

LEGISLATIVE COMMITTEE MINUTES

HB1193

Bill as
Introduced

HB 1193 - AS INTRODUCED

2022 SESSION

22-2343
10/11

HOUSE BILL

1193

AN ACT

relative to chartered public school fees and enrollment policies.

SPONSORS:

Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Mooney, Hills. 21; Rep. Nelson,
Carr. 5; Rep. Pitre, Straf. 2

COMMITTEE:

Education

ANALYSIS

This bill clarifies the prohibition on application fees for chartered public schools and the preference for in-state students for enrollment.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to chartered public school fees and enrollment policies.

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

1 Chartered Public Schools; Admission. Amend RSA 194-B:2, III to read as follows:

2 III. There shall be no application fee for pupil admission to any chartered public school, **and**
3 **any non-application fees to be charged to students shall not be assessed as a condition for**
4 **enrollment.**

5 2 New Subparagraph; Chartered Public Schools; Enrollment. Amend RSA 194-B:9, I(c) by
6 inserting after subparagraph (3) the following new subparagraph:

7 (4) If a chartered public school accepts out-of-state students, preference shall be
8 given to in-state students in determination of the chartered public school's maximum published
9 enrollment prior to any lottery selection pursuant to this subparagraph.

10 3 Effective Date. This act shall take effect upon its passage.

*insert
definitions*

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: March 23, 2022

HEARINGS

Tuesday

03/29/2022

(Day)

(Date)

Education Legislative Office Building 101 9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	HB 1298-FN	relative to eligibility for the education tax credit.
9:15 a.m.	HB 1193	relative to chartered public school fees and enrollment policies.
9:30 a.m.	HB 1132	relative to applications for a charter conversion school.
9:45 a.m.	HB 1513-FN	relative to the definition of a child with a disability for purposes of special education.
10:00 a.m.	HB 1434-FN	relative to the availability of school curriculum materials.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1298-FN

Rep. Cordelli
Rep. Piemonte

Rep. Hill
Rep. A. Lekas

Rep. Moffett
Rep. Hobson

Rep. McGuire
Rep. Osborne

HB 1193

Rep. Cordelli
Rep. Pitre

Rep. Ladd

Rep. Mooney

Rep. B. Nelson

HB 1132

Rep. Ladd
Rep. Weyler
Sen. Ward

Rep. Boehm
Rep. Umberger

Rep. Cordelli
Rep. Hobson

Rep. Hill
Sen. Reagan

HB 1513-FN

Rep. B. Boyd
Rep. McLean
Sen. Watters

Rep. Cordelli
Rep. Moffett

Rep. Spillane
Rep. Verville

Rep. Ladd
Sen. Reagan

HB 1434-FN

Rep. Prudhomme-O'Brien
Sen. Ward

Rep. Love
Sen. Ricciardi

Rep. Cordelli
Sen. Giuda

Rep. Moffett

Ava Hawkes 271-3266

Ruth Ward
Chairman

Senate Education Committee
Ava Hawkes 271-3266

HB 1193, relative to chartered public school fees and enrollment policies.

Hearing Date: March 29, 2022

Time Opened: 9:31 a.m.

Time Closed: 9:46 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill clarifies the prohibition on application fees for chartered public schools and the preference for in-state students for enrollment.

Sponsors:

Rep. Cordelli
Rep. B. Nelson

Rep. Ladd
Rep. Pitre

Rep. Mooney

Who supports the bill: Representative Glenn Cordelli, Joseph Brown, Alvin See, Debrah Howes (AFT-NH), Matt Southerton

Who opposes the bill: Alan Raff

Who is neutral on the bill: Nate Green (NHDOE)

Summary of testimony presented:

Representative Glenn Cordelli - Carroll, District 4

- Representative Cordelli introduced HB 1193.
- This bill is the result of working with DOE.
- The department received several, but isolated, complaints around this issue, this bill works to address those complaints.
- Complaints surrounded non-application fees being charged to students and families who wanted to enroll into a charter school.
- These fees prevented them from having the means to enroll into the charter school.
- Non-application fees to be charged to students cannot be assessed as a condition for enrollment. They do not want fees charged to folks enrolling in a

public charter school.

