

CHAPTER 44
HB 442 - FINAL VERSION

24Feb2021... 0383h
9Apr2021... 1168EBA

2021 SESSION

21-0667
06/08

HOUSE BILL **442**

AN ACT relative to penalties for a school's failure to file department of education reports.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Ladd, Graf. 4; Rep. Layon, Rock. 6; Rep. Pitre, Straf. 2

COMMITTEE: Education

ANALYSIS

This bill:

I. Adds reports to those a school district, city, chartered public school or public academy must file annually.

II. Requires nonpublic schools to file statistical reports.

III. Makes failure to file such reports reason for revocation of a chartered public school's charter.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 penalties for a school's failure to file department of education reports.

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

1 44:1 Penalty for Failure to File Report. RSA 198:4-f is repealed and reenacted to read as
2 follows:

3 198:4-f Penalty for Failure to File Report.

4 I. A school district, city, chartered public school, or public academy shall file the reports due
5 under RSA 198:4-d, III no later than September 1 of each year.

6 II. For just cause, the commissioner of the department of education may grant a school
7 district, city, chartered public school, or public academy up to a 30-day extension to such reporting
8 deadline. The commissioner may further extend the deadline when unusual or unforeseen
9 circumstances prevent a school district, city, chartered public school, or public academy from
10 submitting the required reports under paragraph I before the expiration of such extension.

11 III. The commissioner shall notify the governing body of the school district, city, chartered
12 public school, or public academy that all state aid to education shall be withheld until complete and
13 accurate information is submitted. In the case of a chartered public school which fails to comply
14 with the reporting requirements by the established deadlines for 2 consecutive years, the
15 commissioner may request the state board of education to revoke the enabling charter.

16 44:2 Statistical Reports; Failure to File Report. Amend RSA 189:28, I to read as follows:

17 I. The governing body of every public, ***chartered public school, and nonpublic*** education
18 agency, shall, on or before ~~[August 1]~~ ***the deadline established by the department as deemed***
19 ***appropriate*** in each year, submit to the department of education those statistical reports necessary
20 to compute the average daily membership of pupils attending each school district, and the average
21 daily membership of pupils resident in each school district. Information relating to the fall
22 enrollment, drop-outs, staffing census, and ~~[average teacher salary,]~~ ***prior year annual safety***
23 ***reports*** as of October 1 of each school year, ***and other reports necessary to meet state and***
24 ***federal requirements as determined by the department,*** shall be submitted to the department
25 of education on or before ~~[October 15. Private schools shall submit average daily membership in~~
26 ~~attendance, fall enrollment, and teacher staff census]~~ ***the deadline established by the***
27 ***department.***

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1 ***I-a. The governing body of every public and chartered public school shall submit***
2 ***the average teacher salary as of October 1 of each school year to the department of***
3 ***education on or before the deadline established by the department.***

4 ***I-b. Nonpublic schools shall submit the following: general statistics of nonpublic***
5 ***schools, nonpublic school restraint and seclusion collection data, general fall report of***
6 ***nonpublic schools, school emergency operation plan, and other reports necessary to meet***
7 ***state and federal requirements as determined by the department of education. If the***
8 ***governing body of a nonpublic school fails to submit the statistical reports by the***
9 ***established deadlines for 2 consecutive years, the commissioner may request the state***
10 ***board of education to revoke the enabling charter or approval.***

11 44:3 Statistical Reports; Failure to File Report. Amend RSA 189:28, IV to read as follows:

12 IV. The commissioner of the department of education may grant a ~~[school district, city, or~~
13 ~~public academy,]~~ ***public school, chartered public school, or nonpublic school*** up to a 30-day
14 extension of the reporting deadline set forth in paragraph I, ***provided that such extension will***
15 ***not delay the statewide calculations.*** The commissioner of the department of education shall
16 notify the governing body of the public education agency that all state aid to education and all
17 federal aid, if the report is required by federal law, shall be withheld until such time as complete and
18 accurate information is submitted.

19 44:4 New Subparagraphs; Charter Revocation; Probation. Amend RSA 194-B:16, II by inserting
20 after subparagraph (e) the following new subparagraphs:

21 (f) The school fails to comply with the reporting requirements in accordance with RSA
22 198:4-f.

23 (g) The school fails to comply with the reporting requirements in accordance with RSA
24 189:28, I.

25 44:5 School Money; Reports Required; Cities and School Districts. Amend RSA 198:4-d to read
26 as follows:

27 198:4-d Reports Required; Cities and School Districts. The governing body of each city ~~[and]~~,
28 school district, ***and chartered public school*** shall submit to the commissioner of the department of
29 education the following reports pursuant to rules adopted under RSA 541-A by the commissioner of
30 revenue administration which establish the form and content of such reports:

31 I. A report filed by the governing body of each city ~~[and]~~, school district, ***and chartered***
32 ***public school*** shall certify the appropriations voted by the meeting of the appropriate legislative
33 body, whether city council, mayor and council, or mayor and board of aldermen, or by each annual or
34 special school district meeting, along with estimated revenues. This report shall be filed within 20
35 days of the close of the meeting.

36 II. A report filed by the governing body of each city ~~[and]~~, school district, ***and chartered***
37 ***public school*** shall revise all the estimated revenues for the year. This report shall be filed by

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1 September 1 of each year. The revised estimates by school districts for the adequate education
2 grants calculated under RSA 198:41 shall be considered the most accurate within 5 percent of the
3 amount estimated pursuant to RSA 198:40-a.

4 III. A financial report for each city ~~and~~, school district, ***and chartered public school***
5 shall be filed showing the summary of receipts and expenditures, according to uniform
6 classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at
7 the close of the year. This report shall be submitted on or before September 1 of each year. Each
8 statistical report submitted under this section shall include a certification signed by the chairperson
9 of the school district's governing body or the chairperson of the board of trustees of approved public
10 academies that states: "I certify, under the pains and penalties of perjury, to the best of my
11 knowledge and belief, that all of the information contained in this document is true, accurate and
12 complete."

13 III-a. The department of education and the department of revenue administration together
14 shall develop and recommend school accounting standards. The departments shall report to the
15 speaker of the house, the senate president, and the governor concerning such accounting standards
16 on or before December 1, 1999.

17 IV. The budget committee in school districts operating under the municipal budget law shall
18 file the budget within 20 days of the close of the annual or special meeting.

19 V. If a city or school district ***or chartered public school*** is audited by an independent
20 public accountant, it shall submit a copy of the audited financial statements in accordance with RSA
21 21-J:19, III.

22 VI. If a city or school district is audited under RSA 671:5, the procedures in RSA 41:31-a
23 through 41:31-d shall be followed.

44:6 Effective Date. This act shall take effect upon its passage.

Approved: May 17, 2021
Effective Date: May 17, 2021