

HB 354 - AS INTRODUCED

2023 SESSION

23-0010

10/08

HOUSE BILL **354**

AN ACT relative to chartered public school eligibility for state school building aid.

SPONSORS: Rep. Mooney, Hills. 12; Rep. Cordelli, Carr. 7; Rep. Hobson, Rock. 14; Rep. Weyler, Rock. 14; Rep. Griffin, Hills. 42; Rep. Healey, Hills. 12; Sen. Avard, Dist 12; Sen. Ward, Dist 8; Sen. Carson, Dist 14

COMMITTEE: Education

ANALYSIS

This bill adds chartered public schools to the procedures for consideration, approval, plan requirements, and determination of grants for school building aid.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to chartered public school eligibility for state school building aid.

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

1 1 School Building Aid; Grants for School Construction; Chartered Public Schools; Requirements
2 Added. Amend RSA 198:15-a, I and II to read as follows:

3 I. To aid local school districts **and chartered public schools under RSA 194-B** in meeting
4 the costs of school buildings, the department of education shall, from funds appropriated by the
5 general court to carry out the provisions of this subdivision, pay to the school districts **and**
6 **chartered public schools** of the state, sums in accordance with the provisions of this subdivision,
7 **RSA 198:15-b, I(a)(2)(C)** or the alternative school building aid provisions under RSA 198:15-u
8 through RSA 198:15-w.

9 II. Beginning with construction authorized by a local school district **or chartered public**
10 **school** on or after July 1, 2013, office facilities for school administrative units and the purchase or
11 lease-purchase of temporary space for any purpose, including but not limited to modulars, trailers, or
12 other similar structures to be used as classroom, office, or storage space shall not be eligible for
13 school building aid grants.

14 **II-a. Any chartered public school building to be improved or constructed using**
15 **school building aid shall be owned by the chartered public school and shall be subject to a**
16 **plan for the disposition of the chartered public school's assets, pursuant to RSA 194-B:3,**
17 **II(z), as approved by the state board of education.**

18 2 Amount of Grant; Criteria for Chartered Public Schools. Amend RSA 198:15-b, I(a)(2)(A)-(C)
19 to read as follows:

20 (2)(A) For construction authorized by a school district after July 1, 2013, school
21 building aid grants for new construction shall not exceed the state appropriation for school building
22 aid for the fiscal year, less any debt service payments due and owing in the fiscal year for
23 construction or renovation projects approved in a prior fiscal year, less the amount owed for
24 construction or renovation projects approved prior to July 1, 2013 in accordance with subparagraph
25 (a)(1), unless otherwise provided by an act of the general court. School building aid grants approved
26 pursuant to RSA 198:15-u through RSA 198:15-w **or pursuant to subparagraph (2)(C)**, shall be
27 disbursed to school districts **and chartered public schools** pursuant to this subparagraph and no
28 state bonds shall be authorized or issued for the purpose of funding school building aid grants. The
29 amount of the grant to any school district duly organized, any city maintaining a school department
30 within its corporate organization, any cooperative school district as defined in RSA 195:1, any
31 receiving district operating an area school as defined in RSA 195-A:1, or any receiving district

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1 providing an education to pupils from one or more sending districts under a contract entered into
2 pursuant to RSA 194:21-a or RSA 194:22, shall be calculated based on the criteria set forth in RSA
3 198:15-v.

4 (B) The state board of education shall approve the disbursement of 80 percent of
5 the eligible grant amount upon approval of the application for school building aid grants by the state
6 board of education, and shall disburse the balance of the grant amount upon completion of the
7 construction and verification of the final cost of construction by the department of education. *For*
8 *chartered public school construction projects, the amount of the annual grant to any*
9 *chartered public school shall be a sum equal to 5 percent of the eligible grant amount each*
10 *year for 20 years upon approval of the application for school building aid grants by the*
11 *state board of education. Not more than 10 percent of the eligible grant amount shall be*
12 *disbursed until the construction and verification of the final cost of construction have been*
13 *made by the department of education.*

14 (C) The amount of the grant to any chartered public school established in accordance
15 with RSA 194-B:3-a shall be 30 percent of the eligible cost of construction.

