



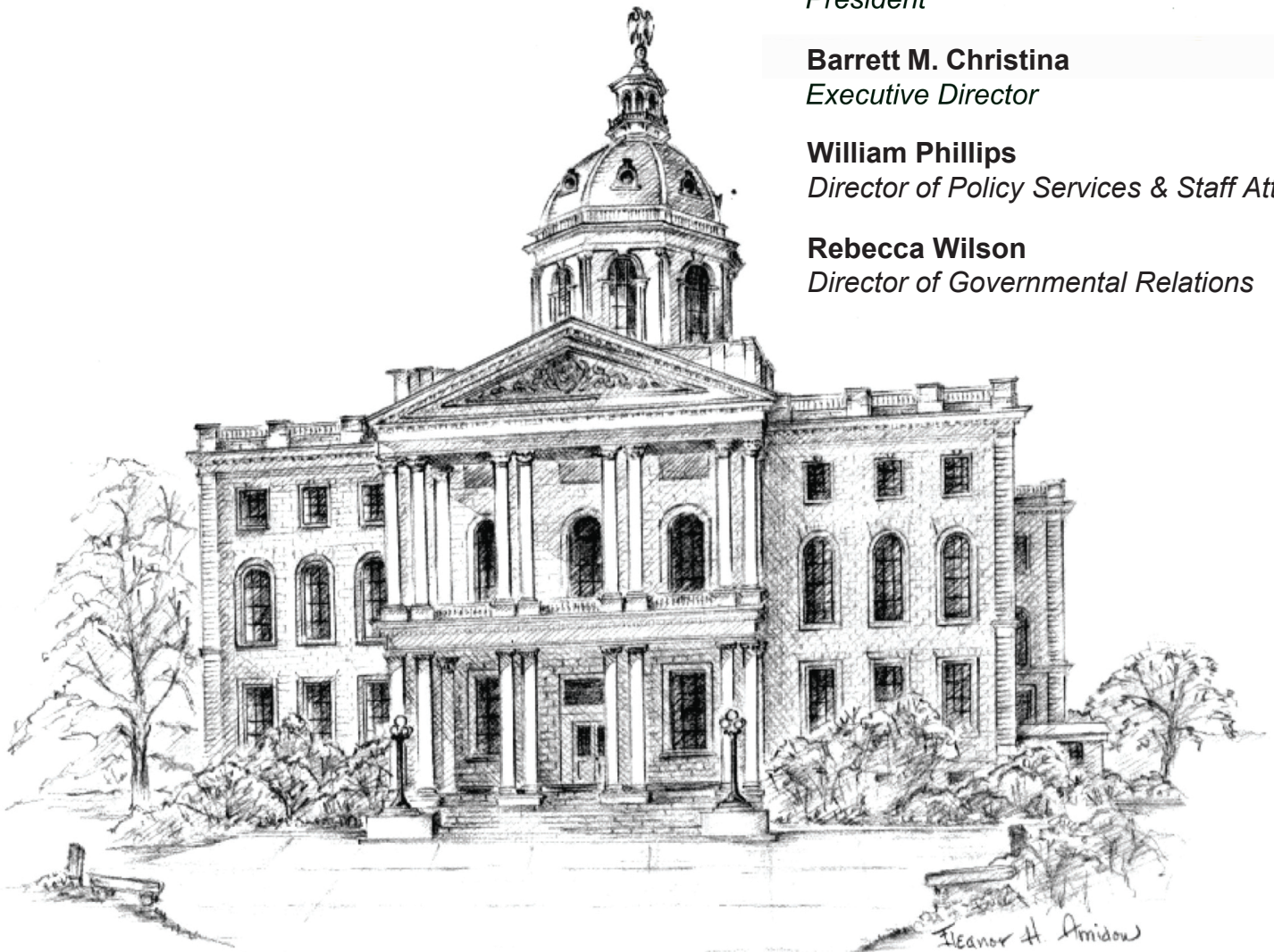
# New Hampshire School Boards Association

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**2021**

# LEGISLATIVE SUMMARY

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**DISCLAIMER**

*THE 2021 LEGISLATIVE SUMMARY IS INTENDED TO HIGHLIGHT MAJOR EDUCATION-RELATED BILLS OF THE 2021 LEGISLATIVE SESSION. THE SUMMARY ALSO AIMS TO PROVIDE A SYNOPSIS OF NEW LAWS IMPACTING SCHOOL DISTRICT OPERATIONS AND SCHOOL BOARD GOVERNANCE. THIS SUMMARY IS NOT INTENDED TO COVER SPECIFIC CIRCUMSTANCES AND IS NOT INTENDED TO IMPART LEGAL ADVICE. PRIOR TO TAKING ANY ACTION WITH RESPECT TO A NEW LAW, NHSBA RECCOMENDS ITS MEMBER SCHOOL BOARDS TO CONTACT NHSBA OR THE DISTRICT'S LEGAL COUNSEL FOR A FULL LEGAL ANALYSIS.*

**2021 NHSBA Legislative Summary**  
**A Resource Guide for School Districts and Local Boards of Education**

**Part I - Bills That Have Become Law**

<b>Bill Number</b>	<b>Analysis</b>
<b>SB 20</b> Relative to One Year Certificates of Eligibility to Teach	<b>Summary</b> This bill exempts individuals applying to teach a course in a CTE specialty area from the bachelor's degree requirement for a one-year certificate of eligibility to teach.
	<b>Legal/Practice Impact</b> The purpose of this bill is to address teacher shortages in CTE specialty areas. Traditional teacher certification rules and requirements are waived for the teacher for one year.
	<b>Policy Impact for School Boards</b> No NHSBA samples are directly impacted by SB20. In order to maximize the flexibility offered by SB20, local districts with CTE programs should review any district specific certification policies, as well as collective bargaining agreements.
<b>HB 69</b> Relative to the Authority of Schools to Display the National and State Mottos	<b>Summary</b> This bill prohibits the state of New Hampshire or any political subdivision from restricting a school from displaying the national or state motto.
	<b>Legal/Practice Impact</b> None
	<b>Policy Impact for School Boards</b> None
<b>HB 71</b> Relative to School District Emergency Special Meetings	<b>Summary</b> This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.
	<b>Legal/Practice Impact</b> In at least one recent situation that NHSBA is aware of, voters did not approve a collective bargaining agreement at the district's annual meeting. The school board then petitioned superior court to hold a

