall not be considered for acceptance. The department shall specify the
5 minimum threshold for bid acceptance. Acceptance criteria shall include, but not be limited to,
6 weighted factors such as insurance coverage, financial stability of the proposing insurance carrier,
7 bond rating of the company, and insurance maintenance costs in any not included in the premiums.
8 The bids that meet the minimum threshold shall then be ranked by the department based on the bid
9 premium costs for each level of insurance coverage specified in the request for proposals.

10 II. The governing board of the association shall select the most qualified proposal. The
11 board shall decide whether to self-fund or provide insurance products, or both, to the members and
12 shall notify the department of education which shall then notify the selected bidder.

13 III. If the decision is to purchase an insurance product each member district shall be notified
14 and shall be responsible for its share of the premium. Should the insurance agreement require a
15 vote at town meeting, a majority vote of those present and voting shall be required to approve the
16 agreement. The association shall be responsible for informing each member school district of the
17 process and timing of the billing, the handling of late premiums, the lapsing of premiums, and the
18 adjudication process in case of disputes.

19 IV. If the decision is to self-fund, the association board shall provide each member with an
20 outline indicating, at minimum, the cost for the district and the risk pool reimbursement period,
21 which shall be not more than 3 months after the state has reimbursed each school district in the
22 association for the final portion of special education state aid under RSA 186-C:18. Any eligible
23 special education expenses incurred by a member school district that were not reimbursed by the
24 state and were not reimbursed by a purchased insurance product through the association shall be
25 reimbursed by the risk pool to the full extent permitted by the risk pool governing agreement.

26 V. The selected bidder shall create or update a cost predictor spreadsheet tool so all the
27 school districts may develop budgets and test various situations to arrive a reasonable special
28 education expense prediction. Specific situations built into the spreadsheet shall include, but not be
29 limited to, full or limited state funding and changes in student population or cost trends. The
30 spreadsheet shall be able to determine rates and district contributions for membership in the risk
31 pool with additional data updates possible to maintain accuracy. The department of education may
32 limit the usage or sharing of the spreadsheet if they solely determine that student privacy may be
33 compromised. The spreadsheet tool and each subsequent revision shall be the sole property of the
34 department of education.

35 VI. All costs associated with the establishment of the risk pool including filing fees, requests
36 for proposals, education and training for prospective members of the association, and the actuarial

Amendment to SB 147-FN
- Page 6 -

1 services and cost predictor spreadsheet tool shall be the responsibility of the department of
2 education for the first 5 years after the effective date of this chapter.

3 VII. All costs associated with the administration of the risk pool after the filing fees are paid
4 and all costs after the initial 5 year period shall be the responsibility of the association governing
5 board. The governing board may pay those costs from the risk pool fund and shall adjust member
6 district yearly charges to reflect the administration costs by separate line item.

7 VIII. Risk pool funds shall be held in a non-lapsing account by the state treasurer. The
8 governing body may withdraw the funds only by written request with signed board approval. The
9 fund withdrawals shall be kept to a minimum number each year. Funds shall only be removed for
10 payment of unreimbursed costs of all member districts and for administrative costs.

11 IX. The risk pool may be terminated by a resolution of the association governing board and
12 notification to the secretary of state, the department of education, and the state treasurer. All funds
13 shall be distributed to the districts after a professional audit to determine the rightful share.
14 Disputes may be directed to the attorney general.

15 6 Effective Date. Part IV of this act shall take effect 60 days after its passage.

UNAPPROVED

2021-1559h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry.
- III. The transportation of pupils.
- IV. Mitigation of special education costs and a special education risk management association.

UNAPPROVED

Rep. Mullen, Hills. 7
May 19, 2021
2021-1588h
06/10

Amendment to SB 147-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT adopting omnibus legislation relative to student aid, the central registry, and
4 transportation of students.

5

6 Amend section 1, sponsorship, by deleting Part IV.

7

8 Amend the bill by deleting PART IV.

UNAPPROVED

2021-1588h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry.
- III. The transportation of pupils.

UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 147-FN

BILL TITLE: adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.

