

LEGISLATIVE COMMITTEE MINUTES

SB147

Bill as Introduced

SB 147-FN - AS INTRODUCED

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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:

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PART I

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Relative to filing an application for federal student aid.

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

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

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I. Beginning with the 2022-2023 school year, each student who is at least 18 years of age or
legally emancipated, who is otherwise eligible to graduate from high school, or the parent of such a
student who is under the age of 18 years, as a prerequisite to receiving a high school diploma from a
public high school, shall either:

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

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

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II. Each school district with a high school shall provide to each high school student and, if
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
the requirements of paragraph I due to extenuating circumstances, as determined by the school

1 district, if the student has met all other graduation requirements and the principal attests that the
2 school district has made a good faith effort to assist the student or, if applicable, his or her parent or
3 guardian in filing an application or a waiver.

4 2 New Paragraph; State Board of Education; Rulemaking Authority. Amend RSA 186:8 by
5 inserting after paragraph VIII the following new paragraph:

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

7 3 Effective Date. Part I of this act shall take effect upon its passage.

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9 PART II

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

12 1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

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

30 2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

31 I. There shall be established a state registry for the purpose of maintaining a record of
32 founded reports of abuse and neglect. The registry shall be confidential and subject to rules on
33 access established by the commissioner of the department under RSA 541-A. ***The commissioner of***
34 ***the department shall allow the credentialing bureau of the department of education access***
35 ***to the names of all individuals on the registry for abuse for purposes of RSA 21-N:9, II(s).***

36 3 Effective Date. Part II of this act shall take effect 60 days after its passage.

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PART III

Relative to the transportation of pupils in a contract carrier.

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

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

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

II. In this section, "school activities" shall include, but is not limited to, sporting events, intramural events, events associated with student clubs or organizations, job training programs, field trips, and special education transition services. "School activities" shall not include transportation between home and school.

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

PART IV

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

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

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. *The state may designate an additional \$250,000 of the funds which are appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents to mitigate the impact of special education costs when emergency assistance is necessary to prevent significant financial harm to such community.* Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received

SB 147-FN - AS INTRODUCED

- Page 4 -

1 emergency assistance funds for certain children with disabilities, it shall not receive special
2 education aid for those same children with disabilities. If any of the funds designated for emergency
3 assistance under this paragraph are not used for such emergency assistance purposes, the funds
4 shall be used to assist school districts in meeting special education cost increases in their special
5 education programs as provided by this paragraph.

6 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

LBA
21-0933
Revised 3/2/21

**SB 147-FN FISCAL NOTE
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SB 147-FN - AS AMENDED BY THE HOUSE

03/18/2021 0740s
03/18/2021 0889s
3Jun2021... 1635h

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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

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.

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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
5 maintain 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,
7 sponsored by Sen. Kahn, Prime/Dist.10; Sen.Watters, Dist. 4; Sen. Prentiss, Dist. 5.

8 Part IV. Relative to additional state aid for special education for certain communities of
9 1,000 or fewer residents and relative to special education risk management association.

10 2 Legislation Enacted. The general court hereby enacts the following legislation:

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PART I

13

Relative to filing an application for federal student aid.

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

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

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

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PART II

21

Relative to a central registry in the department of education to maintain records

22

of founded reports of abuse and neglect.

23

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

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(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

SB 147-FN - AS AMENDED BY THE HOUSE

- Page 2 -

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

12 2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

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

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

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

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

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

28 189:13-c Credentialing Applicant State Registry Check.

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

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

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

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

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

6 5 Effective Date. Part II of this act shall take effect January 1, 2022.

7
8 PART III

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

10 1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
11 section 6-d the following new section:

12 189:6-e Pupils Transported in a Contract Carrier.

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

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

22 2 Effective Date. Part III of this act shall take effect upon its passage.

23
24 PART IV

25 Relative to additional state aid for special education for certain communities of

26 1,000 or fewer residents and special education risk management association.

27 1 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

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

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

15 2 Findings. The general court finds that:

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

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

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

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

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

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

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

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

30 IX. Districts with smaller tax bases struggle to meet these unexpected special education
31 costs.

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

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

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

4 XIII. Recognizing the risk, some districts in the state purposely create non-lapsing special
5 education capital reserve accounts as "rainy-day" funds.

6 3 Purpose. The purpose of this act is to:

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

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

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

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

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

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

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

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

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

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

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

23 4 New Subparagraph; Pooled Risk Management. Amend RSA 5-B:3 by inserting after
24 subparagraph (g) the following new subparagraph:

25 (h) Unanticipated special education cost recovery.

26 5 New Chapter; Pooled Risk Management for Unanticipated Special Education Cost Recovery.
27 Amend RSA by inserting after chapter 186-C the following new chapter:

28 CHAPTER 186-D

29 SPECIAL EDUCATION RISK MANAGEMENT ASSOCIATION

30 186-D:1 Definitions. In this chapter:

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

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

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

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

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

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

23 186-D:3 Duties of the Department of Education. The department shall:

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

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

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

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

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

1 186-D:4 Requests for Proposals.

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

6 (a) Annual cost, based on actuarial calculations, of self-funding a reimbursement pool
7 including individual cost structure for each school district's unreimbursed costs directly associated
8 with special education provided to students assigned to the school district and payable under RSA
9 186-C:18.

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

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

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

33 IV. If the decision is to self-fund, the association board shall provide each member with an
34 outline indicating, at minimum, the cost for the district and the risk pool reimbursement period,
35 which shall be not more than 3 months after the state has reimbursed each school district in the
36 association for the final portion of special education state aid under RSA 186-C:18. Any eligible
37 special education expenses incurred by a member school district that were not reimbursed by the

1 state and were not reimbursed by a purchased insurance product through the association shall be
2 reimbursed by the risk pool to the full extent permitted by the risk pool governing agreement.

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

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

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

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

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

28 6 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

CHAPTER 209
SB 147-FN - FINAL VERSION

03/18/2021 0740s
03/18/2021 0889s
3Jun2021... 1635h
06/24/2021 1957CofC
06/24/2021 2080EBA

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

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.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 209
SB 147-FN - FINAL VERSION

03/18/2021 0740s
03/18/2021 0889s
3Jun2021... 1635h
06/24/2021 1957CofC
06/24/2021 2080EBA

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:

1 209:1 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
5 maintain 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,
7 sponsored by Sen. Kahn, Prime/Dist.10; Sen.Watters, Dist. 4; Sen. Prentiss, Dist. 5.

8 Part IV. Relative to additional state aid for special education for certain communities of
9 1,000 or fewer residents and relative to special education risk management association.

10 209:2 Legislation Enacted. The general court hereby enacts the following legislation:

11 PART I

12 Relative to filing an application for federal student aid.

13 209:1 New Section; Graduation Requirements; Free Application for Federal Student Aid.
14 Amend RSA 193 by inserting after section 26 the following new section:

15 193:26-a Graduation Requirements; Free Application for Federal Student Aid.