<p style="text-align: center;"><b>HB 71</b> <i>(Continued)</i> Relative to School District Emergency Special Meetings</p>	<p>special district meeting under RSA 197:3 for the sole purpose of revisiting the CBA. The court granted the school board’s petition to hold the special meeting. This bill now states that the court may not grant or allow a special meeting for the purpose of revisiting the CBA if the voters have defeated the CBA. With the passage of the bill a special meeting to pass a CBA is only permissible under two circumstances. First, if the voters approved such a meeting under a “contingent article” per RSA 197:3, III authorizing a special meeting should the CBA vote fail. The second circumstance is if there was no vote at all on a proposed CBA at the annual meeting.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>
<p style="text-align: center;"><b>HB 108</b> Relative to Minutes and Decisions in Nonpublic Sessions; an exemption for Items Falling Within the Attorney-Client Privilege or the Attorney Work Product Doctrine Under the Right-to-Know Law; and Remote Access to Public Meetings Under the Right-to-Know Law</p>	<p><b>Summary</b> This bill amends numerous provisions of the Right-to-Know law.</p> <hr/> <p><b><u>Minutes and decisions in nonpublic session:</u></b> RSA 91-A:3, III (the non-public session statute) is amended to add the following language:</p> <p><i>“For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.”</i></p> <p><b>Legal/Practice Impact</b> School boards will now be required to maintain a running list of all non-public sessions in which minutes were either fully sealed or partially sealed. This list is subject to public disclosure. The list of sealed minutes requires certain information - name of the public body (e.g., school board, policy committee, etc.), date and time of the non-public session, and the provision of RSA 91-A:3 which the board cited to enter non-public session. Sealed minutes under RSA 91-A:3, II(d) (Consideration of the acquisition, sale, or lease of real or personal</p>

<p style="text-align: center;"><b>HB 108</b> <i>(Continued)</i></p> <p>Relative to Minutes and Decisions in Nonpublic Sessions; an exemption for Items Falling Within the Attorney-Client Privilege or the Attorney Work Product Doctrine Under the Right-to-Know Law; and Remote Access to Public Meetings Under the Right-to-Know Law</p>	<p>property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community”) shall be made public following the transaction or following whether the school board has decided not to proceed with the transaction.</p> <p><b>Policy Impact for School Boards</b> NHSBA will update sample policies BEC and BEDG to reflect the new requirements. Additionally, because of the amendments to RSA 91-A:3, NHSBA will update several Right-to-Know law resource and training documents over the next several months according to the training calendar.</p>
	<p><b><u>Exemption for items falling within the attorney-client privilege:</u></b> RSA 91-A:5 is amended to exclude from public disclosure “Records protected under the attorney-client privilege or the attorney work product doctrine.”</p> <p><b>Legal/Practice Impact</b> This amendment clarifies that letters, correspondence, etc. from a school board’s attorney is not subject to public disclosure, if that letter, correspondence, etc. relates to providing legal advice to the school board/district.</p> <p><b>Policy Impact for School Boards</b> No changes are required to NHSBA sample policies relative to the new “attorney client” records exemption. However, anecdotal evidence suggests many districts have policies which enumerate the exemptions included in RSA 91-A:5. Such districts would want to update their policies/procedures to reflect the added exemption or adopt NHSBA’s samples EH and EH-R, which merely reference RSA 91-A:5. Additionally, although NHSBA policies are not impacted by the changes, several of NHSBA’s Right-to-Know law resource and training documents will be updated in Fall 2021 and beyond.</p>
	<p><b><u>Remote access to public meetings under the Right to Know law:</u></b> HB 108 also creates a committee to study “review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.” While there was discussion at the Legislature this year about amending the Right to Know law to allow for virtual meetings, as was done during the pandemic, school boards must host in-person meetings. Remote streaming is allowed, but the meeting must still be in-person.</p>

<p><b>HB 140</b> Relative to Private Rights of Action Regarding Pupil Safety</p>	<p><b>Summary</b> This bill creates a private right of action for bullying and cyberbullying.</p>
	<p><b>Legal/Practice Impact</b> This bill highlights that it is vital that school administrators and school district staff follow RSA 193-F and local policies regarding bullying prevention, reporting and investigations. The legal standard for liability under this statute is “gross negligence or willful misconduct.” While this is a high burden for plaintiffs to establish, statutory and policy requirements must be followed.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>
<p><b>SB 147</b> Adopting Omnibus Legislation Relative to Student Aid, the Central Registry, Transportation of Students, and Special Education Costs</p>	<p><b><u>Federal student aid programs:</u></b></p> <ul style="list-style-type: none"> <li>● Beginning with the 2023-2024 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: <ul style="list-style-type: none"> <li>(a) File a Free Application for Federal Student Aid with the United States Department of Education; or</li> <li>(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.</li> </ul> </li> <li>● 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 the paragraph above. A school district shall award a high school diploma to a student who is unable to meet the requirements of the paragraph above if the student has met all other graduation requirements and the principal attests that the school district has made a good faith effort to assist the student or, if applicable, his or her parent or guardian in filing an application or a waiver.</li> </ul>

<p style="text-align: center;"><b>SB 147</b> <b>(Continued)</b></p> <p>Adopting Omnibus Legislation Relative to Student Aid, the Central Registry, Transportation of Students, and Special Education Costs</p>	<p><b>Legal/Practice Impact</b> This bill will require additional work for high school staff, most likely Principals and School counselors. Districts may need to develop forms or appropriate paperwork to verify and attest that the district has made a good faith effort to comply.</p> <p><b>Policy Impact for School Boards</b> Because the new FAFSA/waiver extends to all students eligible for high school graduation by age or academic criteria, NHSBA will amend sample policy IKF relating to high school graduation. Districts should review their own policies and student handbooks to assure that students, families and appropriate personnel are apprised of the new requirement.</p>
	<p><b><u>Central Registry of Founded Cases of Abuse/Neglect:</u></b></p> <ul style="list-style-type: none"> <li>● The NH Department of Education must maintain a central registry of all cases of founded abuse/neglect, as part of criminal background checks for anyone applying for a NH teaching credential. This includes all background checks for 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</li> <li>● This bill also impacts all 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.</li> <li>● This portion of the statute does not create any obligations on the part of local districts. It remains to be seen whether the additional process will slow down the credentialing process for new graduates.</li> </ul>



<p style="text-align: center;"><b>SB 147</b> <i>(Continued)</i> Adopting Omnibus Legislation Relative to Student Aid, the Central Registry, Transportation of Students, and Special Education Costs</p>	<ul style="list-style-type: none"> <li>● This section of the bill takes effect on January 1, 2022</li> </ul> <p><b>Legal/Practice Impact</b> There is no legal or policy impact on school boards relative to this provision and section.</p> <p><b>Policy Impact for School Boards</b> None.</p>
	<p><b><u>Transportation of students:</u></b> A school district may contract with a contract carrier of passengers, as defined by RSA 376:2, VII, that is designed to transport 16 or more passengers including the operator, 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 commercial driver's license.</p> <p><b>Legal/Practice Impact</b> In general, districts may only provide student transportation via “school buses” operated by licensed school bus drivers. This bill creates a limited exception allowing the use of vehicles other than school buses for “school activities” (e.g., field trips, sports competitions, extra/co-curricular activities). The exception does NOT apply to ordinary transportation to and from school.</p> <p><b>Policy Impact for School Boards</b> The NHSBA 2021 Fall Policy Update will include revisions to sample policies EEA, EEAEA and EEAG intended to reflect the new exception and to extend certain student protective provisions to contract carriers.</p>
	<p><b><u>Special Education, State Aid:</u></b> The state may designate up to an additional \$250,000 of the funds which are appropriated 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 a district or community.</p> <p><b>Legal/Practice Impact</b> This money is intended to help mitigate special education services for small districts in the event a district incurs costly, unanticipated special education costs.</p>