DATE: April 21, 2021

LOB ROOM: 301-303

Time Public Hearing Called to Order: 10:20 AM

Time Adjourned: 11:25 AM

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

Bill Sponsors:
Sen. Kahn

TESTIMONY

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

Rick Ladd – Introduced bill

- Will take bill in 4 parts

Senator Jeff Bradley

- General introduction of entire bill – testimony on Part IV special education costs
- Harts location – student moved in with serious needs impacting small town – this section will indeed help the smallest towns with fewer than 1,000 residents to fund these situations

PART I – STUDENT AID

Joe Atchinson – Concord, NH – NHHEAF – Neutral

- Organization already works successfully with students who seek financial assistance
- Has structure in place to expand services

Joel Carstens – USNH – Supports

- Federal simplification of requirements have to be addressed so supported an amendment to start program in 2023
- Most beneficial to students, glad to support

Diana Fenton – deferred to Steve Applebee – DOE

- Does not have an answer to Rick Ladd question regarding need for this legislation if school counselor are doing their job
- DOE will be in charge of waivers

***Deb Scire – Supports**

Presented written testimony that was submitted by email

PART III – Central Registry

***Senator Ruth Ward – Sponsor**

- Presented written testimony that was submitted via email

Diana Fenton – DOE

- Allows ability to access DHHS registry for criminal background checks for those who should not be around children

PART III – TRANSPORTATION

Elizabeth Bielecki – DMV – Neutral

- Does not include home to school travel
- Requires over 75 mile trip one way and school related activity
- Background checks explained by Sgt. Kelby – All drivers for school buses are subject to background checks and training according to RSA 189:13a, RSA 189:13b and RSA 263:29

Tim Ruehr – Keene School District

- Right now students are often transported on coach buses that are not legal by law to transport students but it's done now. This bill changes that.

PART IV – STATE AID FOR SPECIAL EDUCATION STUDENTS

Peter Curro – Londonderry School District

- Revers any legislation to protect students and comply with safety standards (actually testimony for Part III)
- In the future need a school bus driver registry statewide
- (on part III) – Look at Department of Education website – has average assessment for students on a list – may help with this section of the bill to expend monies

Paula Lesley – Manger Laidlaw, First Student

- Coaches are important for all districts
- Permission for background checks required

Respectfully submitted,

Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

BILL TITLE: PUBLIC HEARING on Bill # SB 147
DATE: 4-21-21 adopting omnibus legislation to student aid, the central registry, transportation, and spec. ed costs

ROOM: 301-303

Time Public Hearing Called to Order: 10:20 AM

Time Adjourned: 11:25 AM

(please circle if 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 *abs* *Mary Heath*

TESTIMONY

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

① Rick Ladd - introduced bill - will take bill in 4 parts

~~10/21/21~~ ② Sen. Jeb Bradley - general introduction of entire bill - testimony on Part IV spec. ed. costs

• Harts Location - student moved in with serious needs impacting small town. this section will indeed help the smallest towns with fewer than 1000 residents to fund these situations.

Part I - student aid NHHEAF

① Joe Atchinson - Concord NH - ~~NHHEAF~~ neutral organization already works successfully with students who seek financial assistance. has structure in place to expand services.

② Joel Carstens - USNH - supports federal simplification of requirements have to be addressed so supported an amendment to start program in 2023. most beneficial to students, glad to support

- (3) Diana Fenton deferred to Steve Applebel - DOE
 • does not have an answer to Rick Ladd question regarding speed for this legislation if school counselors are doing their job.
 # DOE will be in charge of waivers

Part II - central registry

- (1) Ben. Ruth Ward - sponsor.
 * written testimony by email

- (2) Diana Fenton - DOE allows ability to access DHHS registry for criminal background check for those who should not be around children

Part III - transportation

- (1) Elizabeth Bielecki - DMV - neutral
 • does not include home to school travel
 • requires over 75 mile ~~back~~ trip one way and school related activity
 • background checks explained by ~~Sgt~~ Sgt. Kelby
 all drivers for school buses are subject to background checks and training according to RSA 189:13a, RSA 189:13b and RSA 263:29

~~Diana Fenton - DOE~~

- (2) Tim Ruehr - Keene School Dist.
 • right now students are often transported on coach buses that are not legal by law to transport students but its done ~~know~~, this bill changes that.

