

HB 399-FN - AS INTRODUCED

2023 SESSION

23-0650

10/04

HOUSE BILL ***399-FN***

AN ACT allowing for a testing exception for graduation from high school.

SPONSORS: Rep. Corcoran, Hills. 44

COMMITTEE: Education

ANALYSIS

This bill requires the department of education to design and administer a high school diploma equivalency test which would except students age 13 or older who pass the test from school attendance requirements. The bill also provides a private right of action to enforce the provisions of the bill.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 allowing for a testing exception for graduation from high school.

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

1 1 School Compulsory Attendance; Exception Added. Amend RSA 193:1, I(f) to read as follows:

2 (f) The pupil has successfully completed all requirements for graduation and the school
3 district is prepared to issue a diploma or the pupil has successfully achieved the equivalent of a high
4 school diploma by [~~either~~]:

5 (1) Obtaining a high school equivalency certificate; [~~or~~]

6 (2) Documenting the completion of a home school program at the high school level by
7 submitting a certificate or letter to the department of education; **or**

8 (3) ***Passing the test under RSA 194:23-b, III in which case the pupil shall be***
9 ***issued a high school diploma equivalency certificate.***

10 2 High School; Testing Exception Added. Amend RSA 194:23-b to read as follows:

11 194:23-b Approval of High Schools; ***Testing Exception.***

12 I. In order to satisfy compulsory school attendance laws, ***unless excepted under***
13 ***paragraph III***, a high school student less than 16 years old must attend a high school which has
14 been approved by the state board of education as complying with the provisions of RSA 194:23, or its
15 equivalent; and the state board of education shall annually publish a list of all high schools which it
16 has approved as meeting the requirements of RSA 194:23.

17 II. The commissioner of the department of education may, through an agreement with
18 another state when such state and New Hampshire are parties to an interstate agreement, allow
19 New Hampshire pupils to attend schools that meet the standards established by one of the 2 states.

20 ***III.(a) The commissioner of the department of education shall design a test that***
21 ***evaluates skills appropriate to a New Hampshire high school graduate and cause it to be***
22 ***administered in appropriate locations and at appropriate times, and cause it to be graded***
23 ***with a threshold that accurately reflects average New Hampshire high school graduates.***
24 ***Any child aged 13 or older, whether a citizen of New Hampshire or elsewhere, may take the***
25 ***test. Any child who passes the test shall be issued a high school diploma equivalency***
26 ***certificate and be excepted from compulsory school attendance laws.***

27 (b) ***Any nonprofit institution of higher learning in New Hampshire that offers***
28 ***an associate's or bachelor's degree and receives any funding from the state of New***
29 ***Hampshire shall accept a passing grade on the test administered by the department as***
30 ***sufficient for matriculation, and shall not impose burdensome regulations for graduation***
31 ***intended to subvert the exception from high school attendance. Any nonprofit institution***

1 *of higher learning in New Hampshire that offers an associate's or bachelor's degree that*
2 *does not accept a passing score on this test as sufficient for matriculation, or which impose*
3 *burdensome regulations for graduation that subvert the intent of this law, shall be subject*
4 *to having its state funding reduced or removed by the general court.*

5 *(c) There shall be a private right of action whereby any citizen of New*
6 *Hampshire shall have standing to enforce the requirements of this paragraph on the New*
7 *Hampshire department of education or any institution of higher learning for not*
8 *complying with the requirements of this paragraph, and the state of New Hampshire shall*
9 *be liable for reasonable attorney's fees and costs incurred in an enforcement action under*
10 *this paragraph.*

11 3 Effective Date. This act shall take effect January 1, 2024.

**HB 399-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT allowing for a testing exception for graduation from high school.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Restricted - High School Equivalency Fees / Adult Education State Funds			

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill would exempt a pupil from school compulsory attendance if the pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or if the pupil has successfully achieved the equivalent of a high school diploma by obtaining both a high school equivalency certificate and documenting the completion of a home school high school program by either submitting a certificate or letter to Department of Education, or passing the assessment created by the amendment of paragraph III in RSA 194:23-b. Further, this bill requires the Department to design a test to evaluate a NH high school graduate skill attainment that any child, including out of state citizens, aged 13 or older may take and if a passing grade is received then a high school diploma equivalency certificate shall be issued, and the child is exempted from compulsory attendance laws.

To the extent this bill will increase the potential number of high school equivalency exam test candidates, there would be an increase in state restricted revenue relative to exam fee collections and expenditures to administer such exams (the high school equivalency exam is a contracted service that is currently under competitive bid). It should also be noted that state adult education funds are currently used to fund a test center support contract, which provides test center support, however the rate is currently not sufficient to cover the actual expenses and

the difference is supported by local school districts and non-profit organizations though private resources. Therefore, this bill may also have an impact on local school district expenditures.

AGENCIES CONTACTED:

Department of Education