<p style="text-align: center;"><b>SB 147</b> <i>(Continued)</i> Adopting Omnibus Legislation Relative to Student Aid, the Central Registry, Transportation of Students, and Special Education Costs</p>	<p><b>Policy Impact for School Boards</b> None.</p> <hr/> <p><b><u>Risk Management Association for Special Education:</u></b></p> <ul style="list-style-type: none"> <li>No fewer than 5 school districts, by resolution of their governing bodies and upon an affirmative vote of the inhabitants of each of the districts, may form an RSA 5-B special education cost recovery association under the laws of this state to develop and administer a risk management program for the purpose of recovering unanticipated costs of special education. The members of the association may agree to pool self-insurance reserves, risks, claims, losses, and the expenses of administrative services associated with them. Each district shall be represented by its superintendent, or designee. The members of the association shall elect a governing board from among the members. The RSA 5-B special education cost recovery association governing board shall consist of no fewer than 5 member superintendents, or designees, with diversity in terms of district size and geographic region represented.</li> </ul> <p><b>Legal/Practice Impact</b> This provision of SB 147 authorizes school districts to create a special education pooled risk program, similar to other pooled risk programs such as PRIMEX or SchoolCare.</p> <p><b>Policy Impact for School Boards</b> None.</p>
<p style="text-align: center;"><b>SB 148</b> Omnibus Bill Relative to Dual and Concurrent Enrollment Programs; Environmental Education; Emergency Plans for Sports Related Injuries; and Criteria for an Adequate Education</p>	<p><b><u>Dual and Concurrent Enrollment Programs at the Community College System:</u></b> This provision contains only minor changes by adding “career and technical education courses” and “career path opportunities” to the dual enrollment purpose and programs.</p> <p><b>Legal/Practice Impact</b> None.</p> <p><b>Policy Impact for School Boards</b> The NHSBA 2021 Fall Policy Update will include minor revisions to sample policies IHCD/LEB as appropriate.</p> <hr/> <p><b><u>Emergency Plans for Sports Related Injuries:</u></b> The local board of each school district or the governing body of each nonpublic school that includes any of the grades 4 through 12, shall</p>

<p style="text-align: center;"><b>SB 148</b> <b>(Continued)</b> Omnibus Bill Relative to Dual and Concurrent Enrollment Programs; Environmental Education; Emergency Plans for Sports Related Injuries; and Criteria for an Adequate Education</p>	<p>establish an emergency action plan for responding to serious or potentially life-threatening sports related injuries.</p> <p>Each plan shall:</p> <ul style="list-style-type: none"> <li>(a) Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity.</li> <li>(b) List the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation.</li> <li>(c) Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan.</li> <li>(d) Identify the activity location, address, or venue for the purpose of directing emergency personnel.</li> <li>(e) Identify the equipment and supplies and location thereof needed to respond to the emergency.</li> <li>(f) Identify the location of any automated external defibrillators and personnel trained in the use of the automated external defibrillator.</li> <li>(g) Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers' Association.</li> </ul> <p>The plan shall be posted within each school and disseminated to, and coordinated with emergency medical services, fire department, and law enforcement. In addition, each school district shall adopt procedures for obtaining student-participant medical information relative to any injury or illness related to or involving any head, face, or cervical spine, cardiac injury or diagnosis, exertional heat stroke, sickle cell trait, asthma, allergies, or diabetes for each student athlete prior to engaging in activities; policies related to hydration, heat acclimatization and wet bulb globe temperature guidelines as established by the American College of Sports Medicine and the National Athletic Trainers' Association; and procedures for students to return to play after a sports or illness related injury, which shall be kept on file by each school district and made available to the department of education and public upon request. Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Health Insurance Portability and Accountability</p>
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<p style="text-align: center;"><b>SB 148</b> <b>(Continued)</b> Omnibus Bill Relative to Dual and Concurrent Enrollment Programs; Environmental Education; Emergency Plans for Sports Related Injuries; and Criteria for an Adequate Education</p>	<p>Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA).</p> <p>Each plan shall be added to the school's emergency response plan and adopted procedures shall be reviewed annually and updated as necessary.</p> <p>The plans shall be implemented by the beginning of the first full school year after September 1, 2022.</p> <p><b>Legal/Practice Impact</b> The bill itself (set out above) is very explicit as to the general content required for the sports injury plan. The date for implementation is a little murkier. Per the bill, the effective date is September 1, 2022, with plans implemented by “the beginning of the first full school year” after that date. Arguably, this could suggest that districts which begin school after September 1 in 2022 must have the plan in place at that time, while districts which begin the 22-23 school year before September 1 would not need a plan implemented until school year 23-24. Notwithstanding the ambiguity, NHSBA recommends that all districts (with any grades 4-12) should have their plan in place for the 22-23 school year.</p> <p><b>Policy Impact for School Boards</b> The 2021 Fall Policy Update will include a new policy JLCJA mainly to outline the requirements and to assign responsibilities. References to the new policy will be added to current samples EBCA and JLCJ.</p>
	<p><b><u>Environmental Education/Criteria for an Adequate Education:</u></b></p> <ul style="list-style-type: none"> <li>● RSA 193-E:2, III is amended to read: Knowledge of the biological, physical, and earth sciences, <b><i>including environmental sciences that investigate the complex interaction of physical, chemical, and biological processes that take place on the earth</i></b>, to enable them to understand and appreciate the world <b><i>and the engineering, socio-economic, and geopolitical challenges around them.</i></b></li> <li>● RSA 193-E:2, VI is amended to read: Sound wellness and environmental practices, <b><i>including outdoor recreation</i></b>, to enable them to enhance their own well-being, as well as that of others.</li> <li>● RSA 193-E:2, VII is amended to read as follows: Skills for lifelong learning, including interpersonal, <b><i>environmental education</i></b>, and technological skills, to enable them to learn,</li> </ul>

<p><b>SB 148</b> <i>(Continued)</i> Omnibus Bill Relative to Dual and Concurrent Enrollment Programs; Environmental Education; Emergency Plans for Sports Related Injuries; and Criteria for an Adequate Education</p>	<p>work, <i>communicate</i>, and participate effectively in a changing society <i>and environment</i>.</p> <p><b>Legal/Practice Impact</b> School districts may need to add new curricular materials or revise existing curricula to comply with these requirements. In addition, school districts may want to assess current facilities and resources to determine how the outdoor recreation component will be met, ensuring accessibility for all students.</p> <p><b>Policy Impact for School Boards</b> None.</p>
<p><b>HB 152</b> Relative to the Apportionment of Costs in Cooperative School Districts</p>	<p><b>Summary</b> This bill permits the apportionment formula for a cooperative school district to be subject to review 5 years after an article to continue the current formula was passed.</p> <p><b>Legal/Practice Impact</b> The genesis of this bill started a few years ago when a cooperative school district voted to maintain the current apportionment formula. The question arose of whether a vote at the annual meeting to maintain the status quo formula constitutes a “change” in that formula. Under current law, once an apportionment formula is changed by the voters, it cannot be reviewed or voted on again for five years. This bill clarifies that a vote to maintain the status quo formula shall also be subject to the five-year waiting period before the formula can be considered again by the voters.</p> <p><b>Policy Impact for School Boards</b> None.</p>
<p><b>HB 182</b> Relative to Approval of Coursework Completed at Other Approved Schools</p>	<p><b>Summary</b> This bill requires the principal or other administrator of a high school to grant credit for courses and programs completed at other approved schools. If a course is not accepted for credit, the Principal of the local high school must provide reasonable justification for denying the credit.</p> <p><b>Legal/Practice Impact</b> This bill requires school districts - specifically through their principals - to accept credits from other “approved” schools when a new student</p>

