

CHAPTER 252
SB 190-FN – FINAL VERSION

03/12/2015 0676s
03/26/2015 0981s
03/26/2015 1098s
29Apr2015... 1281h
06/24/2015 2222EBA

2015 SESSION

15-0392
10/09

SENATE BILL ***190-FN***

AN ACT relative to payment of costs for career and technical education center programs and administration by the department of education.

SPONSORS: Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Little, Dist 8; Sen. Fuller Clark, Dist 21; Sen. Hosmer, Dist 7; Rep. Ladd, Graf 4; Rep. Gile, Merr 27; Rep. Sprague, Straf 18

COMMITTEE: Education

AMENDED ANALYSIS

This bill modifies the determination of financial responsibility for tuition for career and technical education center programs and the administration of CTE programs by the department of education.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 payment of costs for career and technical education center programs and administration by the department of education.

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

1 252:1 Purpose. The provision of an adequate education in New Hampshire includes career and
2 technical education. New Hampshire career and technical education centers are established for the
3 purpose of developing a competitive workforce to support local business, industry, and economic growth.
4 The program provides high school students the opportunity to explore career options that apply academic
5 concepts to real-world situations using the most current business and industry-based technologies.
6 Through a commitment to developing the knowledge and skills required for successful performance in the
7 current and future workplace, the program further provides advanced training leading to skill
8 certification and postsecondary education with career pathways for lifelong learning and opportunity.

9 252:2 Chapter Title; Community and Technical Education. Amend the chapter title of RSA 188-
10 E to read as follows:

CHAPTER 188-E

REGIONAL ~~[VOCATIONAL]~~ **CAREER AND TECHNICAL EDUCATION (CTE)**

11 252:3 Designation of Centers and Programs. Amend RSA 188-E:1 to read as follows:

12 188-E:1 Designation of Regional Centers and ~~[Courses]~~ **Programs**. The commissioner,
13 department of education, is hereby authorized and directed to designate high schools, and public
14 academies as defined in RSA 194:23, II, offering ~~[vocational]~~ **career and technical** education
15 programs as ~~[vocational]~~ **career and technical** education centers. In instances where it is
16 educationally and economically feasible to do so, the commissioner may designate individual
17 ~~[vocational—courses]~~ **career and technical education programs** in other than the ~~[vocational]~~
18 **career and technical** education centers as regional ~~[courses]~~ **programs**. An out-of-state school or
19 ~~[course]~~ **program** may be designated, when it is in the best interest of the state, as a part of the
20 New Hampshire regional ~~[vocational]~~ **career and technical** education plan.

21 252:4 Definitions. RSA 188-E:2 is repealed and reenacted to read as follows:

22 188-E:2 Definitions. In this chapter:

23 I. “Alternative education program” means a program providing at-risk students with a
24
25

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1 variety of options with a goal of graduation or completion by focusing on the student’s individual
2 social needs and the academic requirements for a high school diploma, including:

3 (a) A program offered at a regional career technical education center or other
4 comprehensive high school.

5 (b) An adult high school diploma program administered pursuant to rules of the
6 department.

7 (c) An adult basic education program administered pursuant to rules of the department.

8 II. “At-risk student” means a high school student who has been evaluated by the local school
9 district staff and deemed to be an individual in jeopardy of dropping out of school prior to graduation.

10 III. “Career and technical education” or “CTE” means organized educational activities that:

11 (a) Offer a sequence of courses that:

12 (1) Provides individuals with coherent and rigorous content aligned with challenging
13 academic standards and relevant technical knowledge and skills needed to prepare for further
14 education and careers in current or emerging professions;

15 (2) Provides technical skill proficiency, an industry-recognized credential, a
16 certificate, or an associate degree; and

17 (3) Might include prerequisite courses, other than a remedial course; and

18 (b) Include competency-based applied learning that contributes to the academic
19 knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability
20 skills, technical skills, and occupation specific skills, and knowledge of all aspects of an industry,
21 including entrepreneurship, of an individual.

22 IV. “Construction” means the actual construction of facilities and provision of initial
23 equipment.

24 V. “Receiving district” means a school district operating a comprehensive high school or
25 public academy pursuant to RSA 194:23 which is designated as a regional center or offers a
26 designated regional program.