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

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

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

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

CHAPTER 209
SB 147-FN - FINAL VERSION

- Page 2 -

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

4 209:2 New Paragraph; State Board of Education; Rulemaking Authority. Amend RSA 186:8 by
5 inserting after paragraph VIII the following new paragraph:

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

7 209:3 New Subparagraph; Delivery of an Adequate Education. Amend RSA 193-E:3, I by
8 inserting after subparagraph (n) the following new subparagraph:

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

11 209:4 Effective Date.

12 I. Sections 1-2 of Part I of this act shall take effect July 1, 2023.

13 II. The remainder of Part I of this act shall take effect upon its passage.

14 PART II

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

17 209:1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

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

35 209:2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

36 I. There shall be established a state registry for the purpose of maintaining a record of
37 founded reports of abuse and neglect. The registry shall be confidential and subject to rules on

CHAPTER 209
SB 147-FN - FINAL VERSION
- Page 3 -

1 access established by the commissioner of the department under RSA 541-A. *The commissioner of*
2 *the department shall allow the credentialing bureau of the department of education access*
3 *to the records of applicants for purposes of RSA 21-N:9, II(s) and in accordance with RSA*
4 *189:13-c.*

5 209:3 New Paragraphs; Central Registry. Amend RSA 169-C:35 by inserting after paragraph
6 VII the following new paragraphs:

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

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

13 209:4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by
14 inserting after section 13-b the following new section: -

15 189:13-c Credentialing Applicant State Registry Check.

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

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

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

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

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

29 209:5 Effective Date. Part II of this act shall take effect January 1, 2022.

PART III

Relative to the transportation of pupils in a contract carrier.

32 209:1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting
33 after section 6-d the following new section:

34 189:6-e Pupils Transported in a Contract Carrier.

35 I. A school district may contract with a contract carrier of passengers, as defined by RSA
36 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport
37 pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall

CHAPTER 209
SB 147-FN - FINAL VERSION
- Page 4 -

1 bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated
2 by a driver who holds a valid commercial driver's license.

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

7 209:2 Effective Date. Part III of this act shall take effect upon its passage.

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.

11 209:1 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

12 III.(a) The state board of education through the commissioner, department of education,
13 shall distribute aid available under this paragraph as entitlement to such school districts as have a
14 special education pupil for whose costs they are responsible, for whom the costs of special education
15 in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school
16 year preceding the year of distribution. If in any year, the amount appropriated for distribution as
17 special education aid in accordance with this section is insufficient therefor, the appropriation shall
18 be prorated proportionally based on entitlement among the districts entitled to a grant. If there are
19 unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall
20 be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to
21 \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to
22 assist those school districts which, under guidelines established by rules of the state board of
23 education, may qualify for emergency assistance ~~[for]~~ *to mitigate the impact of* special education
24 costs. *The state may designate up to an additional \$250,000 of the funds which are*
25 *appropriated under this paragraph for each fiscal year for any community of 1,000 or*
26 *fewer residents to mitigate the impact of special education costs when emergency*
27 *assistance is necessary to prevent significant financial harm to such district or*
28 *community.* Upon application to the commissioner of education, and approval by the commissioner,
29 such funds may be accepted and expended by school districts in accordance with this chapter;
30 provided, however, that if a school district has received emergency assistance funds for certain
31 children with disabilities, it shall not receive special education aid for those same children with
32 disabilities. If any of the funds designated for emergency assistance under this paragraph are not
33 used for such emergency assistance purposes, the funds shall be used to assist school districts in
34 meeting special education cost increases in their special education programs as provided by this
35 paragraph.

36 209:2 Findings. The general court finds that:

CHAPTER 209
SB 147-FN - FINAL VERSION

- Page 5 -

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

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

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

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

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

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

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

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

15 IX. Districts with smaller tax bases struggle to meet these unexpected special education
16 costs.

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

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

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

25 XIII. Recognizing the risk, some districts in the state purposely create non-lapsing special
26 education capital reserve accounts as "rainy-day" funds.

27 209:3 Purpose. The purpose of this act is to:

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

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

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

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

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

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

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

CHAPTER 209
SB 147-FN - FINAL VERSION

- Page 6 -

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

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

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

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

8 209:4 New Subparagraph; Pooled Risk Management. Amend RSA 5-B:3 by inserting after
9 subparagraph (g) the following new subparagraph:

10 (h) Unanticipated special education cost recovery.

11 209:5 New Chapter; Pooled Risk Management for Unanticipated Special Education Cost
12 Recovery. Amend RSA by inserting after chapter 186-C the following new chapter:

13 CHAPTER 186-D

14 SPECIAL EDUCATION RISK MANAGEMENT ASSOCIATION

15 186-D:1 Definitions. In this chapter:

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

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

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

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

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

30 186-D:2 Risk Management Association. No fewer than 5 school districts, by resolution of their
31 governing bodies and upon an affirmative vote of the inhabitants of each of the districts, may form
32 an RSA 5-B special education cost recovery association under the laws of this state to develop and
33 administer a risk management program for the purpose of recovering unanticipated costs of special
34 education. The members of the association may agree to pool self-insurance reserves, risks, claims,
35 losses, and the expenses of administrative services associated with them. Each district shall be
36 represented by its superintendent, or designee. The members of the association shall elect a
37 governing board from among the members. The RSA 5-B special education cost recovery association

CHAPTER 209
SB 147-FN - FINAL VERSION

- Page 7 -

1 governing board shall consist of no fewer than 5 member superintendents, or designees, with
2 diversity in terms of district size and geographic region represented. Each board member shall serve
3 one 3-year term and may only serve one term in each 9 year period. The chairperson of the
4 governing board shall be chosen by the board. Minutes of each meeting shall be kept and made
5 available to the public. There shall be one 2-week period annually, to be decided by the governing
6 board, when new districts shall be allowed to join the association.

7 186-D:3 Duties of the Department of Education. The department shall:

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

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

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

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

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

22 186-D:4 Requests for Proposals.

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

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

31 (b) The bids may also indicate recommendations for options that exist for using
32 insurance products, including re-insurance, to achieve the same result as the self-insurance risk pool
33 along with the advantages and disadvantages of each. The commissioner of the department of
34 education may grant bidders access to data, including claims history, to the extent necessary to
35 achieve accuracy of the annual cost. All data shall be protected under signed confidentiality
36 agreements and shall be devoid of sensitive personal student information to the extent possible. The
37 department of education shall impose a one month deadline after issuance of the request for

CHAPTER 209
SB 147-FN - FINAL VERSION
- Page 8 -

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

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

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

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

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

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

CHAPTER 209
SB 147-FN - FINAL VERSION
- Page 9 -

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

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

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

13 209:6 Effective Date. Part IV of this act shall take effect 60 days after its passage.