<p style="text-align: center;"><b>HB 182</b> <i>(Continued)</i></p> <p>Relative to Approval of Coursework Completed at Other Approved Schools</p>	<p>enrolls or transfers in. Under HB 182, “approved” schools include chartered public schools, public academies, approved public or private tuition program schools, and all schools in Vermont and Maine that are members of an interstate school district with schools in New Hampshire. The phrase “approved” is not clear, as under NHDOE rules, some schools are approved for attendance only, while other schools have program approval. In the absence of clarifying language, it is presumed “approved” means either.</p> <p>The requirement to award credit applies to “similar courses and programs”, but the statute does not provide any guidance as to determining/measuring “similarity”. In order to provide districts a workable framework, NHSBA will include in a revised sample policy IK a standard similar to that found in current policy IMDB relative to awarding credit to 7<sup>th</sup> and 8<sup>th</sup> grade students. On a related note, the language of this bill (new RSA 193-E:3-f) does not appear to limit “other schools” to high schools. This could prove to be a complication relative to entering 9<sup>th</sup> graders.</p> <p>While schools are now required to accept these credits, local school boards still have the authority to establish their own graduation requirements and their own competency-based standards. So, while the credit may transfer, the competencies may or may not. Such a determination will still have to be made by local administrators.</p> <p><b>Policy Impact for School Boards</b> NHSBA will include with the 2021 Fall Policy Update revisions to sample policies IK, ILBAA and IMBC reflecting the requirement to grant credits for courses/programs from other approved schools.</p>
<p style="text-align: center;"><b>HB 194</b></p> <p>Relative to the Release of Student Assessment Information and Data</p>	<p><b>Summary</b> This bill permits the department of education to collect student address information for the purpose of distributing assessment results.</p> <p><b>Legal/Practice Impact</b> The NHDOE may now collect, and the school districts shall provide, student address information from the individual school districts solely for the purpose of effectuating the distribution of assessment results. NHSBA is uncertain as to the genesis of this bill or why the NHDOE wants or needs to collect private student information, especially given the numerous student privacy and data security bills the Legislature has passed the last few years. School districts will still distribute their own assessment results in a timely manner consistent with past practice. However, this bill will allow the agency which houses the state</p>

<p><b>HB 194</b> <i>(Continued)</i> Relative to the Release of Student Assessment Information and Data</p>	<p>assessment (SAS) to send students’ assessment results directly to parents, as opposed to being distributed solely by the school.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>
<p><b>HB 243</b> Relative to the Form of Municipal Budgets, Relative to Municipal Estimates of Expenditures and Revenues, and Relative to the Requirement that Certain Governing Bodies Submit Recommendations to the Budget Committee</p>	<p><b>Summary</b> This bill adds new requirements for disclosing certain line-item information to the public and to municipal budget committees when school boards are preparing and presenting proposed budgets.</p> <p><b>Legal/Practice Impact</b> This bill requires: (1) governing bodies to publish statements of estimated expenditures and revenues for the next fiscal year in sub-account detail; and (2) Governing bodies to submit to the budget committee information necessary for the preparation of the annual budget in whatever detail the budget committee requires.</p> <p>If a town or district uses sub-accounts to budget or track financial data it shall make that data available for public inspection at the public hearing.</p> <p>Further, the information provided to the budget committee as required by this chapter shall be in a format acceptable to the budget committee. This requirement may be satisfied by the municipality by providing the assistance of a knowledgeable staff person who will attend the budget committee meetings with access to and the ability to provide the required information. The governing body shall incorporate any sub-accounts created by the budget committee into the software used to budget or track financial data.</p> <p><b>Policy Impact for School Boards</b> None.</p>
<p><b>HB 278</b> Relative to the Use of Unused District Facilities by Chartered Public Schools</p>	<p><b>Summary</b> This bill requires that, effective January 1, 2022, and on July 1 every year thereafter, the superintendent of each school district shall report to the department of education each unused facility owned by the school district for which the school district has no school board approved written plan for future use. The department shall establish and maintain a list of unused facilities owned by each school district and make such list available on the department's website.</p>

<p><b>HB 278</b> <i>(Continued)</i> Relative to the Use of Unused District Facilities by Chartered Public Schools</p>	<p><b>Legal/Practice Impact</b> The new law subjecting district funded and owned facilities to a right of first refusal for charter schools only applies to facilities for which a district does not submit a plan for usage in the manner described above. Accordingly, districts may consider a formal process for updating facility plans each year in time for the annual July 1 submission to the Department of Education.</p>
	<p><b>Policy Impact for School Boards</b> NHSBA will include a new policy FAA in the 2021 Fall Policy Update creating a process for an annual facility plan.</p>
<p><b>HB 304</b> Establishing a Committee to Study the Funding of Tuition and Transportation for Career Technical Education</p>	<p><b>Summary</b> This bill establishes a committee to make recommendations relative to tuition and transportation funding of career technical education.</p>
	<p><b>Legal/Practice Impact</b> None.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>
<p><b>HB 320</b> Relative to Requiring a Civics Competency Assessment as a High School Graduation Requirement</p>	<p><b>Summary</b> This bill requires high school students to attain a grade of 70 percent or better on the civics naturalization examination developed by the United States Citizen and Immigration Service.</p>
	<p><b>Legal/Practice Impact</b> To be eligible for a graduation certificate, a student shall attain a locally sanctioned passing grade on the competency assessment, and a grade of 70 percent or better on the 128 question civics (history and government) naturalization examination developed by the 2020 United States Citizen and Immigration Services. Schools may modify the naturalization examination for a child with a disability in accordance with the child's individualized education program. By June 30 of each year, each school district shall submit the results of either the locally developed competency assessment of United States government and civics or the United States Citizenship and Immigration Services (USCIS) test to the department of education. This bill takes effect July, 1 2023 and will affect those students graduating in the years 2024 and beyond.</p>