Part IV - State Aid for Sp Ed. Students

- (1) Peter Curro - Londonderry School District
 • necessary legislation to protect students and comply with safety standards (actually testimony for Part III)
 • in the future need a School Bus Driver Registry statewide.

On Part III

- look at Dept of Ed website - has average assessments for students on a list. May help with this section of the bill to expend monies.

- (2) Paula Lesley - manager Laidlaw, First Student
 • coaches are important for all districts.
 • permission for background checks required

Respectfully submitted,
 Rep Barbara Shaw

House Remote Testify

Education Committee Testify List for Bill SB147 on 2021-04-21

Support: 11 Oppose: 0 Neutral: 4 Total to Testify: 8

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>
Kahn, Jay	Concord, NH jessica.bourque@leg.state.nh.us	An Elected Official	Senate District 10	Support	Yes (5m)	4/19/2021 8:42 AM
Ruehr, Tim	Keene, NH ruehr@yahoo.com	A Member of the Public	Myself	Support	Yes (5m)	4/19/2021 1:41 PM
CURRO, PETER	LONDONDERRY, NH PCURRO@LONDONDERRY.ORG	A Member of the Public	londonderry school district	Support	Yes (5m)	4/19/2021 1:06 PM
Atchinson, Joe	Concord, NH jatchinson@gsmr.org	A Member of the Public	The NHHEAF Network	Neutral	Yes (5m)	4/20/2021 7:37 PM
Barrick, Danielle	Concord, NH dbarrick@gsmr.org	A Member of the Public	NHHEAF Network	Neutral	Yes (5m)	4/21/2021 8:31 AM
Bradley, Jeb	Concord, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3 (Part 4, Prime)	Support	Yes (4m)	4/19/2021 9:36 AM
Carstens, Joel	Durham, NH joel.carstens@unh.edu	State Agency Staff	USNH	Support	Yes (3m)	4/20/2021 7:14 PM
Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8 (Supporting Part II Only PRIME)	Support	Yes (0m)	4/14/2021 1:28 PM
Leslie, Paula	Westmoreland, NH dandltransit@gmail.com	A Member of the Public	Myself	Support	No	4/21/2021 9:10 AM
St. Laurent, Kristi	Windham 03087, NH Kristist.laurent@gmail.com	A Member of the Public	Myself	Support	No	4/20/2021 10:05 PM
Butler, Ed	Harts Location, NH EdoftheNotch@gmail.com	A Member of the Public	Myself	Support	No	4/20/2021 11:16 PM
Bielecki, Elizabeth	Concord, NH elizabeth.bielecki@dos.nh.gov	State Agency Staff	NH DMV	Neutral	No	4/21/2021 8:15 AM
Malay, Robert	Keene, NH robbmalay@gmail.com	A Member of the Public	Myself	Support	No	4/20/2021 1:10 PM

Scire, Deborah	Concord, NH scire@nhcuc.org	A Member of the Public	Myself	Neutral	No	4/21/2021 9:35 AM
Cronin, Tom	Durham, NH thomas.cronin@unh.edu	State Agency Staff	The University System of NH	Support	No	4/19/2021 7:26 PM

Testimony

April 21, 2021

SB-147 Testimony

Chairman Ladd, esteemed committee members and fellow Granite Staters: thank you for the opportunity to submit testimony regarding SB147 and steps we can take to assist NH students to access financial aid for postsecondary education. For the record, my name is Joel Carstens and I am both the Director of Financial Aid at the University of New Hampshire and the current President of the New Hampshire Association of Student Financial Aid Administrators (NHASFAA). Today, I am speaking on behalf of the University System of New Hampshire (USNH).

As you know, over the next decade our state is facing declining numbers of high school graduates. You may also know that this smaller population of high school graduates will likely have a socio-economic profile that historically suggests lower rates of postsecondary education enrollment. The next decade is also a time when the need for New Hampshire workers with postsecondary degrees and credentials has never been higher and is increasing rapidly. It is not an option for NH to leave behind students who both need postsecondary degrees and credentials for personal success and that the New Hampshire economy requires to be strong and vibrant in the future. The University System of New Hampshire supports efforts, such as SB-147, to make the pursuit and attainment of postsecondary degrees and credentials part of a comprehensive and coordinated financial literacy strategy for New Hampshire.