27 VI. “Regional career and technical education student” means a student attending a regional
28 center or a regional program, for career and technical education purposes, which is in a high school
29 other than one the student would normally attend for his or her regular education program.

30 VII. “Renovation” means an upgrade and/or addition of career and technical education space,
31 facility, and/or equipment at designated regional career and technical education centers.

32 VIII. “Sending district” means:

33 (a) A school district where students reside who attend a regional center, regional
34 program, or alternative education program other than within the district itself; or

35 (b) If a student attends a chartered public school, the sending district shall be the school
36 district in which the student resides.

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1 252:5 Construction or Renovation. Amend RSA 188-E:3 to read as follows:

2 188-E:3 Construction or Renovation of Regional [~~Vocational~~] ***Career and Technical***
3 ***Education*** Centers.

4 I. The commissioner, department of education, shall make grants available to designated
5 regional centers for construction of [~~vocational~~] ***career and technical*** education facilities or
6 renovation of existing regional [~~vocational~~] ***career and technical education*** centers. The state board
7 shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II, which the commissioner shall carry out,
8 relative to requirements for approval of regional [~~vocational~~] ***career and technical*** education centers
9 to receive funds for construction or renovation of such facilities. The rules shall include criteria which
10 guarantee potential sending districts an opportunity to enroll students in the regional [~~vocational~~]
11 ***career and technical education*** program, and basic criteria for planning such facilities through
12 cooperative development of plans by the [~~vocational~~] ***career and technical*** education staff of the state
13 department of education and the local school district's staff. When such plans appear to be both
14 educationally and financially acceptable, the department's [~~vocational~~] ***career and technical***
15 ***education*** staff shall recommend to the commissioner that they be approved for funding.

16 II. Upon completion, the constructed or renovated facility shall become the property of the
17 school district or public academy, [~~as the case may be~~] ***for use by the career and technical***
18 ***education center exclusively***. Provision of the site, parking, and other related areas shall be the
19 responsibility of the local community. Site work, including but not limited to cut and fill work,
20 compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar
21 work within an area extending to one foot beyond the outside edge of the exterior walls of the
22 building, shall be eligible for grants under paragraph I. Nothing shall prohibit the inclusion of the
23 site and related facilities which are not funded as part of construction cost by the state under this
24 chapter from being included in a regular building aid grant application of the district as provided in
25 RSA 198:15-b. However, no school district which receives any funding under this chapter shall be
26 eligible to receive school building aid grants under RSA 198:15-b for the same project.
27 ***Maintenance, repair, and upkeep of the constructed or renovated facility, including all***
28 ***classroom and laboratory spaces, shall be the responsibility of the school district or public***
29 ***academy, as the case may be.***

30 252:6 CTE Program. RSA 188-E:5 is repealed and reenacted to read as follows:

31 188-E:5 Program.

32 I. The program in the regional career and technical education centers shall be broad enough
33 to serve the reasonable business and industry needs of the area, and provide for a substantial career
34 and technical offering in the region.

35 II. Career and technical education of consistent quality shall be equally available to students
36 and across the state. Each career and technical education program pathway shall include embedded

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1 rigorous academic skills and technical core competencies aligned with national business and industry
2 standards delivered through a relevant sequence of courses.

3 III. Each center shall make maximum utilization of cooperative arrangements with special
4 education and vocational rehabilitation in providing career and technical education for
5 disadvantaged and disabled persons. Opportunities for out-of-school youths, including “drop outs”
6 and others, and adult education will be provided whenever possible.

7 IV. The regional career and technical education centers, as an integral part of each career
8 and technical offering, may provide opportunities in leadership development through participation
9 by students in appropriate corresponding and nationally recognized career and technical student
10 organizations.

11 V. Regional career and technical education centers shall, on a space available basis, enroll
12 any student requesting enrollment who has attended 2 years of high school regardless of the number
13 of academic credits earned, except that the Manchester school district shall, on a space available
14 basis, enroll and bear the associated costs for any Manchester school district student in grades 9-12
15 who resides in the city of Manchester and who requests enrollment in a regional career and technical
16 education center within the district, provided that in either case:

17 (a) The student has successfully completed any courses required as a prerequisite for the
18 career and technical education program selected; or

19 (b) The prerequisites have been waived by the regional career and technical education
20 center director. Such a waiver shall not be unreasonably withheld.

