

CHAPTER 198
SB 401 – FINAL VERSION

03/28/12 1362s
16May2012... 2120h

2012 SESSION

12-3061
04/09

SENATE BILL **401**

AN ACT relative to reporting the average daily membership of pupils in the public schools and relative to adjustments to adequate education grants.

SPONSORS: Sen. Forsythe, Dist 4; Sen. Stiles, Dist 24; Sen. Bragdon, Dist 11; Sen. Bradley, Dist 3; Rep. Hill, Merr 6; Rep. Fleck, Carr 5; Rep. Boehm, Hills 27

COMMITTEE: Education

AMENDED ANALYSIS

This bill amends the definition of “determination year” for the purpose of calculating adequate education grants and authorizes the commissioner of the department of education to make adjustments in adequate education grants based on variations in the average daily membership in attendance data.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to reporting the average daily membership of pupils in the public schools and relative to adjustments to adequate education grants.

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

1 198:1 Adequate Education; Definitions. Amend RSA 198:38, I to read as follows:

2 I. "Average daily membership in attendance" or "ADMA" means the average daily
3 membership in attendance of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, III
4 of the [~~second school year preceding the~~] ***school*** year in which the calculation is made, provided that
5 no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

6 198:2 Adequate Education; Definitions. Amend RSA 198:38, IV to read as follows:

7 IV. "Determination year" means the [~~fiscal year that was 3 years prior to the fiscal year for~~
8 ~~which aid is to be determined~~] ***school year immediately preceding the school year for which***
9 ***aid is determined***. Unless otherwise indicated, determination year data shall be used to calculate
10 aid.

11 198:3 Distribution Schedule for Adequate Education Grants. Amend RSA 198:42, I to read as
12 follows:

13 I. The adequate education grant determined in RSA 198:41 shall be distributed to each
14 municipality's school district or districts legally responsible for the education of the pupils who
15 attend approved public schools within the district or in other districts or who attend approved
16 programs for children with disabilities, as the case may be, from the education trust fund in 4
17 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30
18 percent on April 1 of each school year; provided that for a dependent school district, the grant
19 determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and
20 transfer the grant funds to its dependent school department. ***During the course of the school***
21 ***year, the commissioner may make adjustments in grant payments necessitated by***
22 ***variations in the ADMA data for a school district for any fiscal year in which the ADMA***
23 ***calculation is made.***

24 198:4 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a,
25 IV(a) to read as follows:

26 (a) The sum total calculated under paragraphs I-III of this section shall be used to
27 determine the cost of an adequate education [~~which shall be used in each year of the biennium~~].

28 198:5 School Money; Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a,

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1 V to read as follows:

2 V. The department shall notify school districts of the estimated amounts of grants by the
3 November 15 preceding the ~~fiscal~~ **school** year for which aid is determined. The commissioner shall
4 provide to the general court all data or reports requested by the general court in a form which the
5 general court determines will facilitate the calculations required in this section.

6 198:6 New Paragraph; School Money; Cost of an Opportunity for an Adequate Education.
7 Amend RSA 198:40-a by inserting after paragraph V the following new paragraph:

8 VI. The commissioner of the department of education shall adjust the April adequate
9 education grant disbursement as provided in RSA 198:42 to the extent necessary to ensure that the
10 total education grant for each school district is within 5 percent of the school district's estimated
11 total education grant amount, as provided in the report prepared by the department of education
12 pursuant to RSA 198:40-a, V, for the school year for which the calculation is made.

13 198:7 District Taxes; Reports Required. Amend RSA 198:4-d, II to read as follows:

14 II. A report filed by the governing body of each city and school district shall revise all the
15 estimated revenues for the year. This report shall be filed by September 1 of each year. ***The***
16 ***revised estimates by school districts for the adequate education grants calculated under***
17 ***RSA 198:41 shall be considered the most accurate within 5 percent of the amount estimated***
18 ***pursuant to RSA 198:40-a, V.***

19 198:8 New Paragraph; Cooperative School Districts; District Taxes. Amend RSA 195:14 by
20 inserting after paragraph II the following new paragraph:

21 III.(a) The adequate education grant used in subparagraph I(d) shall be based on the revised
22 estimated revenues contained in the report required in RSA 198:4-d, II.

23 (b) If the commissioner finds that the actual adequacy grant used in the prior year was
24 inaccurate or inappropriate, the commissioner shall perform a town-specific reconciliation
25 adjustment for each town's estimates in question against the apportionment. The difference between
26 the recomputed apportionment and the apportionment determined under subparagraph (a), and the
27 difference between the actual adequate education grant provided under RSA 198:42 for the prior
28 year and the grant amount estimated in the prior year under subparagraph (a), shall be the basis for
29 the town-specific reconciliation adjustment.

30 198:9 Applicability. The provisions of this act shall apply beginning with the 2013-2014 school
31 year.

32 198:10 Effective Date. This act shall take effect July 1, 2012.

33 Approved: Enacted in accordance with Article 44, Part II, of N.H. Constitution, without signature of
34 the governor, June 13, 2012.

35 Effective Date: July 1, 2012