Approved: August 10, 2021

Effective Date:

Pt. I eff. I. Sec1&2 eff July 1, 2023

II. Rem. eff. August 10, 2021

Pt. II eff. January 1, 2022

Pt. III eff. August 10, 2021

Pt. IV eff. October 9, 2021

Amendments

Amendment to SB 147-FN

1 Amend PART I of the bill by replacing section 1 with the following:

2

3 1 New Section; Graduation Requirements; Free Application for Federal Student Aid. Amend
4 RSA 193 by inserting after section 26 the following new section:

5 193:26-a Graduation Requirements; Free Application for Federal Student Aid.

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

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

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

15 II. Each school district with a high school shall provide to each high school student and, if
16 applicable, his or her parent or guardian, any support or assistance necessary to comply with
17 paragraph I. A school district shall award a high school diploma to a student who is unable to meet
18 the requirements of paragraph I due to extenuating circumstances, as determined by the school
19 district, if the student has met all other graduation requirements and the principal attests that the
20 school district has made a good faith effort to assist the student or, if applicable, his or her parent or
21 guardian in filing an application or a waiver.

22

23 Amend PART III of the bill by replacing section 1 with the following:

24

25 1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
26 section 6-d the following new section:

27 189:6-e Pupils Transported in a Contract Carrier.

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

Amendment to SB 147

- Page 2 -

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, and special education transition services. "School activities" shall not include
4 transportation between home and school.

5 III. Contract carriers of passengers shall ensure that motor vehicle operators transporting
6 16 or more passengers for a school activity comply with requirements for training and criminal
7 history record checks required in RSA 189:13-a, XII and RSA 189:13-b.

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

5

of founded reports of abuse and neglect.

6

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

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(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.

24

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

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

31

32

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

Amendment to SB 147-FN

- Page 2 -

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

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

7 4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by
8 inserting after section 13-b the following new section:

9 189:13-c Credentialing Applicant State Registry Check.

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

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

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

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

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

23 5 Effective Date. Part II of this act shall take effect January 1, 2022.

Amendment to SB 147-FN

1 Amend PART I of the bill by replacing section 1 with the following:

2

3 1 New Section; Graduation Requirements; Free Application for Federal Student Aid. Amend
4 RSA 193 by inserting after section 26 the following new section:

5 193:26-a Graduation Requirements; Free Application for Federal Student Aid.

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

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

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

15 II. Each school district with a high school shall provide to each high school student and, if
16 applicable, his or her parent or guardian, any support or assistance necessary to comply with
17 paragraph I. A school district shall award a high school diploma to a student who is unable to meet
18 the requirements of paragraph I due to extenuating circumstances, as determined by the school
19 district, if the student has met all other graduation requirements and the principal attests that the
20 school district has made a good faith effort to assist the student or, if applicable, his or her parent or
21 guardian in filing an application or a waiver.

22

23 Amend the bill by replacing PART II with the following:

24

25

PART II

26

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

27

28 1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

29

30

(s) License standards for educational personnel, to include the establishment and
implementation of a secure system for conducting criminal background checks pursuant to RSA
31 189:13-a for all first-time applicants listed in this section, the establishment and implementation of
32 a secure system for accessing findings of abuse for individuals on the central registry pursuant to

1 RSA 169-C:35, and educator certification fees for granting licenses to educational personnel,
2 including teachers, paraprofessionals, superintendents, assistant superintendents, special education
3 administrators, business administrators, principals, vocational directors, coordinators of
4 comprehensive health education and services, directors of pupil personnel services, guidance
5 directors, guidance counselors, school psychologists, associate school psychologists, speech-language
6 specialists, social workers, health educators, physical education teachers, consumer and family
7 science teachers, elementary teachers, specialists in assessment of intellectual functioning, school
8 bus drivers and transportation monitors, media supervisors, media generalists, and master teachers
9 as authorized by RSA 186:8 and RSA 186:11, X, professional licenses including beginning educator
10 licenses, experienced educator licenses, and intern authorizations, and other classifications of
11 educators, administrators, specialists, and paraprofessionals necessary to address educational needs
12 as determined by the state board upon the recommendation of the professional standards board
13 pursuant to RSA 186:60.

14 2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

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

20 3 New Paragraphs; Central Registry. Amend RSA 169-C:35 by inserting after paragraph VII
21 the following new paragraphs:

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

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

28 4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by
29 inserting after section 13-b the following new section:

30 189:13-c Credentialing Applicant State Registry Check.

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

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

Amendment to SB 147-FN

- Page 3 -

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

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

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

9 5 Effective Date. Part II of this act shall take effect January 1, 2022.

10
11 Amend PART III of the bill by replacing section 1 with the following:

12
13 1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
14 section 6-d the following new section:

15 189:6-e Pupils Transported in a Contract Carrier.

16 I. A school district may contract with a contract carrier of passengers, as defined by RSA
17 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport
18 pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall
19 bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated
20 by a driver who holds a valid commercial driver's license to operate that vehicle.

21 II. In this section, "school activities" shall include, but is not limited to, sporting events,
22 intramural events, events associated with student clubs or organizations, job training programs,
23 field trips, and special education transition services. "School activities" shall not include
24 transportation between home and school.

25 III. Contract carriers of passengers shall ensure that motor vehicle operators transporting
26 16 or more passengers for a school activity comply with requirements for training and criminal
27 history record checks required in RSA 189:13-a, XII and RSA 189:13-b.

Sen. Kahn, Dist 10
Sen. Ward, Dist 8
March 18, 2021
2021-0889s
06/04

Floor Amendment to SB 147-FN

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

2

3 1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after
4 section 6-d the following new section:

5 189:6-e Pupils Transported in a Contract Carrier.

6 I. A school district may contract with a contract carrier of passengers, as defined by RSA
7 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport
8 pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall
9 bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated
10 by a driver who holds a valid commercial driver's license and a school bus driver's certificate defined
11 in RSA 263:29.

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

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

Committee Minutes

SENATE CALENDAR NOTICE

Education

Sen Ruth Ward, Chair
Sen Erin Hennessey, Vice Chair
Sen Denise Ricciardi, Member
Sen Jay Kahn, Member
Sen Suzanne Prentiss, Member

Date: February 11, 2021

HEARINGS

Thursday	02/18/2021	
(Day)	(Date)	
Education	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)

Note: The committee will meet at 1:00 p.m. or 30 minutes following the end of Session.

1:00 p.m.	SB 147-FN	adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.
1:30 p.m.	SB 148-FN	adopting omnibus legislation relative to vocational and career education, environmental education, and emergency plans for sports injuries.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/96842968995>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +13017158592, 96842968995# or +13126266799, 96842968995#
4. Webinar ID: [968 4296 8995](https://www.zoom.us/j/96842968995)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:
SB 147-FN
Sen. Kahn
SB 148-FN
Sen. Ward

Ava Hawkes 271-4151

Ruth Ward
Chairman

Senate Education Committee

Ava Hawkes 271-4151

SB 147-FN, adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.

