

SB 81 - AS INTRODUCED

2021 SESSION

21-0819

06/04

SENATE BILL **81**

AN ACT adopting omnibus legislation relative to chartered public schools.

SPONSORS: Sen.Ward, Dist. 8

COMMITTEE: Education

ANALYSIS

This bill adopts legislation:

I. Relative to chartered public school use of school district facilities.

II. Relative to the elements of an application for the establishment of a chartered public school, as requested by the department of education.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation on chartered public schools.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0819, relative to chartered public school use of unused school district
3 facilities, sponsored by Sen. Ward, Prime/Dist. 8.

4 Part II. LSR 21-0957, relative to the required elements of an application for the
5 establishment of a chartered public school., sponsored by Sen. Ward, Prime/Dist. 8.

6 2 Legislation Enacted. The general court hereby enacts the following legislation:

7

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PART I

9

Relative to chartered public school use of unused school district facilities.

10 1 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA 194
11 by inserting after section 60 the following new subdivision:

12

Chartered Public School Use of Unused District Facilities

13

194:61 Unused District Facilities.

14

15 I. For the purpose of this section, "unused facility" means a school building owned by a
16 school district in which less than 10 percent of the square footage of the school building is used
17 during a school year for direct student instruction and for which the school district has no school
18 board-approved written plan for future use. In order to comply with this paragraph, such school
19 board-approved plan shall include direct student academic instruction within 2 years of the plan's
approval.

20

21 II. On July 1, 2021, and on July 1 every year thereafter, the superintendent of each school
22 district shall report to the department of education each unused facility owned by the school district.
23 The department shall establish and maintain a list of unused facilities owned by each school district
24 and make such list available on the department's website. A school district may exclude an unused
facility from the school district's annual report only once.

25

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

27

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

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1 (b)(1) If the offer to purchase or lease is accepted, the school district selling or leasing
2 the unused facility shall, by first class certified mail, notify all approved chartered public schools in
3 this state, as listed on the department of education's website, of the contract to purchase or lease the
4 unused facility. The certified mail notice shall contain clear language that the unused facility is
5 available to any approved chartered public school in this state only, and shall list the offering school
6 district's name and location, the square footage of the unused facility, the contact information of the
7 offering school district's representative, and the expiration date of the right of first refusal which
8 shall be 60 days after the date of the certified mailing.

9 (2) The offering school district shall also post notice of the contract for the purchase
10 or lease of an unused facility in a newspaper of statewide circulation for at least 5 days.

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

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

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

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

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

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

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

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

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2 Effective Date. Part I of this act shall take effect July 1, 2021.

PART II

Relative to the required elements of an application for
the establishment of a chartered public school.

1 New Subparagraph; Chartered Public Schools; Application; Code of Conduct for New
Hampshire Educators. Amend RSA 194-B:3, II by inserting after subparagraph (dd) the following
new subparagraph:

(ee) A proposed policy to adopt and implement the code of conduct for New Hampshire
educators as adopted by the department in administrative rule. Failure to adopt and implement the
code of conduct could result in the probation or revocation of the school's charter as governed by RSA
194-B:16.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.