The U.S. Department of Education has announced the Free Application for Federal Student Aid (FAFSA) will be simplified, beginning with the 2023-24 academic year. Anyone who has completed a FAFSA in the past 20 years knows that this is very good news for all FAFSA-filers, especially those who will benefit the most from completing the form. While, as a financial aid professional, I am excited about this simplification, my 25 years of education finance experience tells me this change will undoubtedly encounter issues both known and unforeseen.

In the Senate, the University System and the NHASFAA members I represent as the Association's President, supported an amendment to the bill to delay implementation until the 2023 school year to align with this simplification. We appreciate the Senate adopting this commonsense change that will allow adequate time for both the federal effort to work through initial issues and allows the New Hampshire Department of Education and public schools to prepare and implement the necessary systems to track requirements at the state and local level.

Completing a FAFSA is a positive step each high school graduate with postsecondary intentions, and those who may be on the fence particularly due to financial concerns, can take. The University System of New Hampshire stands ready to continue our support of FAFSA completion and Granite Staters' postsecondary education pursuit and attainment.

Respectfully submitted,

Joel Carstens

Director of Financial Aid, University of New Hampshire

President, New Hampshire Association of Student Financial Aid Administrators

Archived: Thursday, June 3, 2021 8:40:34 AM
From: Ed Butler
Sent: Tuesday, April 20, 2021 11:47:23 PM
To: ~House Education Committee; 'stephen woodcock'
Subject: NH House Remote Testify: 9:45 am - SB147 in House Education
Importance: Normal

Chairman Ladd & Members of the Committee,

A brief comment about SB147:

I note in the Senate testimony that Senator Bradley submitted the section of this omnibus bill dealing with Special Education funding because of challenges experienced with Special Ed funding in Hale's Location. As some of you know I live in **Hart's** Location (NH's smallest town!), and we too experienced significant challenges with our school budget in the last year due to the costs of funding special education. Our population has grown to 47 year-round residents! And we have about 90 property-tax-paying parcels. Of course, when we have a family that lives in town who have a special-needs child, the cost of that educational support can make the increase in local property taxes a serious problem. We did have one couple, long-term residents, this year who almost had to sell and move due to the increase in taxes due to special education costs. There certainly were other residents who were stressed by the increase in taxation.

From my reading, this section of the bill, will give small towns like mine the flexibility to access additional funding for special education needs, and allow us to spread out the tax burden making it more manageable for the town and our property owners.

I hope you will vote OTP on this section of the bill.

Thank you,
Ed Butler, Innkeeper

[The Notchland Inn](#)

Secluded – yet near to all The Mount Washington Valley has to offer.

800-866-6131

603-374-6131

Bill as
Introduced

SB 147-FN - AS AMENDED BY THE SENATE

03/18/2021 0740s

03/18/2021 0889s

2021 SESSION

21-0933

06/10

SENATE BILL ***147-FN***

AN ACT adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.

SPONSORS: Sen. Kahn, Dist. 10

COMMITTEE: Education

ANALYSIS

This bill adopts legislation relative to:

- I. Applications for federal student aid.
- II. The central registry.
- III. The transportation of pupils.
- IV. Mitigation of special education 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.

SB 147-FN - AS AMENDED BY THE SENATE

03/18/2021 0740s

03/18/2021 0889s

21-0933

06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0933, relative to filing an application for federal student aid, sponsored by
3 Sen.Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5.

4 Part II. LSR 21-0951, relative to a central registry in the department of education to maintain
5 records of founded reports of abuse and neglect, sponsored by Sen.Ward, Prime/Dist. 8.

6 Part III. LSR 21-1019, relative to the transportation of pupils in a contract carrier, sponsored by
7 Sen. Kahn, Prime/Dist.10; Sen.Watters, Dist. 4; Sen. Prentiss, Dist. 5.

8 Part IV. LSR 21-0836, relative to additional state aid for special education for certain
9 communities of 1,000 or fewer residents, sponsored by Sen. Bradley, Prime/Dist.3, Sen. Watters,
10 Dist. 4; Sen.Giuda, Dist. 2; Sen. Hennessey, Dist. 1; Rep. Burroughs, Carr. 1.