<p><b>HB 320</b> <i>(Continued)</i> Relative to Requiring a Civics Competency Assessment as a High School Graduation Requirement</p>	<p><b>Policy Impact for School Boards</b> A revised sample policy IKF, High School Graduation, will be included with the 2021 Fall Policy Update reflecting the new civic requirement.</p>
<p><b>HB 321</b> Requiring School Districts to Submit an Annual Report Concerning Gifted and Talented Students</p>	<p><b>Summary</b> This bill requires all public schools to submit annual reports to the department of education detailing the policies, programs, and procedures that are in place to identify and accommodate the needs of gifted and talented students. This bill also requires the department of education to develop a standardized format for reporting such information and to conduct an annual reassessment of such format to ensure that the information reported is useful.</p> <p><b>Legal/Practice Impact</b> This bill requires school districts to require yet another report to the NHDOE. There is no other requirement in this bill, aside from the reporting requirements. What may cause districts confusion is that the state does not have any standards or definitions for what constitutes “gifted and talented.” Presumably, districts are left to define this on their own and report accordingly.</p> <p><b>Policy Impact for School Boards</b> NHSBA will include a revision to sample optional policy IHBB with the 2021 Fall Policy Update. However, as that sample is more of a place holder and leaves to local districts the substance of what programs or offerings are offered to “gifted” students, administrators and school boards should review any local policies or handbook provisions relative to “gifted and talented” programs.</p>
<p><b>HB 388</b> Relative to Changing a Pupil’s School or Assignment Because of a Manifest Educational Hardship</p>	<p>This bill amends two provisions of RSA 193:3. First, this bill now allows parents/students to request attendance at private schools and religious schools when petitioning the superintendent under the “best interest” standard or petitioning the school board under the “manifest educational hardship” process.</p> <p>Second, this bill also amends what is referred to as “SB 8” or “the Croydon Bill.” Under RSA 193:3, VI, if a school district does not offer public school for the child's grade in the resident district, the school board may enter into a contract with a private school for those grade</p>

<p style="text-align: center;"><b>HB 388</b> <i>(Continued)</i> Relative to Changing a Pupil’s School or Assignment Because of a Manifest Educational Hardship</p>	<p>levels. HB 388 now allows these tuition contracts to include religious schools.</p>
	<p><b>Legal/Practice Impact</b> This bill does not change the legal standard or definition of “best interest” or “manifest educational hardship.” Rather, the primary change is that it allows parents/students to request – and districts to grant - assignment to a private or religious school. The best interest standard, and the manifest hardship standards remain unchanged (e.g., the parent/student still has to establish the hardship(s), as defined in the statute).</p> <p>Relative to the “school tuition programs” under RSA 193:3, VI, the bill requires the private or religious school to adhere to and follow all aspects of an adequate education found in RSA 193-E and Ed 306 – the Minimum Standards for Public School Approval. If a school board is entertaining an assignment under the new provision, it should seek to verify that that the private or religious school complies with RSA 193-E. The bill also allows the private or religious school to charge parents tuition, if so reassigned.</p>
	<p><b>Policy Impact for School Boards</b> NHSBA will include a revised sample policy JCA with the 2021 Fall Policy Update.</p>
<p style="text-align: center;"><b>HB 401</b> Relative to the Duty of School Superintendents Regarding Criminal History Records Checks</p>	<p><b>Summary</b> This bill amends RSA 189:13-a, and (1) Permits the designee of the superintendent of a school administrative unit to receive and review a report of an applicant's criminal history and record information; (2) Requires the department of education to provide training in reading and interpreting criminal history records; and (3) Requires the superintendent or designee of a school administrative unit or the chief executive officer of the chartered public school or public academy to complete training in reading and interpreting criminal history records.</p>
	<p><b>Legal/Practice Impact</b> The primary change in this bill is that the bill states that a “designee” may be the assistant superintendent, the head of human resources, the personnel director, the business administrator, or the finance director, with such positions being authorized to conduct the criminal background check of school staff and volunteers.</p>
	<p><b>Policy Impact for School Boards</b> NHSBA will include a revised sample policy GBCD with the 2021 Fall Policy Update.</p>

<p style="text-align: center;"><b>HB 409</b> Relative to Filling Certain Vacancies Among Members of School Boards and Other School District Offices</p>	<p><b>Summary</b> This bill amends RSA 671:33 and provides that any vacancies occurring in school district offices between the beginning of the filing period and the election shall not be filled by official ballot until the following year.</p>
	<p><b>Legal/Practice Impact</b> Testimony in both House and Senate Education Committees stated that this bill does not impact board positions that are up for re-election. Rather, this bill only applies to seats that are not up for re-election. Thus, if a seat is not up for re-election, and that seat becomes vacant during the filing period, that seat will not go on the official ballot. This bill does not itself otherwise change the process for filling vacancies in districts with official ballot elections under RSA 671:33, or under RSA 197:26 for other districts. However, see discussion below regarding HB2, 2021 Laws Chapter 91:318 for additional changes to 671:33.</p>
	<p><b>Policy Impact for School Boards</b> NHSBA will include revisions to sample policies BBB and BBBE with the 2021 Fall Policy Update.</p>
<p style="text-align: center;"><b>HB 442</b> Relative to Penalties for a School’s Failure to File Department of Education Reports</p>	<p><b>Summary</b> This bill adds reports to those a school district, city, chartered public school or public academy must file annually. The catalyst for this bill was some charter schools missing deadlines to submit certain NHDOE reports or filing reports with missing data. School districts should be cognizant of NHDOE reports, required due dates, and understand reporting ties to funding. There are other provisions in HB 422 not pertinent to public schools. Under previous law, RSA 189:28 set an August 1<sup>st</sup> deadline for filing certain reports. This bill now states that the deadline for filing shall be established by the NHDOE. The bill states “Information relating to the fall enrollment, drop-outs, staffing census, and prior year annual safety reports as of October 1 of each school year, and other reports necessary to meet state and federal requirements as determined by the department, shall be submitted to the department of education on or before the deadline established by the department.” Teacher salary reports are required to be submitted by October 1<sup>st</sup>.</p>
	<p><b>Legal/Practice Impact</b> Compliance with this bill will fall on school administrators.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>

<p style="text-align: center;"><b>HB 500</b> Relative to Reducing School Food Waste and Addressing Child Hunger</p>	<p><b>Summary</b> This bill permits a school to partner with a nonprofit to freeze leftover school food that was never served to send home with children who participate in a free or reduced-price meals program.</p>
	<p><b>Legal/Practice Impact</b> Under this bill, a school may partner with a nonprofit or implement a program on its own to make leftover school food, that was prepared but never served, into frozen to-go meals or portions for distribution in compliance with state food safety regulations and Federal Food and Drug Administration requirements and guidelines. The protections of the Bill Emerson Good Samaritan Food Donation Act, 42 U.S.C section 1791, shall apply to any participating school. The school may send such frozen meals or portions home with any child whose family indicates a desire to participate in such program.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>
<p style="text-align: center;"><b>HB 566</b> Relative to the Discussion of Disclosure of the Minutes from a Nonpublic Session Under the Right-to-Know Law</p>	<p><b>Summary</b> This bill adds a paragraph to the non-public session statute allowing public bodies/school boards to enter non-public session to discuss “Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.”</p>
	<p><b>Legal/Practice Impact</b> School boards may enter non-public session for the purpose of discussing whether or not to unseal non-public minutes.</p>
	<p><b>Policy Impact for School Boards</b> NHSBA will update sample policies BEC and BEDG to reflect the new non-public session criteria. (See also discussion relative to HB108 above.) Additionally, because of the amendments to RSA 91-A:3, NHSBA will update several Right-to-Know law resource and training documents over the next several months according to the training calendar.</p>