Hearing Date: February 18, 2021

Time Opened: 1:00 p.m.

Time Closed: 2:25 p.m.

Members of the Committee Present: Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

Members of the Committee Absent : None

Bill 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.
-

Sponsors:

Sen. Kahn

Who supports the bill: Please refer to sign-in sheet.

Who opposes the bill: Laurie Young, Meredith Nadeau, Timothy Eldridge, Jessica Eldridge, Kathie Vigue, Sandy Rowe, Howard Anderson, Cynthia Fournier, Jerry Gregoire, Marc Raposo, Gregg Stinson

Who is neutral on the bill: Diana Fenton (NHDOE), Elizabeth Bielecki (NHDMV), Deborah Scire, Christiana Thornton

Summary of testimony presented:

Part I of SB 147:

Senator Jay Kahn - Senate District 10

- Senator Kahn introduces part one of SB 147.
- Part one is related to the financial and free application for federal student aid, also known as FAFSA.

- The FAFSA form is established by the federal government and the Department of Education.
- Students must complete the form to qualify for federal aid. This information is used by schools to evaluate assistance that students might qualify for from their institutions.
- The FAFSA form is key to college entrance.
- Often times, students who need financial assistance the most are most unlikely to apply for it. Financial assistance is key to opening opportunities.
- NH was ranked 30th for the rate at which NH high school seniors completed the FAFSA form for entrance into Fall 2020. 58% of students complete the form meaning 42% are not completing it.
- Coincidentally, the latest college going rate for high school seniors is 57%. These similar numbers of 58% and 57% leads one to believe that those attending college are completing the FAFSA form.
- Part one of this bill is structured to anticipate that students will receive some information from their schools about the FAFSA process.
- There is a waiver for students who do not wish to complete the form as they are not going to college.
- There is a process where schools could record students who do not wish to complete FAFSA but acknowledges that students have been told about the form and given the opportunity.
- Since the bill's drafting, the federal government has adopted the Lamar Alexander Reform, which reduces the FAFSA form down to 18 questions. As this reform is underway, it will take effect until the 2023-2024 school year.
- Hopes that a committee amendment would change update the implementation date on line 18 of part 1, in efforts to change to 2023-2024 timeline.
- NH would not be alone in passing legislation such as this. Louisiana was the first state to do this and has raised its FAFSA completion rate to 78% and this is reflected in the state's work to improve post-secondary options and invigorate the workforce. Illinois, Texas and at least ten other states are also working towards this action.
- FAFSA form completion rates are running 10% behind what they were. The idea that fewer people are seeking out this financial aid is disturbing.

Joel Carstens – Director of Financial Aid, University of New Hampshire and President of NH Association of Student Financial Aid Administrators

- In support of part one of this bill.
- Speaking on behalf of UNH and NHASFAA.
- Over the next decade, our state is facing a declining number of high school graduates.
- The next decade where the need for post-secondary workers has never been higher and is increasing rapidly.
- Leaving behind students is not an option.
- University System and NHASFAA support coordinated strategy in this bill, however, they would like to address improvements.
- One common sense change to moving the implementation date from 2022 to 2023, due to the work being done at the federal level in simplifying the FAFSA application.

- They would applaud and support delaying the implementation for the federal government to work through bumps.
- Completing the FAFSA application is a positive step for students.
- They support FAFSA completion.

Christiana Thornton – President, NH Higher Education Assistance Foundation

- Non-profit based in Concord and their sole purpose is to encourage students and their pursuit of higher education.
- They would also support pushing effective date out to 2023.
- Pushing out the effective date will also afford the community of nonprofits the opportunity to create a safety net and ensure they're well prepared as a resource for students.
- They work very closely with every school district in the state by giving information to school counselors as they are trying to help students get to their next step in education. They offer free FAFSE counseling and have worked with more students recently than ever before.
- Financial aid and the FAFSA application can be a scary and overwhelming process.
- Infrastructure in place working to help students and families in this process, they hope they can come alongside and enhance services.
- Sen. Kahn asked President Thornton if there are online financial literacy courses or instruction available to our schools, students, and parents. President Thornton said there are a lot of resources out there and it is important to raise awareness on resources available.
- The USDOE has thought a lot about getting these resources to students in this virtual world. Webinars and seminars are expected to become available in the future with the work being done at the federal level.
- Moving forward, there will continue to be a lot of education and training made available. The foundation's hope is that every student will finish the FAFSA application.
- It is always important to remind students that if they do not fill out the form or if it isn't done by the deadline, you cannot pursue any federal financial assistance for that year.
- Sen. Prentiss asked President Thornton if they support part one of the bill or do they feel with the new FAFSA application and the assistance their foundation provides is enough. President Thornton said they signed in neutral on the bill, however, the amendment would be a positive step forward for organizations like theirs in preparing for the updated FAFSA application.

Debby Sceery – President, NH College University Council (NHCUC)

- In support of part one of this bill.
- College access and success is a strategic priority of NHCUC.
- In order to encourage more students to apply and attend college, we need to remove barriers.
- Strongly supports students attending college as it is an important foundation for stability and earning potential.

- Post-secondary educated folks in our workforce is important.
- When students fill out FAFSA form, it helps mitigate one of the most difficult challenges to attending college which is the financial challenge.

Part II of SB 147:

Senator Ruth Ward - Senate District 8

- Senator Ward introduces part two of SB 147.
- Part two is related to the essential registry and the NHDOE's requirement to maintain records and under what circumstances they are kept.
- Diana Fenton from NHDOE plans to testify further.

Attorney Diana Fenton – Chief of the Office of Governance, NH Department of Education

- Part two of this bill works with another bill that Senator Kahn has sponsored.
- Currently, when the DOE issues teaching credentials, they do not run a criminal background check. That is not a part of their process. They have been working to change that for years.
- This bill, with amendment language provided by the department, states that once one applies to be a teacher, in addition to a criminal background check, NHDOE would have access to DCYF's central registry which contains abuse and neglect findings.
- NHDOE would have limited access to cases of abuse, not neglect cases.
- The department feels that if one state agency has found someone should not be around children as they are unsafe, we do not want folks to find another avenue.
- This bill was brought about following a former Massachusetts resident being on their state's respective severe abuse registry, then, they came to NH and got a license to teach.
- DHHS and NHDOE worked very closely on amendment language.
- The amendment language creates a new section which would correspond with a criminal background check for licensing with registry access, when a new applicant comes forward.
- Any records accessed would be confidential. Again, access to abuse findings only, not neglect.
- If a credential were to be denied, folks would have the right to appeal that denial. At that point, NHDOE would then have the possibility to gain access to further reports that would confidentiality be maintained.
- Senator Kahn asked Ms. Fenton if there are different conditions for being put on the abuse and neglect registry. Ms. Fenton said the amendment language solely limits NHDOE scope to abuse cases as that is most appropriate. They want their scope to be very narrowly tailored to what is being looked for.
- There have been cases where there were findings of neglect, however, in certain cases folks changed and rectified any neglect concerns.
- The title of the registry can be confusing, it might be helpful to consider a language change to simply "the central registry" and eliminate the rest of the title.
- Senator Prentiss asked Ms. Fenton is the background check is an FBI criminal background check and what is the threshold coming in the door. Ms. Fenton said that thanks to legislation passed last session, it includes an FBI background check and state background

checks. The department worked very closely with NHDOS last session and they're actively working to pass implementation legislation this session.

