

CHAPTER 125
HB 610 – FINAL VERSION

2015 SESSION

15-0734
04/08

HOUSE BILL **610**

AN ACT relative to a school board vote on the reassignment of a pupil.

SPONSORS: Rep. Gottling, Sull 2; Rep. Woodbury, Hills 5; Sen. Daniels, Dist 11

COMMITTEE: Education

ANALYSIS

This bill requires a school board vote to approve the reassignment of a pupil to another school.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to a school board vote on the reassignment of a pupil.

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

1 125:1 School Attendance; Change of School or Assignment. Amend RSA 193:3, III to read as
2 follows:

3 III.(a) Each school board shall establish a change of school assignment policy, based on the
4 best interest of the pupil~~[, authorizing the superintendent to re-assign a pupil]~~ **and requiring a**
5 **vote of the school board to reassign a pupil** from the public school to which he or she is currently
6 assigned to another public school, or to approve a request from another superintendent to accept a
7 transfer of a pupil from a school district that is not part of the school administrative unit, provided
8 that the following conditions are met:

9 (1) The pupil's parent or legal guardian petitions the superintendent for a change of
10 school assignment or consents to the superintendent's recommendation for such a change; and

11 (2) The superintendent determines that such a change would be in the pupil's best
12 interest; and

13 (3) ***The school board of each school district involved in the reassignment of***
14 ***the pupil votes to approve the reassignment; and***

15 (4) The total reassignments or transfers in any one school year shall not exceed one
16 percent of the average daily membership in residence of a school district, or 5 percent of the average
17 daily membership in residence of any single school, whichever is greater, ***unless the school board***
18 ***votes to exceed this limit.***

19 (b) In accordance with the number of pupils authorized in this paragraph, a
20 superintendent may ~~[approve]~~ **recommend** reassignment of a pupil:

21 (1) To another school within the same school district; or

22 (2) To another school district within the same school administrative unit; or

23 (3) To a school district in another school administrative unit, subject to the pupil
24 meeting the admission requirements of such school, and subject to the agreement of the
25 superintendent of the receiving school administrative unit ***and the approval of the school boards***
26 ***of each school district.***

27 (c) ~~[Where such reassignment exceeds the percentage limitations established in this~~
28 ~~paragraph, the approval of the school board shall be required.]~~

29 ~~(d)]~~ A pupil reassigned under this paragraph shall be counted in the average daily
30 membership in residence of the pupil's resident school district. The pupil's resident district shall

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1 forward any tuition payment due to the district to which the pupil was reassigned.

2 ~~[(e)]~~ **(d)** The superintendents involved in the reassignment of a pupil shall jointly
3 establish a tuition rate for each such pupil. ~~[Notwithstanding any law to the contrary,]~~ Some or all of
4 the tuition may be waived by the superintendent of the receiving district for the good cause shown or
5 pursuant to school board policy of the receiving district. The cost of transportation shall be the
6 responsibility of the parent or legal guardian.

7 ~~[(f)]~~ **(e)** The superintendent of the pupil's resident school administrative unit shall notify
8 the department of education within 30 days of any reassignment of pupils under this paragraph.

9 ~~[(g)]~~ **(f)** Nothing in this paragraph shall alter or impair the right of a child with a
10 disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted
11 under RSA 186-C:16.

12 ~~[(h)]~~ **(g)** Notwithstanding RSA 21-N:11, III, for the purposes of this paragraph, the
13 decision of the superintendent shall be final.

14 125:2 Effective Date. This act shall take effect 60 days after its passage.

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16 Approved: Enacted in accordance with Part II, Article 44 of N.H. Constitution, June 9, 2015.

17 Effective Date: August 8, 2015