<p style="text-align: center;"><b>HB 581</b> Relative to the Burden of Proof in Special Education Hearings and Establishing a Committee to Study Special Education IEP and Dispute Resolution Processes</p>	<p><b>Summary</b> To NHSBA’s knowledge, a handful of other states have similar language. This change in statute applies only to special education due process hearings. Further, it is NHSBA’s understanding that very few special education cases reach the due process hearing stage, as most disputes are resolved locally or through mediation. However, this bill does change New Hampshire Special Education Rules, which previously stated that whichever party filed for the due process hearing carried the burden of proof. This burden of proof now rests solely on the school district, regardless of who files the request for hearing. This bill also creates a legislative committee to review the overall special education process in New Hampshire and determine potential supports or changes. It is also important to note that many of New Hampshire’s special education rules already exceed federal special education rules, and already carry a much higher standard and benchmarks than the federal IDEA requirements.</p>
	<p><b>Legal/Practice Impact</b> In all hearings the school district shall have the burden of proof, including the burden of persuasion and production, of the appropriateness of the child's program or placement, or of the program or placement proposed by the public agency. This burden shall be met by a preponderance of the evidence. It is possible that this change in burden of proof will lead to an increase of requests for due process hearings, having an effect on legal fees, staff attendance at hearing proceedings, etc.</p>
	<p><b>Policy Impact for School Boards</b> None.</p>
<p style="text-align: center;"><b>HB 609</b> Relative to Innovation Schools</p>	<p><b>Summary</b> This bill permits schools and school districts to develop a plan for waiving rules to become an innovation school.</p>
	<p><b>Legal/Practice Impact</b> This bill allows a public school of a school district to submit to its local school board a detailed innovation plan which, if approved by the school board, approved by the voters, and approved by the NH Department of Education, will allow the “innovation school” to waive adherence to and accountability for certain administrative rules (designated in the innovation plan.) The innovation plan is then implemented by the designated school, and is subject to a Department of Education review to determine sufficient academic performance and appropriate implementation of the approved innovations are being achieved.</p>

<p><b>HB 609</b> <i>(Continued)</i> Relative to Innovation Schools</p>	<p><b>Policy Impact for School Boards</b> None.</p>
<p><b>HB 2-FN-A-L</b> Relative to State Fees, Funds, Revenues, and Expenditures</p>	<p><b>Summary</b> The 2021-2023 State Budget makes several changes that will have large impacts on our local school districts. These include changes to education funding, the addition of Education Freedom Accounts, as well as including the new language in regards to prohibitions on instruction and training regarding sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin. Details of each of these sections can be found below.</p> <hr/> <p><b><u>“Freedom from Discrimination in Education”</u></b> Originally presented to the legislature in House Bill 544, the language regarding the right to freedom from discrimination in the public workplace and in education has been added to the state budget. The language of this section leaves much room for interpretation, and the ambiguity of this section of the bill is cause of great concern for most educators, as a violation of this section can lead to a revocation of a staff member’s credential under the NH Educators Code of Conduct.</p> <p>School districts are already working on dissecting this information as they plan their training, curriculum and courses for the fall of 2021.</p> <p>A copy of the Frequently Asked Questions/Guidance from the Department of Education, Commission for Human Rights and Department of Justice, released on July 21, 2021 can be found here: <a href="https://www.doj.nh.gov/civil-rights/documents/faq-educational-programs.pdf">https://www.doj.nh.gov/civil-rights/documents/faq-educational-programs.pdf</a></p> <p>School Boards and superintendents need to work collaboratively to ensure that training and professional development both within the district and with any outside contracted providers, fall within the scope of this language, as well as ensure that district staff understand the expectations of this portion of HB 2 in regards to classroom instruction.</p> <p><b>Legal/Practice Impact</b> School boards and administrators are encouraged to review pertinent course curriculum to ensure that this new law is not inadvertently being violated. Further, administrators should have thorough discussions</p>

<p><b>HB 2-FN-A-L (Continued)</b> Relative to State Fees, Funds, Revenues, and Expenditures</p>	<p>with all school staff relative to course offerings and methods of instruction, as well as the process for allowing parents to object to and opt their students out of segments/classes including objectionable course material (see NHSBA sample IGE and RSA 186:11, IX-c &amp; IX-e. For more nuanced issues surrounding history courses, current events courses, and similar academic programs, NHSBA advises school boards and administrators to consult with private legal counsel.</p> <p><b>Policy Impact for School Boards</b> Although the exact application of the new provision is hard to define, NHSBA will include in the 2021 Fall Policy Update revisions to several policies (i.e., GBI, IB, and IGE) to reflect and/or warn of the bill’s provisions</p>
	<p><b><u>“Freedom from Discrimination in Public Workplaces”</u></b> In addition to the prohibition of teaching “divisive concepts” as outlined above, HB 2 also contains a provision that “No public employer...shall teach, advocate, instruct or train any employee, student...[or] staff member” that any one group of persons is inherently racist, sexist, or oppressive, whether consciously or unconsciously.” Further, the bill states “No public employee shall be subject to any adverse employment action, warning, or discipline...for refusing to participate in any training...that advocates, trains, instructs or compels participants to express belief that...any one group of persons is inherently racist, sexist, or oppressive, whether consciously or unconsciously.”</p> <p><b>Legal/Practice Impact</b> In general, the inclusion of these provisions extends the same prohibitions from the classroom to all programs (e.g., athletic teams, clubs, etc.) and “speech” of the district. School districts are still allowed to host or provide professional development opportunities, trainings, workshops and so forth on such topics, provided such trainings promote the idea that “all persons are entitled to be treated with equality, dignity and respect.” Districts will need to assure that all volunteers, coaches and such are apprised of the prohibition. As with the provisions relating to instruction discussed above, for specific, nuanced questions, NHSBA advises school boards and administrators to consult with local legal counsel.</p> <p><b>Policy Impact for School Boards</b> No additional policy impact beyond those discussed above relative to the instructional prohibitions now included in RSA 193:40.</p>

<p><b>HB 2-FN-A-L (Continued)</b> Relative to State Fees, Funds, Revenues, and Expenditures</p>	<p><b><u>“Education Freedom Accounts”/Vouchers</u></b> House Bill 2 also includes provisions for “Education Freedom Accounts”. This language was originally part of SB 130, which allows taxpayer funds to pay for private and homeschooling expenses through “Education Freedom Accounts (EFA’s),” i.e., vouchers, for families who earn less than 300% of the federal poverty guideline (approximately \$78,000 for a family of four in 2020). Families must meet the federal poverty guideline criteria only once (during the initial application.) There is no income cap/poverty criteria for families to reach, in order to remain eligible in subsequent years. When a child is enrolled as an EFA student, the adequacy monies for that student then are shifted from the district, to the Scholarship Organization for parents to access to pay for qualifying expenses.</p> <p>The NH State Board of Education met for a special meeting on July 15th, to approve interim rules for Education Freedom Accounts. At that time, the interim rule language was sent to the Office of Legislative Services, to review for fiscal impact. No public comment was heard during this special meeting, as Interim Rules follow a different process than Regular Rulemaking. This interim rule will need to be approved by JLCAR prior to this section of the bill going into effect on August 27, 2021. The Department will then enter regular rule-making during the course of the 2021-2022 school year, which will include opportunity for public comment. NHSBA will be monitoring this process and will alert members of all pertinent information as the rules are developed.</p>
<p><b>Cooperative School Board and Co-op Budget Committee Vacancies</b></p>	<p><b>Summary</b> RSA 671:33 is amended relative to filling vacancies occurring on cooperative school boards and cooperative school district budget committees.</p> <p><b>Legal/Practice Impact</b> Under the previous law, if a vacancy occurred on a cooperative school board, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. Under the revised law, any cooperative school board members who are elected “at-large” are now included as members of the “same town or towns” as the departing member of the board. Thus, the at-large members of the cooperative school board have an active role in filling the vacancy.</p>