11 2 Legislation Enacted. The general court hereby enacts the following legislation:

12

13

PART I

14

Relative to filing an application for federal student aid.

15

1 New Section; Graduation Requirements; Free Application for Federal Student Aid. Amend
16 RSA 193 by inserting after section 26 the following new section:

17

193:26-a Graduation Requirements; Free Application for Federal Student Aid.

18

19 I. Beginning with the 2023-2024 school year, each student who is at least 18 years of age or
20 legally emancipated, who is otherwise eligible to graduate from high school, or the parent of such a
21 student who is under the age of 18 years, as a prerequisite to receiving a high school diploma from a
22 public high school, shall either:

22

(a) File a Free Application for Federal Student Aid with the United States Department
23 of Education; or

24

(b) File a waiver on a form created by the state board of education with the student's
25 school district indicating that the parent or guardian or, if applicable, the student, understands what
26 the Free Application for Federal Student Aid is and has chosen not to file an application

27

28 II. Each school district with a high school shall provide to each high school student and, if
29 applicable, his or her parent or guardian, any support or assistance necessary to comply with
paragraph I. A school district shall award a high school diploma to a student who is unable to meet

SB 147-FN - AS AMENDED BY THE SENATE

- Page 2 -

1 the requirements of paragraph I due to extenuating circumstances, as determined by the school
2 district, if the student has met all other graduation requirements and the principal attests that the
3 school district has made a good faith effort to assist the student or, if applicable, his or her parent or
4 guardian in filing an application or a waiver.

5 2 New Paragraph; State Board of Education; Rulemaking Authority. Amend RSA 186:8 by
6 inserting after paragraph VIII the following new paragraph:

7 IX. Implementing the provisions of RSA 193:26-a.

8 3 Effective Date. Part I of this act shall take effect upon its passage.

9
10 **PART II**

11 Relative to a central registry in the department of education to maintain records
12 of founded reports of abuse and neglect.

13 1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

14 (s) License standards for educational personnel, to include the establishment and
15 implementation of a secure system for conducting criminal background checks pursuant to RSA
16 189:13-a for all first-time applicants listed in this section, the establishment and implementation of
17 a secure system for accessing findings of abuse for individuals on the central registry pursuant to
18 RSA 169-C:35, and educator certification fees for granting licenses to educational personnel,
19 including teachers, paraprofessionals, superintendents, assistant superintendents, special education
20 administrators, business administrators, principals, vocational directors, coordinators of
21 comprehensive health education and services, directors of pupil personnel services, guidance
22 directors, guidance counselors, school psychologists, associate school psychologists, speech-language
23 specialists, social workers, health educators, physical education teachers, consumer and family
24 science teachers, elementary teachers, specialists in assessment of intellectual functioning, school
25 bus drivers and transportation monitors, media supervisors, media generalists, and master teachers
26 as authorized by RSA 186:8 and RSA 186:11, X, professional licenses including beginning educator
27 licenses, experienced educator licenses, and intern authorizations, and other classifications of
28 educators, administrators, specialists, and paraprofessionals necessary to address educational needs
29 as determined by the state board upon the recommendation of the professional standards board
30 pursuant to RSA 186:60.

31 2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

32 I. There shall be established a state registry for the purpose of maintaining a record of
33 founded reports of abuse and neglect. The registry shall be confidential and subject to rules on
34 access established by the commissioner of the department under RSA 541-A. The commissioner of
35 the department shall allow the credentialing bureau of the department of education access to the
36 records of applicants for purposes of RSA 21-N:9, II(s) and in accordance with RSA 189:13-c.

SB 147-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 3 New Paragraphs; Central Registry. Amend RSA 169-C:35 by inserting after paragraph VII
2 the following new paragraphs:

3 VIII. Upon receipt of a written request from the department of education, credentialing
4 bureau, the department shall provide the department of education with a copy of the notice of
5 finding or court order establishing the finding and resulting individual's name being placed on the
6 central registry.

7 IX. The department of education shall maintain the confidentiality of all division for
8 children, youth, and families records.

9 4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by
10 inserting after section 13-b the following new section:

11 189:13-c Credentialing Applicant State Registry Check.

