

HB 578-FN - AS INTRODUCED

2015 SESSION

15-0486
04/08

HOUSE BILL **578-FN**

AN ACT relative to state board of education compliance with unfunded federal education mandates.

SPONSORS: Rep. Ladd, Graf 4; Rep. Grenier, Sull 7; Sen. Carson, Dist 14; Sen. Reagan, Dist 17

COMMITTEE: Education

ANALYSIS

This bill prohibits the state board of education from adopting rules that require a school district to comply with a federally mandated curriculum, method of instruction, or statewide assessment program which is not fully paid by federal funds.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT relative to state board of education compliance with unfunded federal education mandates.

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

- 1 1 Compliance With Federal Provisions. Amend RSA 186:6 to read as follows:
2 186:6 Compliance With Federal Provisions. The state board may also make the regulations
3 necessary to enable the state to comply with the provisions of any law of the United States intended
4 to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to
5 equalize educational opportunities, to promote physical health and recreation, and to provide an
6 adequate supply of trained teachers. ***The state board shall not adopt rules that require a***
7 ***school district to comply with a federally mandated curriculum, method of instruction, or***
8 ***statewide assessment program which is not fully paid by federal funds.***
9 2 Effective Date. This act shall take effect 60 days after its passage.

HB 578-FN FISCAL NOTE

AN ACT relative to state board of education compliance with unfunded federal education mandates.

FISCAL IMPACT:

The Department of Education states this bill, as introduced, may reduce state expenditures and local revenue by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on state and county revenue, or county and local expenditures.

METHODOLOGY:

The Department of Education states the proposed legislation would prohibit the state board of education from adopting rules requiring school districts to comply with federally mandated curriculum, methods of instruction, or statewide assessment programs not fully funded by the federal government. The Department notes the state does not currently receive federal funding for curriculum or methods of instruction; however, the state does currently receive federal funding for statewide assessment programs. Additionally the Department notes federal funding levels are not sufficient to fully fund statewide assessment programs which are currently funded with state general funds to the extent federal funds are insufficient. The current funding for statewide assessments consists of approximately \$3,700,000 in federal funds, and \$3,000,000 in state general funds.

Whereas the current statewide assessments are already codified in administrative rule, the proposed legislation would not impact state and local revenues or state expenditures unless changes in federal requirements or other factors stimulated the need for changes to the existing statewide assessments and associated administrative rules. The proposed bill's prohibition on the use of state funds to implement federally compliant statewide assessments would preclude the state's eligibility for those federal funds, and therefore the state's ability to make changes to the existing statewide assessments or implement a new statewide assessment.

The Department states approximately \$125,000,000 of federal funds, of which \$119,000,000 of are sub-granted to school districts, are currently awarded to the State under the Elementary and Secondary Education Act. This act contains certain compliance requirements related to the implementation of statewide academic assessments. To the extent the proposed legislation

resulted in non-compliance with these federal requirements and therefore ineligibility for the associated federal funds, state expenditures and local revenue would decrease.