16 3 Building Aid; Use of Land, Buildings, or Facilities. Amend RSA 198:15-b, I(b)(1) and (2) to
17 read as follows:

18 (1) A school district, a city maintaining a school department within its corporate
19 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
20 area school as defined in RSA 195-A:1, *a chartered public school*, or a receiving district providing
21 an education to pupils from one or more sending districts under a contract entered into pursuant to
22 RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities
23 for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or
24 facilities, whichever is greater.

25 (2) A school district, a city maintaining a school department within its corporate
26 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
27 area school as defined in RSA 195-A:1, *a chartered public school*, or a receiving district providing
28 an education to pupils from one or more sending districts under a contract entered into pursuant to
29 RSA 194:21-a or RSA 194:22, shall submit, when applying for aid under this chapter, the least costly
30 building plan based on a 20-year life cycle cost analysis that meets minimum state building
31 standards in this chapter along with any alternative plans that may be proposed.

32 4 Maintenance Plan. Amend the introductory paragraph of RSA 198:15-b, I-a(a) to read as
33 follows:

34 I-a.(a) In addition to the requirements of paragraph I, each school district *or chartered*
35 *public school*, prior to receipt of any grant moneys, shall submit for review and approval a written
36 maintenance plan describing in detail how the school district intends to maintain the new facilities

1 to be constructed with state aid grant moneys. The required maintenance plan shall include, but not
2 be limited to, the following information:

3 5 Equipment Assurance. Amend RSA 198:15-b, I-a(k) to read as follows:

4 (k) A statement of assurance, signed by the chair of the school board **or the chair of the**
5 **board of trustees of the chartered public school**, which indicates that the district **or chartered**
6 **public school** intends to maintain and service all installed equipment according to the
7 manufacturer's instructions.

8 6 Department of Education; Construction Proposal Criteria. Amend RSA 198:15-c, II(b)(5) and
9 (6) to read as follows:

10 (5) Whether a school district **or chartered public school** has made a reasonable
11 attempt to accommodate maintenance activities including scheduled and unscheduled repairs,
12 upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to
13 achieve the design life expectancy of building systems and components. School districts **and**
14 **chartered public schools** shall be required to provide maintenance records and other
15 documentation, if necessary, concerning maintenance program activities for scheduled and
16 unscheduled repairs, upkeep, minor alterations, and enhancements of district buildings.

17 (6) A school district's **or chartered public school's** fiscal capacity based on
18 measurable criteria such as the percentage of pupils eligible for free and reduced price meals.

19 7 Project Resubmission. Amend RSA 198:15-c, II(c) to read as follows:

20 (c) A school district, a city maintaining a school department within its corporate
21 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
22 area school as defined in RSA 195-A:1, **a chartered public school**, or a receiving district providing
23 an education to pupils from one or more sending districts under a contract entered into pursuant to
24 RSA 194:21-a or RSA 194:22, with projects for which there is insufficient state grant funding may
25 resubmit those projects to the department pursuant to the provisions of this section.

26 8 Project Manager. Amend RSA 198:15-b, IV to read as follows:

27 IV. A school district **or chartered public school** that accepts school building aid for
28 construction shall engage the services of a project manager for construction or reconstruction
29 projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary.
30 The school district's **or chartered public school's** project manager shall have his or her own
31 comprehensive liability and auto insurance, worker's compensation coverage, and professional
32 liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to
33 the required services, responsibilities, and qualifications for the [school district's] project manager.

34 9 Time of Computation of Grant. Amend RSA 198:15-d to read as follows:

35 198:15-d Time of Computation of Grant. As of January 1 in each year, the department of
36 education shall cause to be computed the amount of the annual grants for school building aid to be
37 paid to eligible school districts **and chartered public schools** in the succeeding fiscal year. The

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1 computation shall be based upon the total of eligible costs of construction of school buildings
2 approved by the *chartered public school or the* legislative body of the school district and the
3 department of education for which loans are outstanding in each school district for the fiscal year in
4 which the computations are made.

5 10 Repeal. RSA 194-B:11, VII, relative to the prohibition on chartered public schools receiving
6 school building aid, is repealed.

7 11 Effective Date. This act shall take effect July 1, 2023.