- Senator Prentiss asked Ms. Fenton if the FBI background check includes biometric data which includes the unique scan of fingerprints. Ms. Fenton said yes, it does.
- Senator Ward asked if the intention of the amendment is to replace-all of the section in question. Ms. Fenton said the creation of RSA 189:13-b is really significant for the department and it flushes out generic rule making authority language.

Part III of SB 147:

Senator Jay Kahn - Senate District 10

- Senator Kahn introduces part three of SB 147.
- Part three has to do with the transportation of students that are not related to daily attendance.
- Imagine these are class trips such as the 8th grade Washington, D.C. trip.
- This kind of transportation is not covered in statute.
- There may need to be additional language to be added.
- The hope is to ensure we are talking about nothing larger than at 16-person vehicle and folks are properly licensed.
- Ensure proper background checks are taken in accordance with RSA 189:13-a.
- An amendment to this part will be needed.
- Senator Ricciardi asked Senator Kahn about the language around only needing a driver's, thus the lacking in a background check requirement, to partake in this transportation. Senator Kahn agrees with her concerns and notes the requirement of background checks for any contracted carrier of students.
- Senator Hennessey asked Senator Kahn if he could expand upon what schools are doing now that they are not able to do, as students currently go on field trips. Senator Kahn stated that we should make sure our statute provides guidance with proper safety measures in place.
- Senator Hennessey asked Senator Kahn if he is trying to allow more types of transportation or ensure more safety and restriction on the modes we already permit. Senator Kahn said other testifiers might be better suited to answer that particular question, however, the goal is to recognize these safety measures in statute.

Elizabeth Bielecki – Director, NH Department of Motor Vehicles

- The department takes a neutral position on part three of this bill.
- Currently, the department oversees enforcement and regulation of school buses and school bus companies. The language includes private charter buses which would fall outside of their oversight.
- They oversee and audit all of transportation providers, safety inspections and they oversee driver certification and training.
- An amendment to strengthen the language around narrowing the scope of the proposal to include buses only, not private vehicles such as Uber and others.
- There is a responsibility of school districts and superintendents to look at how they'd like to fill gaps from this proposal.

- This proposal should be limited to school related activities and absolutely not applicable to school-to-home or home-to-school transportation.

Tim Ruehr – Chief Financial Officer, SAU 29

- Senator Hennessey's question about purpose or intent of this bill is important.
- Currently, school districts on the west side of the state must travel enormous lengths of time for class trips or sports games.
- The D.C. trip in the 8th grade is a perfect example where students travel via charter bus.
- Charter bus use is already happening, even though it is not currently permitted by the state, and folks are at risk.
- Since the state does not allow this mode of transportation, if there is a problem, there will be a great liability.
- He has stopped allowing this in his district.
- It can be very difficult to take three buses across the state to play football, equipment and luggage take whole bus in itself.
- This is a problem that we are currently ignoring.
- We aren't trying to take away safety measures, but we must be practical with common sense changes as NH is a rural state.
- He does not want less restrictions on driver safety requirements.
- Students who play traveling sports would have to be on a bus 6-8 hours a week; if Wi-Fi was provided, like on charter buses, they could do homework.
- Senator Kahn reiterated to Mr. Ruehr's point of the importance of bathrooms being available on long trips for students. Especially during the COVID-19 pandemic. Mr. Ruehr agreed and said everyone would remember a time a charter bus was used prior.
- Senator Kahn asked Mr. Ruehr about contractual agreements and the need to enter into an agreement with a carrier in which you should satisfy certain RSA requirements. Then, assign drivers who are permitted to drive and complete background checks, etc. Mr. Ruehr said yes, the language can be strengthened, they do contract in that way now.
- Speaking for a second time, Mr. Ruehr reiterated that the intention is not to reduce standards for drivers.
- Roster drivers would be wonderful for us.
- The intent is really for charter buses to be utilized during longer trips.

Greg Stinson – Vice President, Student Transportation of America

- After listening to previous testimony, it sounds like these are school sponsored events that pertain to long distance travel or would travel outside of normal school bus routes.
- He initially misunderstood; it sounds like everyone is on the same page about not compromising standards.
- Supports testing, licensing, background checks, etc.
- School buses are safest mode of transportation.
- Students are 70x more likely to be safer by taking bus as opposed to individual vehicles.
- They should be permitted to be used in interstate travel.

Marc Raposo – President, NH School Transportation Association (NHSTA) and Community Transportation, Jaffrey, NH

- Community Transportation serves the Jaffrey-Rindge and Mascenic school districts.
- President of NH School Transportation Association.
- Discussion amongst NHSTA counterparts has revealed some great concerns.
- The testimony today says this bill has to do with coach buses and long trips, he is not seeing that.
- This would mean any extracurricular activity could be used with any type of vehicle, meaning a driver would not have to be rostered by the NHDOS, they would not have to be criminally background checked, etc.
- They work very hard and closely with NHDOS to ensure student safety.
- If we were talking about coach bus going to D.C., he would understand. This is not what this is.

In this bill, for example, a company could purchase old school buses, put the word “charter” on them, and utilize them for any extracurricular activities for school districts without ensuring they’re complying with requirements in place.

- Concerns him that bill is so broad.
- This bill would allow operation of two separate standards: home-to-school versus extracurricular activities.
- This would mean that you could use drivers with only an operator’s license. As for 16-passenger vehicles and up, the driver would need a CDL B, no school bus endorsements though.
- To bring on a bus driver, they must send a roster to NHDOS. Then, they would do a driving background and criminal background check. NHDOS ultimately rejects a lot of drivers.
- Now, under this bill, all of those rejects are now eligible to do extracurricular driving following their denial for home-to-school driving.

Part IV of SB 147:

Senator Jeb Bradley – Senate District 3

- Senator Bradley introduce part four of the bill.
- Part four is a simple bill.
- Lines 31-35 are new additions on page 3 related to the special education state aid section of law.
- Currently, lines 28-31 discuss how each fiscal year, the state can designate \$250,000 of funds already appropriated for emergency assistance. This proposal would allow an additional \$250,000 to be appropriated to small communities of 1,000 or fewer residents.
- This would mitigate special education costs and prevent significant financial harm to communities.
- A small town (Hales Location) in Senate District 3 is the inspiration for this legislation and he suspects other towns throughout the state might be facing similar issues. A family with 2-3 special needs children requiring special education have caused

significant financial harm to the community to the point that property taxes are climbing.

