

CHAPTER 186
HB 278 - FINAL VERSION

05/27/2021 1680s
24Jun2021... 2029CofC

2021 SESSION

21-0446
06/04

HOUSE BILL **278**

AN ACT relative to the use of unused district facilities by chartered public schools.

SPONSORS: Rep. Hill, Merr. 3; Rep. Ladd, Graf. 4; Rep. L. Turcotte, Straf. 4; Rep. Silber, Belk. 2; Rep. Rice, Hills. 37; Rep. Rouillard, Hills. 6; Rep. Weyler, Rock. 13

COMMITTEE: Education

ANALYSIS

This bill makes unused school district facilities available to chartered public schools.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the use of unused district facilities by chartered public schools.

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

1 186:1 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA
2 194 by inserting after section 60 the following new subdivision:

Chartered Public School Use of Unused District Facilities

4 194:61 Unused District Facilities.

5 I. In this subdivision, "unused facility" means a school building owned by a school district
6 which is not used for academic purposes, extracurricular activities, administrative school functions,
7 or sports and for which the school district has no school board approved written plan for future use.
8 In order to comply with this paragraph, such school approved plan shall include academic purposes,
9 extracurricular activities, administrative functions, or sports to be used by the school within 2 years
10 of the plan's approval.

11 II. On January 1, 2022, and on July 1 every year thereafter, the superintendent of each
12 school district shall report to the department of education each unused facility owned by the school
13 district. The department shall establish and maintain a list of unused facilities owned by each
14 school district and make such list available on the department's website.

15 III. Pursuant to paragraph I, a school district shall offer an unused facility to a chartered
16 public school for purchase or lease as follows:

17 (a) If a school district's school board extends an offer to purchase or lease an unused
18 facility to a party, other than an approved chartered public school operating in this state, the
19 contract shall include a provision which makes the purchase or lease subject to the right of first
20 refusal by an approved chartered public school operating in this state.

21 (b) If the offer to purchase or lease is accepted, the school district selling or leasing the
22 unused facility shall notify the charter school administrator of the department of education who
23 shall notify all approved chartered public schools in this state, as listed on the department of
24 education's website, of the contract to purchase or lease the unused facility. The notice provided to
25 the charter school administrator shall contain clear language that the unused facility is available to
26 any approved chartered public school in this state only, and shall list the offering school district's
27 name and location, the square footage of the unused facility, the contact information of the offering
28 school district's representative, and the expiration date of the right of first refusal which shall be 60
29 days after the date of the notification to the charter school administrator.

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1 (c) A chartered public school that fails to exercise its right of first refusal shall forfeit
2 such right as it pertains to the specific unused facility and any future right or interest in the specific
3 unused facility.

4 (d) If the offering school district has not received an offer to purchase or lease an unused
5 facility from a party, other than an approved chartered public school operating in this state, a
6 chartered public school may initiate, and the school board of the offering school district shall engage
7 in, good faith negotiations for the purchase or lease of the unused facility.

8 (e) If 2 or more chartered public schools notify the offering school district indicating an
9 interest in the unused facility to lease or purchase, the offering school district shall make the final
10 selection of the purchaser or lessee.

11 (f) The criteria used to evaluate parties interested in the purchase or lease of an unused
12 facility shall be public information and shall not be subject to RSA 91-A.

13 IV. In right of first refusal negotiations with a chartered public school, it shall be the option
14 of the offering school district whether to sell or lease the property under consideration, at fair
15 market value or less, for a term to be agreed upon by the parties. A lease shall include ingress to
16 and egress from the facility, and where a part of a facility is leased, the right to access and use of the
17 common area shared by all tenants and users of the facility. If a chartered public school leases the
18 entire facility, the chartered public school may incur debt to make improvements to the facility, and
19 the school district shall subordinate its interest in the lease to such debt.

20 V. The chartered public school shall have 6 months after the date of making a written offer
21 to complete the purchase or lease of the unused facility for a price negotiated with the school district.

22 VI. During the term of a lease, a chartered public school shall be responsible for direct
23 expenses related to the facility or any part of the facility leased, including utilities, insurance,
24 maintenance, property taxes, and repairs.

25 VII. If a chartered public school plans to sell an unused facility which it has purchased, it
26 shall first offer the facility to the school district from which it was purchased. Such offer shall be
27 governed by the procedures set forth in paragraphs III, IV, and V.

186:2 Effective Date. This act shall take effect upon its passage.

Approved: August 10, 2021
Effective Date: August 10, 2021