

CHAPTER 63
HB 386-FN - FINAL VERSION

2017 SESSION

17-0243
04/05

HOUSE BILL ***386-FN***

AN ACT relative to technical corrections to the education tax credit statute.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Ladd, Graf. 4; Rep. Hill, Merr. 3; Sen. Reagan, Dist
17

COMMITTEE: Education

ANALYSIS

 This bill makes changes to the education tax credit statute and repeals the prohibition on a pupil attending a school other than the school to which the pupil was assigned by the school board.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to technical corrections to the education tax credit statute.

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

1 63:1 Education Tax Credit; Definitions. Amend RSA 77-G:1, VI to read as follows:

2 VI. "Educational expenses" means the tuition cost of an eligible student to attend a public
3 or nonpublic school, excluding students who were placed into a nonpublic school by their school
4 district, ~~[and in the case of a home educated student, the academic expenses not to exceed 25~~
5 ~~percent of the average scholarship as defined in RSA 77-G:2, I(b), incurred in a child's home~~
6 ~~schooling]~~ **the cost of college or university, accredited tutor or tutoring facility, or distance**
7 **education program**. Educational expenses shall not include fees or expenses related to
8 participation in athletic programs, transportation expenses, or the cost of a parent's time expended
9 in the home schooling of his or her child.

10 63:2 Education Tax Credit; Definitions. Amend RSA 77-G:1, IX to read as follows:

11 IX. "Nonpublic school" shall be as defined in ~~[RSA 193-A:1]~~ **RSA 193:1, I(a) and (d)**.

12 63:3 Education Tax Credit; Scholarships. Amend RSA 77-G:2, I(a) to read as follows:

13 (a) An eligible student may receive a scholarship to attend (1) a nonpublic school, except
14 when the student has been placed by the local school district through the special education process;
15 ~~[or]~~ (2) a public school located outside of the school district in which the student resides and for
16 which the public school is not eligible to receive an adequate education grant payment for the
17 student in the current fiscal year, in an amount not to exceed the tuition cost of the public or
18 nonpublic school; **or (3) the cost of college or university, accredited tutor or tutoring facility,**
19 **or distance education program**. A home education student may also receive a scholarship to
20 cover educational expenses. A student shall not receive a scholarship from more than one
21 scholarship organization.

22 63:4 Education Tax Credit; Scholarship Organizations. Amend RSA 77-G:5, I(g) to read as
23 follows:

24 (g) In the first program year, there shall be no carry forward of unused eligible
25 contributions. In each program year thereafter, not more than 10 percent of eligible contributions
26 may be carried forward to the following program year. ~~[Any amount carried forward shall be~~
27 ~~expended for annual or partial year scholarships in the program year into which the amount is~~
28 ~~carried forward.]~~

29 63:5 Education Tax Credit; Scholarship Organizations. Amend RSA 77-G:5, II(b)-(d) to read as
30 follows:

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(b) A business organization or business enterprise shall submit an education tax credit application to the department of revenue administration no earlier than January 1 and no later than ~~[June]~~ **November** 15. The department shall approve these applications within 30 days on a first come-first served basis, up to the aggregate tax credit amount allowed under RSA 77-G:4. If multiple education tax credit applications are received on the same day, they shall be processed at random. No business organization or business enterprise shall be granted an education tax credit for more than 10 percent of the aggregate tax credit amount permitted in RSA 77-G:4. The department of revenue administration may approve only a portion of a request if required to prevent exceeding the aggregate tax credit amount allowed under RSA 77-G:4. The approval shall include the amount allowed and the date of approval.

(c) Once an education tax credit application is approved, the business organization or business enterprise shall donate within 60 days of the date of approval, **but no later than December 15**, or the request shall expire. Donations may be made to multiple scholarship organizations provided the total amount donated by the business organization or business enterprise does not exceed the amount approved. ~~[Donations shall be made no later than July 15 of the program year.]~~

(d) Upon receiving a donation, the scholarship organization shall send a ~~[donation]~~ **scholarship** receipt to the department of revenue administration and to the business organization or business enterprise within 15 days. The department of revenue administration shall notify the scholarship organization and the business organization or business enterprise within 15 days if the donations made by a business organization or business enterprise exceed the amount approved. If a business organization or business enterprise fails to donate the total amount approved within the time permitted, the department of revenue administration may grant credit requests in the order specified in subparagraph (b).

63:6 Education Tax Credit; Department of Revenue Administration Requirements. Amend RSA 77-G:6, I(a) to read as follows:

(a) Develop, and annually verify and update, by February 1, a list of eligible nonprofit scholarship funding organizations that meet the requirements of this chapter. The department shall post this list on the department's Internet website and update the list monthly ~~[until July 15]~~. The department shall forward the list and any updates to the commissioner of the department of education who shall post the list on the department of education's Internet website.

63:7 Change of School Assignment; Duties of Board of Education. Amend RSA 193:14-a to read as follows:

193:14-a Change of School Assignment; Duties of Board of Education. The state board of education in conjunction with the department of education shall make available to local school boards information regarding the responsibilities of the local boards when parents request a change in school assignment. Such information shall include an explanation of local board's authority and

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responsibilities, as well as the rights and responsibilities of parents seeking a change of assignment as set forth in RSA 193:3~~[, 193:14]~~ and applicable rules adopted under RSA 541-A.

63:8 Alternative Kindergarten Programs. Amend RSA 198:48-a, VI to read as follows:

VI. If an approved alternative kindergarten program utilizes more than one school or facility, the school board or the superintendent or other administrative officer designated by the school board may take into consideration parental preference when assigning students to schools or facilities ~~[in accordance with the provisions of RSA 193:14]~~.

63:9 Repeal. The following are repealed:

I. RSA 77-G:4, III, relative to aggregate tax credits for the education tax credit program.

II. RSA 77-G:5, II(f), relative to scholarship receipts for the education tax credit.

III. RSA 193:14, relative to assignment of pupils to schools.

63:10 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 02, 2017

Effective Date: August 01, 2017