12 I. In this subdivision, "credentialing applicant" means a first-time applicant for a New
13 Hampshire teaching credential.

14 II. The department shall complete a central registry check as established in RSA 169-C:35
15 on each credentialing applicant. The central registry check shall include a check of the department's
16 central registry of founded reports of child abuse under RSA 169-C:35.

17 III. By submitting an application for a teaching credential, an applicant is deemed to have
18 consented to have the department of education check his or her name for findings of abuse on the
19 central registry pursuant to RSA 169-C:35.

20 IV. Any individual whose name has been submitted for this check who has been the subject
21 of finding of abuse, shall be denied a teaching credential by the department.

22 V. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of a
23 credentialing applicant and the ability to appeal a denial of a teaching credential pursuant to a
24 founded report of child abuse under RSA 169-C:35.

25 5 Effective Date. Part II of this act shall take effect January 1, 2022.

26
27 **PART III**

28 **Relative to the transportation of pupils in a contract carrier.**

29 1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
30 section 6-d the following new section:

31 189:6-e Pupils Transported in a Contract Carrier.

32 I. A school district may contract with a contract carrier of passengers, as defined by RSA
33 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport
34 pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall
35 bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated
36 by a driver who holds a valid commercial driver's license and a school bus driver's certificate defined
37 in RSA 263:29.

1 II. In this section, "school activities" shall include, but is not limited to, sporting events,
2 intramural events, events associated with student clubs or organizations, job training programs,
3 field trips, special education transition services that require travel of at least 75 miles. "School
4 activities" shall not include transportation between home and school.

5 III. Contract carriers of passengers shall ensure that motor vehicle operators capable of
6 transporting 16 or more passengers for a school activity comply with requirements for training and
7 criminal history record checks required in RSA 189:13-a, XII and RSA 189:13-b as well as school bus
8 driver's certificate requirements of RSA 263:29.

9 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

10
11 PART IV

12 Relative to additional state aid for special education for certain communities of 1,000 or fewer
13 residents.

14 1 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

15 III.(a) The state board of education through the commissioner, department of education,
16 shall distribute aid available under this paragraph as entitlement to such school districts as have a
17 special education pupil for whose costs they are responsible, for whom the costs of special education
18 in the fiscal year exceed 31/2 times the estimated state average expenditure per pupil for the school
19 year preceding the year of distribution. If in any year, the amount appropriated for distribution as
20 special education aid in accordance with this section is insufficient therefor, the appropriation shall
21 be prorated proportionally based on entitlement among the districts entitled to a grant. If there are
22 unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall
23 be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to
24 \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to
25 assist those school districts which, under guidelines established by rules of the state board of
26 education, may qualify for emergency assistance for special education costs. ***The state may***
27 ***designate an additional \$250,000 of the funds which are appropriated under this***
28 ***paragraph for each fiscal year for any community of 1,000 or fewer residents to mitigate***
29 ***the impact of special education costs when emergency assistance is necessary to prevent***
30 ***significant financial harm to such community.*** Upon application to the commissioner of
31 education, and approval by the commissioner, such funds may be accepted and expended by school
32 districts in accordance with this chapter; provided, however, that if a school district has received
33 emergency assistance funds for certain children with disabilities, it shall not receive special
34 education aid for those same children with disabilities. If any of the funds designated for emergency
35 assistance under this paragraph are not used for such emergency assistance purposes, the funds
36 shall be used to assist school districts in meeting special education cost increases in their special
37 education programs as provided by this paragraph.

SB 147-FN - AS AMENDED BY THE SENATE

- Page 5 -

1 2 Effective Date. Part IV of this act shall take effect 60 days after its passage.

SB 147-FN- FISCAL NOTE
AS INTRODUCED

AN ACT adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.

FISCAL IMPACT:

The Department of Education states it would incur no fiscal impact from this bill (all parts).

Part II of this bill, relative to a central registry in the department of education to maintain records of founded reports of abuse and neglect, may result in an impact to the Department of Health and Human Services. The Office of Legislative Budget Assistant is awaiting information from the Department.

AGENCIES CONTACTED:

Department of Education and Department of Health and Human Services