<p><b>Cooperative School Board and Co-op Budget Committee Vacancies</b> <i>(Continued)</i></p>	<p><b>Policy Impact for School Boards</b> NHSBA will include reference to this amendment to RSA 671:33 with the revisions to sample policy BBBE as discussed above relative to HB409.</p>
<p><b>Granite State Paid Family Leave Plan</b></p>	<p><b>Summary</b> This new program provides state-administered family and medical leave benefits to New Hampshire state employees; establishes a purchasing pool of family medical leave insurance (FMLI) policies for non-state public employers who choose to offer coverage; and provides an individual opt-in coverage option for employees whose employers do not choose to offer coverage. Leave reasons include: birth, adoption, or foster care placement of a child within one year of birth/placement; caring for a family member’s spouse, child, or parent with a serious health condition; a qualifying exigency due to a covered military member who is the employee’s child, spouse, or parent being on covered active duty; caring for a covered service-member with a serious injury or illness if the eligible employee is the service-member’s spouse, child, parent, or next of kin; and employee’s own serious health condition.</p> <p>The law requires that the insurance carrier allow all public employers to opt into the Granite State Paid Family Leave Plan policies. Employers that opt-in to the program must participate in payroll deductions and provide heightened employment protections, such as continuation of health insurance coverage during leave, as well as protection from discrimination and retaliation from utilizing the leave.</p> <p><b>Legal/Practice Impact</b> The implementation of paid family leave is entirely optional. Any district interested in exploring the benefit should contact the its insurance provider, local counsel, and consult with the district’s human resources department/personnel.</p> <p><b>Policy Impact for School Boards</b> There is no impact relative to NHSBA sample policies.</p>

## Part II – Changes in School Funding FY 2022

- \$45 million will be distributed to district public schools for enrollment declines during the pandemic through that adequate education funding formula. The Department of Education will compare pre-pandemic (school year 2019-2020) Average Daily Membership numbers with the current school year data (2020-2021) and use the larger of the two numbers to determine State adequacy funding for SFY 2022 for all categories of aid, including base aid, free and reduced aid, special education aid, English language learner aid, and 3<sup>rd</sup> grade reading aid. **Please note, this exact enrollment hold harmless provision is temporary and only applies to FY 2022.**
- \$17.5 million will be distributed to district public schools in a program called “relief aid.” This aid is based on the percentage of free and reduced price meal eligible population in your community. The higher the percentage, the higher the aid amount. **This aid will continue beyond FY 23 under current law.**
- \$1.9 million will retroactively reimburse districts that opened up a full-day kindergarten program in either FY 2020 or FY 2021. Due to a previous technical error in the State law, these districts were not paid a start-up grant. NHSBA’s understanding is that this bill only impacts three or four districts across the state.
- \$30 million in building aid was appropriated for new projects
- \$33.2 million for Special Education Aid was appropriated which is projected to fully fund the program according to the statutory standards
- \$9 million appropriated for CTE tuition and transportation.
- \$1 million appropriated to the public school infrastructure fund.
- \$750k was appropriated to the robotics funds.

## Part III – Changes in School Funding FY 2023

- \$17 million **may be distributed**, if authorized by the Governor based on criteria established in law, to district public schools to address declines in free and reduced price meal eligible students for school year 2021-2022. The Department of Education will compare the pre-pandemic ratio of free and reduced price meal eligible students to total student population and will modify free and reduced price meal eligible students counts used in the SFY 2023 adequacy payments to ensure counts don’t fall below the pre-pandemic ratio.
- \$17.5 million will be distributed to district public schools in a program called “relief aid.” This aid is based on the percentage of free and reduced price meal eligible population in your

community. The higher the percentage the higher the aid amount. This aid will continue beyond SFY 23 under current law.

- \$33.9 million for Special Education Aid was appropriated which is projected to fully fund the program according to the statutory standard.
- \$9 million appropriated for CTE tuition and transportation.
- \$1 million appropriated to the public school infrastructure fund.
- \$750k was appropriated to the robotics funds.

#### **Part IV – Estimated Town-by-Town Adequacy Amounts**

The Department of Education will publish the first official final adequacy on a town-by-town basis for SFY 2022 in compliance with the state law on October 1, 2021 and the SFY 2023 estimate will be officially calculated in November 2021. The numbers currently in the State budget are based on October 1, 2020 enrollments which is known to be outdated pupil data. Therefore, it is important that districts complete their EOY submission and certification timely and accurately to ensure the best estimates for SFY 2022 and 2023 are published at the start of the school year.

In Early June, the legislature produced a town-by-town estimate for adequacy which was used for the purpose of building the State Budget. You can find a copy of this here:

<https://nhsba.org/wp-content/uploads/2021/07/Senate-Finance-vs-Current-Law-Adequacy-6.2.21.pdf>

This document should provide you with an approximate and unofficial amount of adequacy funding each town will receive for SFY 2022 & 2023 relative to current law estimates prior to the State Budget being enacted.

- ***How Does My Public School District Access This Increase In Adequacy Funding After We Finalized Our Budget?***

The NH Department of Education has developed a document to guide school districts through the options for accessing these funds. Please see the attached word document here:

<https://nhsba.org/wp-content/uploads/2021/07/Options-Available-To-School-Districts-When-State-Adequacy-Increases-After-District-Budgets-Are-Finalized.pdf>

- ***Does my School District have authority to retain a contingency fund or receive and spend unanticipated revenue?***

Please see the sheet below, which was provided to the NH Department of Education from the NH Department of Revenue Administration. Each district is listed, and this document includes information pertaining to each District's authority related to RSA 198:4-b, II and RSA 198:20-b. The document references when the warrant was passed and may require records to be checked to fully understand your authority. Please note the authority enabled under RSA 198:20-b does not consider increases in State Adequacy funding to be unanticipated revenue, therefore this is not considered an option available to districts. As always, please consider consulting with your legal counsel when determining your authority or compliance with statute.

<https://nhsba.org/wp-content/uploads/2021/07/Authority-Enacted-By-Districts-Tracked-By-DRA-as-of-May-2021.pdf>

## **Part V – Updated/Revised Rules by the DOE: Home Education and Remote Instruction**

The NH State Board of Education updated several rules the 2020-2021 school year, with two rules potentially impacting local school boards specifically: “Distance Education/Remote Instruction” (ED 306.18 and ED 306.22) and “Home Education” (ED 315).