- Senator Hennessey asked about the language surrounding the additional \$250,000 being required in full or not. Senator Bradley shared that he mirrored the language in line 28 to allow special catastrophic aid to be increased by \$250,000. It is not a mandate, there is discretion as there is in existing statute.
- Senator Kahn asked Senator Bradley how many towns have populations less than 1,000. Senator Bradley said he suspects that all committee members have towns within their districts with populations less than 1,000. He does not have the exact number of how many towns throughout the state.
- There is no magic to the number 1,000 but it seemed like a good place to start.
- The financial harm/damage is magnified by a town's smallness.
- Senator Prentiss asked Senator Bradley if we know how much gets spent of the \$250,000 that already exists and if it is up to the commissioner of how much gets spent. Senator Bradley said he can't answer the first question but, yes, it is up to the commissioner.

Tim Ruehr – Chief Financial Officer, SAU 29

- Neutral.
- Been a business administrator for 20 years.
- Currently, the state already has catastrophic aid.
- Many folks don't know about the ability to borrow against future earnings.
- You'd have the expenses this year but you wouldn't get paid until next year.
- The provision that allows for catastrophic aid borrowing, the state pays the interest.
- He has used it many times before, but has not done it in years.
- Senator Kahn asked Mr. Ruehr if the borrowing is against your future receipt from NHDOE, not a borrow at risk of crediting. Mr. Ruehr said you borrow from a bank against future receipts, so there is interest, the state pays interest and it does not come out of your regular catastrophic funds.
- Senator Kahn asked if Mr. Ruehr could provide statutory language on this topic. Mr. Ruehr said yes, he would.
- Senator Ward said some smaller towns could've really used it if they'd known about it.
- Senator Hennessey asked Mr. Ruehr if the community were to borrow against their future earnings, but the expense continues on for 12 years, how does that actually help the community.
 - o Mr. Ruehr said it does actually help once you get on borrowing. For instance, an unbudgeted family moves into your community this year, you do not have funds to pay this year and you won't get revenue until next year, you would then need to borrow those funds to avoid going into debt this year. Stay on that train.
 - o You would still need to raise the taxes by the amount required for this student/family. Once students done or ages out, you will not borrow as you won't have the expense, but you will pay off the loan. This prevents debt as the first year is very traumatic.
 - o In instances of small communities where an unbudgeted student/family requires funding, the community would have to put on deficit article in the current year and they'd be raising the budget next year which would catapult the tax rate.
 - o He has done this in Nelson, Chesterfield, etc. but not in the last five years.

- Senator Kahn asked Mr. Ruehr about the reimbursement process and it being one year in arrears. In the case of a K-12 student, this borrowing seems necessary in the first year. But in future years, you should be receiving the sufficient funds to cover the expense.
 - Mr. Ruehr said it seems like that, but you stay on borrowing until expense goes away. In the second year, you would have the child's expense, for instance, \$100,000, and you'd have the note due from borrowing the previous year's \$100,000. Senator Kahn reiterated in that one would carry the same dollar amount for the duration of the child's education; however, it doesn't increase beyond initial borrowing amount. Mr. Ruehr said that is correct.

Rebecca Fredette – State Director of Special Education, NH Department of Education

- Part four involves funds they put out each year which is based on 3.5 times per-pupil cost or 10 times per-pupil cost.
- They reimburse districts for those funds through submission of documentation that they've paid such expenses.
- By not appropriating funds for this bill, they would be forced to take this \$250,000 out of the appropriation for special education aid and put it in this fund to support it.
- Since 2008, this is the first year they've been able to meet payouts of 80% with the allocations they've been given. They do not have enough funds regularly to pay out the allocations that are already being asked of them.
- This bill would expect them to find additional \$250,000 somewhere to cover this fund.
- Typically, any excess funds would go into court ordered placements to assist districts in some of the higher costs that may occur.
- Senator Hennessey asked Ms. Fredette if there needs to be some sort of amendment to appropriate funds. Ms. Fredette said they are already taking from fund where they don't have enough money. If this bill were to be implemented, it would be most beneficial to have a separate fund to support the districts.

Speakers

Name	Representing	Position	Testifying
Young Laurie	Myself	Oppose	Yes
Graham Nancy	Myself	Support	No
LaMoreaux Andrea	Myself	Support	No
Nadeau Meredith	Myself	Oppose	No
Ellerman Maureen	Myself	Support	No
QUISUMBING-KING Cora	Myself	Support	No
ARONSON LAURA	Myself	Support	No
Stinson Benjamin	Myself	Support	No
Platt Elizabeth-Anne	Myself	Support	No
Kiefner Robert	Myself	Support	No
Eldridge Timothy	Myself	Oppose	No
Eldridge Jessica	Myself	Oppose	No
vigue kathie	Myself	Oppose	No
Schissel Mary	Myself	Support	No
Vincent Laura	Myself	Support	No
Gordon Laurie	Myself	Support	No
hatch sally	Myself	Support	No
Clark Martha	Myself	Support	No
St Germain Diane	Myself	Support	No
Covert Susan	Myself	Support	No
Jones Stephanie	Myself	Support	No
Minton Faith	Myself	Support	No
Heslin Mary	Myself	Support	No
Wild Gail	Myself	Support	No
Wiggins Frank	Myself	Support	No
Bergevin Leslie	Myself	Support	No
Carole Kimberly	Myself	Support	No
Donovan Hugh	Myself	Support	No
DeMark Richard	Myself	Support	No
Greenwood Nancy	Myself	Support	No
Hayden Sam	Myself	Support	No
Donovan Julie	Myself	Support	No
Balcom-Dadak Ann	Myself	Support	No

Rowe Sandy	Myself	Oppose	No
van der Bijl Dana	Myself	Support	No
Fordey Nicole	Myself	Support	No
Falk Cheri	Myself	Support	No
Torpey Jeanne	Myself	Support	No
Damon Claudia	Myself	Support	No
Perencevich Ruth	Myself	Support	No
Garen June	Myself	Support	No
Garland Ann	Myself	Support	No
Ellermann Maureen	Myself	Support	No
Dewey Karen	Myself	Support	No
Hinebauch Mel	Myself	Support	No
Corell Elizabeth	Myself	Support	No
Larson Ruth	Myself	Support	No
Hackmann Kent	Myself	Support	No
Anderson Keryn	Myself	Support	No
Zaenglein Barbara	Myself	Support	No
Zaenglein Eric	Myself	Support	No
Pospychala Erin	Myself	Support	No
Lindpaintner Lyn	Myself	Support	No
Blanchard Sandra	Myself	Support	No
Green Debra	Myself	Support	No
Koch Helmut	Myself	Support	No
Brennan Nancy	Myself	Support	No
Mayne Kenneth	Myself	Support	No
Heath Ruth	Myself	Support	No
Cook Richard	Myself	Support	No
Anderson Howard	Student Transportation Consulting of NE	Oppose	No
Beaudoin Jennifer	Myself	Support	No
Cutshall Catherine	Myself	Support	No
Vivado Mauricio	Myself	Support	No
Fawson Michelle	Myself	Support	No
Destefano Kim	Myself	Support	No
Rettew Annie	Myself	Support	No