21 VI. The receiving district shall be responsible for determining the student’s qualifications for
22 admission and space availability.

23 VII.(a) All career and technical education students shall be given access to career and
24 technical education programs for the entire instructional time required for those programs.

25 (b) Upon a joint application by a student’s career and technical education center and his
26 or her sending district, the commissioner may grant a waiver from the requirement of subparagraph
27 (a) on a case-by-case basis.

28 VIII. Programs shall demonstrate alignment of curriculum to national technical core
29 competencies to assess and demonstrate achievement through evidence documented by course and
30 learning experiences using multiple measures, such as, but not limited to, examinations, quizzes,
31 portfolios, performances, exhibitions, industry certifications, projects, and community service.

32 IX. An approved career and technical education program shall be designed to enable a
33 student to meet industry standards applicable to the respective career field.

34 X. To the greatest extent possible, a career and technical education program offered at a
35 center or region shall provide students the opportunity to take advantage of any applicable career
36 pathways, including career pathways set forth in an articulation agreement with a postsecondary

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1 institution or in a collaborative agreement with publicly supported secondary and postsecondary
2 educational institutions that form a dual enrollment career and technical education program.

3 252:7 Costs of Attendance. Amend RSA 188-E:6 to read as follows:

4 188-E:6 ~~[Reimbursement]~~ **Costs** for Students Attending Career and Technical Education Programs.

5 I. The state shall ~~[reimburse the state's]~~ **pay a** portion of the cost of tuition and **reimburse**
6 transportation **costs**, as provided in this section, for a **sending district** student attending an
7 approved career and technical education (CTE) program.

8 II. A student's sending district shall be financially responsible for ~~[an amount equal to]~~ 25
9 percent of the **career and technical education portion of the** receiving district's cost per pupil for
10 the prior school year, as calculated by the department of education.

11 III. Any **sending district** student who attends an approved CTE program that provides
12 instruction in subject areas approved by the state board of education shall be eligible for
13 ~~[reimbursement]~~ **payment** of tuition and **reimbursement of** transportation costs. Students enrolled
14 in introductory CTE ~~[programs]~~ **courses**, pre-CTE ~~[programs]~~ **courses**, or other CTE programs
15 offering instruction in subject areas not approved by the state board of education shall not be eligible
16 for **payment of** tuition and transportation reimbursement.

17 IV. In consultation with the house and senate committees responsible for education policy
18 and financial matters, the state board of education shall, in rules adopted pursuant to RSA 541-A,
19 develop a formula for determining the tuition and transportation costs for approved career technical
20 education programs and procedures for disbursement of funds.

21 252:8 Tuition. Amend RSA 188-E:7 to read as follows:

22 188-E:7 Tuition.

23 I. The department of education is authorized to pay from its regular budget tuition for full or
24 part-time **sending district** students, attending programs at designated ~~[vocational]~~ **career and**
25 **technical education** centers or designated ~~[vocational-educational courses]~~ **career and technical**
26 **education programs** at other comprehensive high schools, whose residence is in a district where
27 the high school of normal attendance does not offer a similar ~~[vocational-education course]~~ **career**
28 **and technical education program**.

29 **II. The department of education shall pay only those districts designated as**
30 **regional career and technical education centers for sending district tuition at a per**
31 **student rate calculated by dividing the total number of students into the balance of**
32 **appropriation available.**

33 **III.** The department is authorized to pay from its budget for at-risk students who reside in a
34 school district in which the high school does not offer an alternative education program, to attend an
35 alternative education program at a ~~[regional-vocational-education-center-or-the-associated]~~
36 **comprehensive** high school **within New Hampshire.**

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1 ~~[H.]~~ **IV.** The liability of the state and local school districts for tuition shall be determined by
2 the state board under rules adopted pursuant to RSA 541-A, provided that a receiving district may
3 charge a student from a sending district a differential *fee for* career and technical education [~~fee~~] not
4 to exceed 3 percent of the receiving district's cost per pupil for the prior school year, as calculated by
5 the department of education, and provided that the receiving district shall deposit the differential fee
6 into its capital reserve account to be used for career and technical education program development,
7 improvement, and equipment.