- The second complaint received by DOE was for charter schools on borders of the state with neighboring states.
- Charter schools can accept out of state students.
- The issue arose due to border charter schools charging higher tuition for enrollment.
- We need to make sure there is preference given to in-state students enrolling in a charter school.
- While there is a max number of students per charter per the state, we must make sure in-state students have seats. Then, take a look at out-of-state students.
- This is about fees not being assessed as a condition of enrollment and giving preference to in-state students enrolling in a charter school.
- Senator Kahn asked Representative Cordelli about the definition of non-application fees.
 - Representative Cordelli said DOE may have a better answer, he is not aware of anything already in statute related to a definition.
- Senator Kahn asked Representative Cordelli about not stating it in the affirmative as it leads to questions about what it is and what schools might find necessary for their operation.
 - Representative Cordelli said people felt they were excessive fees, looked at as a tuition to get into a school. Those fees were not considered to be application fees, but curricular activities fees assessed to parents which prevented them from enrolling.
- Senator Kahn asked Representative Cordelli if we should be asking others about affirmative definition of what this is so we can add a definition to non-application.
 - Representative Cordelli said DOE probably has more information on a definition.

Nate Green –Administrator, Bureau of Educational Opportunities, NH Department of Education

- Made himself available for questions.
- Senator Kahn asked Mr. Green if there is an affirmative definition of an application fee and what fees this bill is attempting to cover beyond an application fee.
 - Mr. Green said charter schools are prohibited from charging an application fee, i.e. a fee contingent upon enrollment/to gain entrance into a charter school.
 - Materials and supplies fees have been charged up front by charter

schools. In some cases, schools were charging this fee as a condition for enrollment, which is prohibited. This is a loophole we want to fix. We need stronger language.

- Charter schools cannot charge any fees as a condition of enrollment.
- There are fees charged on occasion by traditional public schools and chartered public schools. For example, there is no charge for a student to take an AP course at school and their grade will be placed on their transcript, however, there is a fee associated with the AP exam itself. Sometimes schools pay that fee or the student's family can. Overall, students are able to access this educational opportunity.
- It would be difficult to have a single definition for an application fee. When there is a definition, it tends to become limiting as one cannot think through all possible scenarios.
- Senator Hennessey asked Mr. Green if these fees were charged to all students or select groups.
 - Mr. Green said the fees were charged across the board, they saw anywhere from \$800-\$1,000 in fees. They were creeping up there and becoming onerous.
 - Some schools offered a means for parents to cover such fees through community service work, however, tying those things to enrollment gets closer to an application fee scenario.
 - Another reason why stronger language in statute is needed is because we have federal charter school grants right now. For charter schools to access such federal money, they must show that they are not charging application fees.
 - DOE has worked with charter schools to write internal policies to show that they don't have application fees.
- Senator Hennessey asked Mr. Green if there is a definition of non-application fee in the federal grant language that the Committee could use in this bill.
 - Mr. Green said he does not know off the top of his head, he will look into it.
- Senator Kahn asked Mr. Green if we know what the impact of prohibiting these fees will be.
 - Mr. Green said for the most part, DOE has been able to work with schools to create internal policies on such fees. Many schools have wanted to take advantage of federal dollars, so they chose to be better about the fees and stopped charging.
 - DOE wants to make sure that if this incentive, i.e. federal grant dollars, goes away, the state has teeth in statute.

amh
Date Hearing Report completed: March 31, 2022

Speakers

Senate Education Committee

SIGN-IN SHEET

Date: 03/29/2022 Time: 09:15 a.m.

HB 1193 AN ACT chartered public school fees and enrollment policies.