McCue Dara	Myself	Support	No
Nardino Marie	Myself	Support	No
Taylor Gale	Myself	Support	No
jakubowski dennis	Myself	Support	No
Jakubowski Deborah	Myself	Support	No
Hope Lucinda	Myself	Support	No
Neville Betsey	Myself	Support	No
blakeney gordon	Myself	Support	No
Mitchell Karen	Myself	Support	No
Fenner-Lukaitis Elizabeth	Myself	Support	No
Richman Susan	Myself	Support	No
Spencer Louise	Myself	Support	No
Reed Barbara	Myself	Support	No
Mooney Bridget	Myself	Support	No
Raspiller Cindy	Myself	Support	No
Brown Howard	Myself	Support	No
Brown William	Myself	Support	No
Brown Morgan	Myself	Support	No
zavgren john	Myself	Support	No
Jones Andrew	Myself	Support	No
Keeler Margaret	Myself	Support	No
Blake Karen	Myself	Support	No
FOURNIER CYNTHIA	Myself	Oppose	No
Proulx cynthia	Myself	Support	No
Moulis Dr. Daniel	Myself	Support	Yes
Atkins Michael	Myself	Support	Yes
Keilig Pamela	New Hampshire Coalition Against Domestic and Sexual Violence	Support	No
Gregoire Jerry	Myself	Oppose	No
Ladd Carl	New Hampshire School Administrators Association	Support	No
Henrichon Margaret	Myself	Support	No
Ward Senator Ruth	Senate District 8 Supporting Part II Prime	Support	Yes
Kahn Jay	Senate District 10	Support	Yes
Raposo Marc	Community Transportation	Oppose	Yes
Ruehr Tim	SAU #29 Keene	Support	Yes

Bradley Jeb	Myself SD 3 Jeb Bradley PART IV	Support	Yes
Thornton Christiana	Myself	Neutral	Yes
Fenton Diana	Myself	Neutral	Yes
Scire Deborah	Myself	Neutral	Yes
Bielecki Elizabeth	NH DMV	Neutral	Yes
Stinson Gregg	Myself	Oppose	Yes
Carstens Joel	University System of NH (USNH) & NH Association of Student Financial Aid Administrators (NHASFAA)	Support	Yes

Testimony

Ava Hawkes

From: handerson stcofne.com <handerson@stcofne.com>
Sent: Tuesday, February 16, 2021 9:40 PM
To: Ava Hawkes; Ava Hawkes
Subject: SB 147 FN

I have been in the school transportation industry for 33 years.

As we all know the school student's safe transportation is the number one concern of everyone.

The introduction of SB 147 FN Part III puts students in harm's way. Allowing transporters who are not abiding by the New Hampshire school transportation rules to create an unsafe condition for New Hampshire's students.

Why is it safe for anyone with a simple license and car with a NH state inspection sticker to transport students? Would you place your child in a car for an outreach program with a driver who has not been background checked or drug tested, and you do not know who they are??

Why is it that students transported to school and back home need to follow the New Hampshire school bus rules, but when the same students are transported to an activity, they do not have the same safety!

For the safety of our New Hampshire students, please defeat LSR SB 147 FN Part III.

Please feel free to contact me if you would like to discuss further.

Thank you

Ava Hawkes

From: Marc Raposo <commtran.marc@gmail.com>
Sent: Wednesday, February 17, 2021 12:35 PM
To: Ava Hawkes
Subject: SB 147 FN

I have been in the school transportation industry for over 16 years and currently employed by Community Transportation in Jaffrey, NH. I am also President of the New Hampshire School Transportation Association, and unfortunately our bylaws require 10-day notice of a Board Meeting, so we cannot take an official stand on this. However, I met via ZOOM yesterday with 10 of my counterparts throughout the state and we all share the same concerns regarding this bill.

The safety of students transported in NH has always been a priority through the Department of Education and Department of Safety, ensuring there are programs in place for both Driver's and Vehicles that are transporting the most precious cargo.

The introduction of SB 147 FN, Part III eliminates following these programs and puts in place 2 sets of standards, with only home to school transportation required to be compliant with existing regulations

Parents and families need to be guaranteed that every measure possible is in place to ensure the safety of their children, be it home to school, field trips, sporting trips, technical runs, etc. following a single standard. If passed, drivers who fail to qualify to drive and hold a school bus certificate through NH State Police Pupil Transportation will be on the road. Annual training will not be required, annual review of driving record and criminal background will not be required, school bus vehicle inspections will not be required, the list goes on.

For the safety of the students in N.H., please defeat LSR SB 147 FN, Part III.

Please feel free to contact me directly if you would like to discuss further.

Marc Raposo
Transportation Director
Community Transportation
26B Fitzgerald Drive
Jaffrey, NH 03452

Office (603) 532-4079
Cell (603) 325-2019
Fax (603) 532-4850

Ava Hawkes

From: Laurie <laurieyng@comcast.net>
Sent: Thursday, February 18, 2021 8:18 AM
To: Ava Hawkes
Subject: SB147

Good morning,

I have major concerns about SB147 part III. To me, this looks like anyone who has a valid drivers license and a state inspected vehicle, can drive a student for any after school program. Are criminal background checks to be done on these individuals? What about MVRs? Why can't the school district just call another school bussing company? If records are pulled on these individuals, who will keep track? Who trains the drivers? I want to make sure my child will be safe.

Thanks,
Laurie Young

February 18, 2021

SB-147 Testimony

Members of the Committee, thank you for the opportunity to submit testimony regarding a new graduation requirement. 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 both the University System of New Hampshire (USNH) and NHASFAA.

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. Leaving behind students who both need postsecondary degrees and credentials for personal success and that the New Hampshire economy requires to be strong and vibrant is not an option. Both the University System and the NHASFAA support 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.

With that support expressed, both the University System and the NHASFAA members see some possible improvements to this bill and strongly recommend the committee consider one common-sense change: delay implementation of any requirement to the 2023-24, or June 2024 public high school graduates, academic year.

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 financial aid professionals, we are excited about these changes, our experience tells us this change will undoubtedly encounter issues both known and unforeseen. Delaying SB-147 implementation one year allows 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. Both the USNH and the NHASFAA members hope the Committee will support this change.

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 and the NHASFAA stand 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

Voting Sheets

Senate Education Committee
EXECUTIVE SESSION RECORD
2020-2021 Session

Bill # SB 147-FN

Hearing date: 2/18/21

Executive Session date: 3/19/21

Motion of: OTP, amendment 0521s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Amendment 0704s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Prentiss

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, March 11, 2021

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0740s

Senator Suzanne Prentiss
For the Committee

Ava Hawkes 271-4151

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, Vote 5-0.