8 ~~[H.]~~ **V.** The state's tuition liability for a student enrolled in an alternative education
9 program shall not exceed the per student cost of a student enrolled in a career and technical
10 education program, as calculated by the department of education.

11 252:9 Transportation. Amend RSA 188-E:8 to read as follows:

12 188-E:8 Transportation. The department of education is authorized to [~~pay~~] *reimburse* from its
13 regular budget the cost of transportation for **(a)** regional [~~vocational~~] *career and technical education*
14 students *who attend regional career and technical education centers* and for **(b)** at-risk students
15 who attend alternative education programs located at a regional [~~vocational~~] *career and technical*
16 education center or [~~the associated~~] *other comprehensive* high school. Transportation costs shall not
17 exceed the rate adopted pursuant to RSA 541-A by the state board. The sending district shall be
18 responsible for paying the transportation costs and shall be reimbursed from state funds.

19 252:10 New Section; Advisory Council on Career and Technical Education. Amend RSA 188-E
20 by inserting after section 10-a the following new section:

21 188-E:10-b Advisory Council on Career and Technical Education.

22 I. There is established an advisory council on career and technical education (CTE). The
23 members of the council shall be as follows:

24 (a) One member of the senate, appointed by the president of the senate.

25 (b) Two members of the house of representatives, appointed by the speaker of the house
26 of representatives.

27 (c) The state director of career and technical education.

28 (d) The commissioner of the department of resources and economic development, or
29 designee.

30 (e) The chancellor of the community college system, or designee.

31 (f) Three CTE directors, one member of a school board, and one SAU administrator,
32 appointed by the commissioner of education.

33 (g) A representative of the Business and Industry Association of New Hampshire,
34 appointed by the association.

35 (h) Three representatives of skilled trades or businesses related to CTE programs,
36 appointed by the commissioner of education.

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1 II. Legislative members of the council shall receive mileage at the legislative rate when
2 attending to the duties of the council.

3 III. Members of the advisory council appointed under subparagraphs I(f) –(h) shall serve for
4 terms of 3 years and may be reappointed, except that terms of initial appointments by the
5 commissioner under subparagraphs (f) and (h) shall be staggered.

6 IV. The council shall study career and technical education, and make recommendations
7 concerning:

8 (a) The delivery system of career and technical education in New Hampshire;

9 (b) Increasing access to career and technical education programs;

10 (c) Increasing partnerships between businesses, skilled trades, advanced manufacturing,
11 and CTE programs;

12 (d) The establishment and implementation of individual learning plans beginning in
13 grade 6; and

14 (e) Other barriers as may be identified that restrict the delivery of career and technical
15 education to all interested students.

16 V. The members of the advisory council shall elect a chairperson from among the members.
17 Meetings of the advisory council shall be called by the chairperson as necessary. Seven members of
18 the council shall constitute a quorum.

19 VI. The advisory council shall file an annual report of its findings and any recommendations
20 for proposed legislation to the speaker of the house of representatives, the president of the senate,
21 the house clerk, the senate clerk, the governor, and the state library on or before November 1.

22 252:11 Reference Changed. Amend RSA 21-N:9, II(m) to read as follows:

23 (m) Standards for approval of regional [~~vocational~~] **career and technical** education
24 centers, as authorized by RSA 188-E:3.

25 252:12 Reference Changed. Amend RSA 189:25-a to read as follows:

26 189:25-a Universal Service Fund; Definition of “School.” For the purpose of obtaining discounts
27 pursuant to the universal service fund, otherwise known as “E-rate” discounts, as established by
28 section 254 of the Telecommunications Act of 1996, “school” means any public or private elementary
29 or secondary school, and any regional [~~vocational~~] **career and technical** educational [~~school~~]
30 **center** designated under RSA 188-E, including educational programs offered at such [~~vocational~~]
31 **career and technical** educational [~~schools~~] **centers** for pre-kindergarten, adult education
32 programs, and juvenile justice programs.

33 252:13 Reference Changed. Amend RSA 194:23, II-a to read as follows:

34 II-a. In this section, the term “high school” shall include [~~any~~] **the** regional [~~vocational~~]
35 **career and technical** education center in the Manchester school district which complies with the
36 provisions of RSA 188-E.

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1 252:14 Effective Date. This act shall take effect July 1, 2015.

2

3 Approved: July 13, 2015

4 Effective Date: July 1, 2015