Name/Representing (please print neatly)

✓	Nate Greene / NHDOE	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓	Rep Glenn Cordelli	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	MATT SOUTHERTON	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

✓

Senate Remote Testify

Education Committee Testify List for Bill HB1193 on 2022-03-29

Support: 3 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Brown, Joseph	A Member of the Public	Myself	Support
See, Alvin	A Member of the Public	Myself	Support
Raff, Alan	A Member of the Public	Myself	Oppose
Howes, Debrah	A Lobbyist	American Federation of Teachers - NH	Support

✗

Testimony

Ava Hawkes

From: Ava Hawkes
Sent: Monday, April 11, 2022 10:47 AM
To: Ava Hawkes; Denise Ricciardi; Denise Ricciardi; Erin Hennessey; Jay Kahn; Jay Kahn; Jessica Bourque; Marie Marston; Peter O'Neill; ruthward@myfairpoint.net; Ruth Ward; Suzanne Prentiss
Cc: Fenton, Diana
Subject: FW: HB 1193

Good Morning Committee Members,

I hope you all had a nice weekend!

Please find a message from Diana Fenton related to HB 1193 below, re: application fee versus non-application fee definition.

Best,

Ava-Marisa Hawkes

Legislative Aide to Senate Majority Leader Jeb Bradley (SD3)

Legislative Aide to Senate Education Committee

New Hampshire Senate

Email: ava.hawkes@leg.state.nh.us

Phone: (603) 271- 3266

From: Fenton, Diana <Diana.E.Fenton@doe.nh.gov>
Sent: Sunday, April 10, 2022 3:04 PM
To: Ava Hawkes <Ava.Hawkes@leg.state.nh.us>
Subject: HB 1193

Ava—

The Senate Ed Committee has expressed wanting some definitions for HB 1193—here are some suggestions for the Committee's consideration from Nate Greene:

“Application Fee”—any fee charged to a student or family which must be paid as a condition of enrollment

“non-application fee”—any fee charged to a student or family for activities or programs which are above and beyond the standard access to curricular and co-curricular programs offered by the schools. Examples of these types of fees could include instrument rentals for music class or assessment fees related to AP courses.

Please share with the committee.

Thank you

~~~~~  
Diana E. Fenton, Esq.



Chief, Governance Unit  
New Hampshire Department of Education  
Office of the Commissioner  
101 Pleasant Street  
Concord, NH 03301  
[Diana.fenton@doe.nh.gov](mailto:Diana.fenton@doe.nh.gov)  
(603) 271-3189

# Voting Sheets

✓CR  
✓FR

Senate Education Committee  
EXECUTIVE SESSION RECORD  
2022-2023 Session

Bill # HB 1193

Hearing date: 3/29/22

Executive Session date: 4/19/22

Motion of: HTL Vote: 4-0

| 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 checked="" 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 type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Reported out by: Sen. Kahn

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, April 19, 2022

THE COMMITTEE ON Education

to which was referred **HB 1193**

AN ACT

relative to chartered public school fees and  
enrollment policies.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-0

Senator Jay Kahn  
For the Committee

Ava Hawkes 271-3266

**EDUCATION**

**HB 1193**, relative to chartered public school fees and enrollment policies.

Inexpedient to Legislate, Vote 4-0.

Senator Jay Kahn for the committee.

| Docket of hb1193 |   |                                                                            |
|------------------|---|----------------------------------------------------------------------------|
| 11/17/2021       | H | Introduced 01/05/2022 and referred to Education                            |
| 01/09/2022       | H | Public Hearing: 01/26/2022 10:15 am LOB 205-207                            |
| 02/10/2022       | H | Executive Session: 02/09/2022 10:15 am LOB 205-207                         |
| 02/10/2022       | H | Committee Report: Ought to Pass (Vote 18-0; CC)                            |
| 02/16/2022       | H | Ought to Pass: MA VV 02/16/2022 HJ 3                                       |
| 03/01/2022       | S | Introduced 02/24/2022 and Referred to Education; SJ 5                      |
| 03/23/2022       | S | Hearing: 03/29/2022, Room 101, LOB, 09:15 am; SC 13                        |
| 04/19/2022       | S | Committee Report: Inexpedient to Legislate, 04/28/2022; SC 17              |
| 04/28/2022       | S | Inexpedient to Legislate, MA, VV === BILL KILLED ===;<br>04/28/2022; SJ 10 |



# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 1193

Senate Committee: EDU

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 # \_\_\_\_\_
- \_\_\_ - 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 # \_\_\_\_\_
- \_\_\_ - 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)
- \_\_\_ 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:

*Chris Hawkes*  
Committee Aide

9/28/22  
Date

Senate Clerk's Office AK