Senator Suzanne Prentiss for the committee.

General Court of New Hampshire - Bill Status System

Docket of SB147

Docket Abbreviations

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

Official Docket of SB147.:

Date	Body	Description
2/9/2021	S	Introduced 02/04/2021 and Referred to Education; SJ 4
2/12/2021	S	Remote Hearing: 02/18/2021, 01:00 pm; Links to join the hearing can be found in the Senate Calendar; SC 11
3/11/2021	S	Committee Report: Ought to Pass with Amendment #2021-0740s , 03/18/2021; SC 15
3/18/2021	S	Committee Amendment #2021-0740s , RC 24Y-0N, AA; 03/18/2021; SJ 8
3/18/2021	S	Sen. Kahn Floor Amendment #2021-0889s , RC 24Y-0N, AA; 03/18/2021; SJ 8
3/18/2021	S	Ought to Pass with Amendments 2021-0740s, and 2021-0889s, RC 24Y-0N, MA; OT3rdg; 03/18/2021; SJ 8
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Education HJ 4 P. 50
4/14/2021	H	Public Hearing: 04/21/2021 09:45 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/97777026171 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/28/2021	H	Full Committee Work Session: 05/13/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94308033489
4/28/2021	H	Executive Session: 05/20/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92551660487
5/25/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-1635h (Vote 11-9; RC) HC 26 P. 19
5/25/2021	H	Minority Committee Report: Ought to Pass with Amendment #2021-1588h
6/3/2021	H	Amendment #2021-1635h : AA RC 204-172 06/03/2021 HJ 8 P. 115
6/3/2021	H	Amendment #2021-1588h : AF RC 177-198 06/03/2021 HJ 8 P. 121
6/3/2021	H	FLAM #2021-1860h (Rep. Woodcock): AF RC 166-207 06/03/2021 HJ 8 P. 124
6/3/2021	H	Ought to Pass with Amendment 2021-1635h: MA RC 203-172 06/03/2021 HJ 8 P. 126
6/10/2021	S	Sen. Ward Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 06/10/2021; SJ 19
6/10/2021	S	President Appoints: Senators Ward, Hennessey, Kahn; 06/10/2021; SJ 19
6/10/2021	H	House Accedes to Senate Request for CofC (Rep. Ladd): MA VV 06/10/2021 HJ 10 P. 15
6/10/2021	H	

		Speaker Appoints: Reps. Ladd, Cordelli, Hill, Layon 06/10/2021 HJ 10 P. 15
6/11/2021	S	==RECESSED== Committee of Conference Meeting: 06/14/2021, 10:00 am, Room Senate Chamber, SH
6/14/2021	S	==RECONVENE== Committee of Conference Meeting: 06/14/2021, 12:00 pm, Room Senate Chamber, SH
6/16/2021	H	Conference Committee Report #2021-1957c Filed 06/10/2021; House Amendment + New Amendment
6/24/2021	H	Conference Committee Report 2021-1957c: Adopted, VV 06/24/2021
6/24/2021	S	Conference Committee Report #2021-1957c , Adopted, VV; 06/24/2021; SJ 20
7/20/2021	H	Enrolled Bill Amendment #2021-2080e : AA VV (in recess of) 06/24/2021
7/21/2021	S	Enrolled Bill Amendment #2021-2080e Adopted, VV, (In recess of) 06/24/2021); SJ 20
7/28/2021	H	Enrolled (in recess of) 06/24/2021
7/28/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
8/17/2021	S	Signed by the Governor on 08/10/2021; Chapter 0209
8/17/2021	S	Part I. I. Sections 1 & 2 Effective 07/01/2023
8/17/2021	S	Part I. II. Remainder Effective 08/10/2021
8/17/2021	S	Part II Effective 01/01/2022
8/17/2021	S	Part III Effective 08/10/2021
8/17/2021	S	Part IV Effective 10/09/2021

 NH House

 NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 147-FN

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
 All Calendar Notices
 Hearing Sign-up sheet(s)
 Prepared testimony, presentations, & other submissions handed in at the public hearing
 Hearing Report
 Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0521s - amendment # 0740s
 - amendment # 0704s _____ - amendment # _____
 Executive Session Sheet
 Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 0889s _____ - amendment # _____
_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
 Enrolled Bill Amendment(s) 2080
_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office

1 Committee of Conference Report on SB 147-FN, adopting omnibus legislation relative to student aid,
2 the central registry, transportation of students, and special education costs.

3
4 Recommendation:

5
6 That the Senate recede from its position of nonconcurrence with the House amendment, and
7 concur with the House amendment, and

8
9 That the Senate and House adopt the following new amendment to the bill as amended by the
10 House, and pass the bill as so amended:

11
12 Amend the bill by replacing Part I with the following:

13
14 PART I

15 Relative to filing an application for federal student aid.

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

18 193:26-a Graduation Requirements; Free Application for Federal Student Aid.

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:

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

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

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
30 paragraph I. A school district shall award a high school diploma to a student who is unable to meet
31 the requirements of paragraph I if the student has met all other graduation requirements and the
32 principal attests that the school district has made a good faith effort to assist the student or, if
33 applicable, his or her parent or guardian in filing an application or a waiver.

Committee of Conference Report on SB 147-FN
- Page 2 -

1 2 New Paragraph; State Board of Education; Rulemaking Authority. Amend RSA 186:8 by
2 inserting after paragraph VIII the following new paragraph:

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

4 3 New Subparagraph; Delivery of an Adequate Education. Amend RSA 193-E:3, I by inserting
5 after subparagraph (n) the following new subparagraph:

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

8 4 Effective Date.

9 I. Sections 1-2 of Part I of this act shall take effect July 1, 2023.

10 II. The remainder of Part I of this act shall take effect upon its passage.

11
12 Amend RSA 186-D:2 as inserted by section 5 of Part IV of the bill by replacing it with the following:

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

Committee of Conference Report on SB 147-FN

- Page 3 -

The signatures below attest to the authenticity of this Report on SB 147-FN, adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Ward, Dist. 8

Rep. Ladd, Graf. 4

Sen. Hennessey, Dist. 1

Rep. Cordelli, Carr. 4

Sen. Kahn, Dist. 10

Rep. Hill, Merr. 3

Rep. Layon, Rock. 6

July 14, 2021
2021-2080-EBA
04/11

Enrolled Bill Amendment to SB 147-FN

The Committee on Enrolled Bills 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 as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 147-FN

This enrolled bill amendment corrects the formatting of text inserted by the bill.

Enrolled Bill Amendment to SB 147-FN

Amend section 1 of Part II of the bill by replacing lines 4-6 with the following:

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,

Amend section 2 of Part II of the bill by replacing lines 4-6 with the following:

access established by the commissioner of the department under RSA 541-A. *The commissioner of the department shall allow the credentialing bureau of the department of education access to the records of applicants for purposes of RSA 21-N:9, II(s) and in accordance with RSA 189:13-c.*