### **Distance Education – Ed 306.18(a)(7) & Ed 306.22**

In response to many of the lessons learned during pandemic schooling, the definition of Distance Education was updated to include any instructional mode that is not in-person, including hybrid instructional models. The update to the rule also allows for cooperation between districts to provide delivery of distance education, if warranted, and allows districts to offer multiple instructional models, at any time, not just during times of emergency. In addition, the local school board shall be responsible for the approval, coordination, and supervision of distance education courses offered by their local district.

A copy of the Distance Education rule can be found here:

<https://nhsba.org/wp-content/uploads/2021/07/Remote-Instruction.pdf>

NOTE: The State Board is scheduled to consider further revisions to 306.18 and 306.22 at its August 2021 meeting. Accordingly, NHSBA will not issue any update to sample IHBG until the new proposals are acted upon one way or another. If a board/district has any questions regarding application of the current rule to developing circumstances associated with Covid-19, it should direct those to the Department of Education.

### **Home Education – Ed 306.15**

The rules for Home Education were updated with the intention of providing a more uniform process of application of the home education rules across NH districts, including clarifying the process of notification of intent to home educate, and the duties/authorities of participating agencies. During the past year, in response to the pandemic and its effect on modes of school instruction, New Hampshire saw an increase in families choosing to home educate, although it is still to be seen how many of those families will re-enroll students in the local district school, based on reopening plans for fall of 2021. With the implementation of the Education Freedom Accounts in House Bill 2, it is anticipated that additional qualifying families may file for home education, as well, in the coming year.

A copy of the Home Education rule can be found here:

<https://nhsba.org/wp-content/uploads/2021/07/Home-Education.pdf>

NHSBA will include a revised policy IHBG with the 2021 Fall Policy Update.

## PART VI: Matrix - NHSBA Sample Policies & RSA Sections Affected

Final Bill	NHSBA Summary Page	Title or General Topic	Sub-topic of Omnibus Bills	RSA Sections Affected	Session Law Chap. (& sect. # for HB2)	Bill page for HB2	Effective or other dates
<b>2 HB</b>		<b>Budget</b>			91		
	22	Divisive Concepts - General		Amends 354-A by adding new paras 354-A:29 through 354-A:34	91:297	pg. 145	Immed
	22	Divisive Concepts - Education		Adds new section 193:40	91:298	pg. 147	Immed
	24	Adds CCSNH to Dual Enrollment		Amends 188-E:25 through 188-E:29	91:311	pg. 153	07/01/21
	24	School Bd Member Vacancy		Amends 671:33	91:318	pg. 156	07/01/21
	24	Vouchers - Ed Freedom Accounts		Adds new chapter 194-F	91:431	pg. 182	08/24/21
	25	FMLI Establishment		Adds new sub divisions 21-I:96 through 21-I:108	91:464	pg. 201	7/1/21; FMLI available for purchase 1/1/23
	25	FMLI		Adds new para. 275:37-d	91:467	pg. 210	
<b>20 SB</b>	4	<b>One year cert of eligibility - CTEs</b>		Adds new para. 189:39-b, I-a	28		07/05/21
<b>71 HB</b>	4	<b>Coll Barg - Special Meetings</b>		Adds new sub-p 197:3, I (d)	77		08/17/21
<b>108 HB</b>		<b>Right to Know</b>			163		
	5	<i>Part I</i> , List of NP Sessions		Amends 91-A:3, III			01/01/22
	6	<i>Part II</i> - Exempt Attorney/Client Priv		Adds new para 91-A:5, XII			08/23/21
	6	<i>Part III</i> - Committee to Study Remote Meetings		N/A			Immed
<b>140 HB</b>	7	<b>Bullying Right of Action</b>		Repealed and re-enacted RSA 193-F:9	164		Immed
<b>147 SB</b>		<b>Education Omnibus</b>			x8/11		
	7	<i>Part I</i> - Senior FAFSA Applications		Adds new RSA 193:26-a			Immed
	8	<i>Part II</i> - Central Abuse & Neglect Registry		Amends RSA 21-N:9, II (s) and RSA 169-C:35, and adds new RSA 189:13-c			01/01/22
	9	<i>Part III</i> - Contract Carrier - Activities		Adds new RSA 189:6-e			Immed
	9	<i>Part IV</i> - Special Ed - Mitigation		Amends RSA 186-C:18, III(a) and adds new RSA 5-B:3(h)			10/09/21
<b>148 SB</b>		<b>Education Omnibus</b>			x8/11		
		<i>Pt I</i> - Vocational Rehab		Repeals RSA's 200-C:7, -C:9, -C:10-13, -C:15, -C:19 and amends RSA 200-C:8			10/09/21
	10	<i>Pt II</i> - Career & Tech Education		Amends RSAs 188-E:2, -E:3, -E:8, -E:10, -E:10-b, -E:12, -E:16, -E:22, -E:26, -E:28, E:26 and 188-E:28. Adds new sub-paras to 188-E:10-b. Extends repeal of 188-E:9-a from 2022 to 2026. Adds new para RSAs 188-E:10-b, VII, and 193-E:3, VIII.			10/09/21
	10	<i>Pt III</i> - Emergency plans for sports injuries		Adds new para RSA 200:40-c			09/01/22
		<i>Pt IV</i> - Private post-secondary career schools		Adds new sub para 188-G:1, II(m)			10/09/21
	12	<i>Pt V</i> - Environmental Education		Amends RSAs 193-E:2, III and 193-E:2, VI-VII. Adds new para RSA 188-E:5, XII.			10/09/21
<b>152 HB</b>	13	<b>Coop - apportionment</b>		Amends RSA 195:8	80		08/17/21
<b>182 HB</b>	13	<b>Coursework at other schools</b>		Adds new section RSA 193-E:3-f	82		08/17/21
<b>194 HB</b>	14	<b>Student Assessment Data</b>		Amends RSA 193-C:12	20		07/05/21
<b>278 HB</b>	15	<b>Facilities available to charter schools</b>		Adds new sub para. RSA 194:61	x 8/11		Immed (First report must be issued 1/1/22)
<b>304 HB</b>	16	<b>CTE Transportation Funding Commission</b>		N/A	11		Immed
<b>388 HB</b>	17	<b>Manifest Hardship</b>		Amends RSA 193:3	84		08/17/21
<b>401 HB</b>	18	<b>Criminal Records</b>		Amends RSA 189:13-a, II and RSA 189:13-a, III	71		07/01/21
<b>409 HB</b>	19	<b>School board vacancies</b>		Adds new para. RSA 671:33, V	42		07/16/21
<b>442 HB</b>	19	<b>Failure to file reports</b>		Repealed and re-enacted RSA 198:4(f)	44		Immed
<b>500 HB</b>	20	<b>Food waste</b>		Adds new section RSA 194:3-e	45		07/16/21
<b>566 HB</b>	20	<b>Discussion of Sealed Minutes</b>		Adds new para. RSA 91-A:3, II (m)	172		Sections 1-11: 1/1/22; 13-30: 60 days post; 31-36: 7/1/21; remainder: immed
<b>581 HB</b>	21	<b>Burden of Proof in SPED cases</b>		Adds new para. RSA 186-C:16, III-a	158		07/29/21
<b>609 HB</b>	21	<b>Innovation Schools</b>		Adds new chapter RSA 194-E	27		07/05/21