

CHAPTER 106
HB 282 - FINAL VERSION

8Apr2021... 0616h

2021 SESSION

21-0549
06/04

HOUSE BILL **282**

AN ACT relative to a private school that is approved as a tuition program.

SPONSORS: Rep. Ladd, Graf. 4; Rep. McGuire, Merr. 29; Rep. Cordelli, Carr. 4; Rep. Boehm, Hills. 20; Rep. J. Osborne, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Allard, Merr. 21; Rep. Hill, Merr. 3; Rep. Stapleton, Sull. 5; Sen. Reagan, Dist 17; Sen. Ward, Dist 8; Sen. Hennessey, Dist 1

COMMITTEE: Education

ANALYSIS

 This bill deletes the requirement that a private school be nonsectarian in order to be approved as a school tuition program.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to a private school that is approved as a tuition program.

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

1 106:1 School Attendance; Duty of Parent; Compulsory Attendance by Pupil. Amend RSA 193:1,
2 I(d) to read as follows:

3 (d) The child is attending a public or private school located in another state which has
4 been approved by the state education agency of the state in which the school is located, or is
5 attending a ~~[nonsectarian]~~ private school located in New Hampshire that is approved as a school
6 tuition program by the school board pursuant to RSA 193:3, VII;

7 106:2 Change of School or Assignment; Best Interest of Student. Amend RSA 193:3, VI and VII
8 to read as follows:

9 VI. If there is no public school for the child's grade in the resident district, the school board
10 may ~~[assign the child to]~~ **contract with** another public school in another school district or ~~[to]~~ **with**
11 any ~~[nonsectarian]~~ private school that has been approved as a school tuition program by the school
12 board ~~[- The school board may execute a contract with an approved nonsectarian private school to~~
13 ~~provide for the education of a child who resides in the school district]~~, and may raise and appropriate
14 money for the purposes of the contract, if the school district ~~[does not have a public school at the~~
15 ~~pupil's grade level and the school board]~~ decides it is in the best interest of the pupil. **The district**
16 **may either assign all children to schools that have been approved as a school tuition**
17 **program, or allow each child's parent to choose a school from among schools that have**
18 **been approved as a school tuition program.**

19 VII. In this section, "approved as a school tuition program" means a school that has been
20 approved and contracted by the school board to provide students with the opportunity to acquire an
21 adequate education as defined in RSA 193-E:2. Upon approval by the school board, the school shall
22 receive status as an approved school tuition program, shall be deemed in compliance with the
23 provisions of RSA 193-E:3-b, I(a) and (b), and shall qualify as a school approved to provide the
24 opportunity for an adequate education. The school shall be required to submit to the school board an
25 annual student performance progress report in a format selected by the school board, which may
26 include reporting of aggregate achievement data to protect student privacy, and that demonstrates
27 that students are afforded educational opportunities that are substantially equal in quality to state
28 performance standards for determining an adequate education. A private school that receives
29 tuition program students shall:

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1 (a) Comply with statutes and regulations relating to agency approvals such as health,
2 fire safety, and sanitation;

3 (b) Be a ~~nonsectarian~~ school ***approved and contracted by a local public school***
4 ***board to provide students with the opportunity for an adequate education;***

5 (c) Be incorporated under the laws of New Hampshire or the United States; and

6 (d) Administer an annual assessment in reading and language arts, mathematics, and
7 science as defined in RSA 193-C:6 to tuition program students. The assessment may be any
8 nationally recognized standardized assessment used to measure student academic achievement,
9 shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-
10 C:6 for school tuition program students. The school's annual assessment results for tuition program
11 students shall be submitted to the commissioner and school board. If the school enrolls 10 or more
12 publicly-funded tuition program students and if the school's group assessment percentile score for
13 tuition program students is less than the 40th percentile, the commissioner may require a site visit
14 to determine if the school provides the opportunity for an adequate education in accordance with
15 RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to
16 demonstrate that it provides an opportunity for an adequate education, the school may be subject to
17 revocation of tuition program status.

18 106:3 District Liability for Elementary or Junior High School Tuition. Amend RSA 193:4 to
19 read as follows:

20 193:4 District Liability for Elementary or Junior High School Tuition. Any district shall pay for
21 the tuition of any pupil who, as a resident of the district, has been assigned to attend a public
22 elementary or junior high school or school of corresponding grade in another district or a
23 ~~nonsectarian~~ private school approved as a school tuition program by the school board pursuant to
24 RSA 193:3, VII, and any district not maintaining an elementary or junior high school or school of
25 corresponding grade shall pay for the tuition of any pupil who, as a resident of the district, is
26 determined to be entitled to have such tuition paid by the district where the pupil resides, and who
27 attends an approved public elementary or junior high school or public school of corresponding grade
28 in another district, or a ~~nonsectarian~~ private school approved as a school tuition program by the
29 school board pursuant to RSA 193:3, VII. Except under contract, the liability of any school district
30 under this section for the tuition of any pupil shall be the current expenses of operation of the
31 receiving district for its elementary or junior high school or public school of corresponding grade, as
32 estimated by the state board of education for the preceding school year. This current expense of
33 operation shall include all costs except costs of transportation of pupils.

34 106:4 Sums of Money Required; Estimates. Amend RSA 198:4 to read as follows:

35 198:4 Estimates. The school board of each district in its annual report shall state in detail the
36 additional sums of money, if any, which will be required during the ensuing fiscal year for the
37 support of the public schools, for the purchase of textbooks, scholars' supplies, flags and

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1 appurtenances, for the payment of the tuition of the pupils in the district in high schools, academies,
2 and any ~~[nonsectarian]~~ private school approved as a school tuition program by the school board in
3 accordance with law, and for the payment of all other statutory obligations of the district.

4 106:5 Tuition. Amend RSA 194:27 to read as follows:

5 194:27 Tuition. Any district not maintaining a high school or school of corresponding grade
6 shall pay for the tuition of any pupil who with parents or guardian resides in said district or who, as
7 a resident of said district, is determined to be entitled to have his or her tuition paid by the district
8 where the pupil resides, and who attends an approved public high school or public school of
9 corresponding grade in another district, an approved public academy, or a ~~[nonsectarian]~~ private
10 school approved as a school tuition program by the school board pursuant to RSA 193:3, VII. Except
11 under contract as provided in RSA 194:22, the liability of any school district hereunder for the
12 tuition of any pupil shall be the current expenses of operation of the receiving district for its high
13 school, as estimated by the state board of education for the preceding school year. This current
14 expense of operation shall include all costs except costs of transportation of pupils.

106:6 Effective Date. This act shall take effect 30 days after its passage.

Approved: July 06, 2021
Effective Date: August 05, 2021