

HB 515 - AS INTRODUCED

2023 SESSION

23-0721

09/04

HOUSE BILL            **515**

AN ACT                relative to education freedom accounts.

SPONSORS:            Rep. Cordelli, Carr. 7

COMMITTEE:          Education

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ANALYSIS

This bill makes revisions to the education freedom account program.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 Definitions; Eligible Student. Amend RSA 194-F:1, VI to read as follows:

2 VI. "Eligible student" means a resident of this state ***under the age of 22*** who is eligible to  
3 enroll in a public elementary or secondary school and whose annual household income at the time  
4 the student applies for the program is less than or equal to 300 percent of the federal poverty  
5 guidelines as updated annually in the Federal Register by the United States Department of Health  
6 and Human Services under 42 U.S.C. section 9902(2). No income threshold need be met in  
7 subsequent years, provided the student otherwise qualifies. Students in the special school district  
8 within the department of corrections established in RSA 194:60 shall not be eligible students.

9 2 Definitions; Eligible Student. Amend RSA 194-F:1, XII to read as follows:

10 XII. "Scholarship organization", means a scholarship organization approved under RSA  
11 77:G, that administers and implements ~~[the EFA Act]~~ ***this chapter. Multiple scholarship***  
12 ***organizations may be contracted and approved under this chapter.***

13 3 Program; Education Freedom Accounts. Amend RSA 194-F:2, II (a) to read as follows:

14 (a) Tuition and fees at a private school approved ***pursuant to RSA 193:1, I(a) and (d).***

15 4 Program; Education Freedom Accounts. Amend RSA 194-F:2, II (d) to read as follows:

16 (d) Services contracted for and provided by a district public school, chartered public  
17 school, public academy, or independent school, including, but not limited to, individual classes and  
18 curricular activities and programs. ***The department shall make no state adequacy grant***  
19 ***payment to the school for curricular activities and programs for the EFA student.***

20 5 New Subparagraph; Education Freedom Accounts. Amend RSA 192-F:2, II by inserting after  
21 subparagraph (o) the following new subparagraph:

22 (p) Tuition or fees, or both, at a public school outside of the resident district or a  
23 chartered public school. The department shall make no state adequacy grant payment to the school  
24 for the EFA student.

25 6 Program; Education Freedom Accounts. Amend RSA 194-F:2, VII to read as follows:

26 VII. An EFA shall remain in force, and any unused funds shall roll over from quarter-to-  
27 quarter and from year-to-year until the parent withdraws the EFA student from the EFA program or  
28 until the EFA student graduates from high school, unless the EFA is closed because of [a] ***an***  
29 ***intentional and*** substantial misuse of funds. Any unused funds shall revert to the education trust  
30 fund established in RSA 198:39 and be allocated to fund other EFAs.

31 7 Application for an Education Freedom Account. Amend RSA 194-F:3, II to read as follows:

1 II. [The] **Each** scholarship organization shall create a standard form that parents can  
2 submit to establish their student's eligibility for the EFA program and shall ensure that the  
3 application is publicly available and may be submitted through various sources, including the  
4 Internet.

5 8 Application for an Education Freedom Account. Amend RSA 194-F:3, III(d)(1) to read as  
6 follows:

7 (1) [To] **That they shall** provide an education for the eligible student in the core  
8 knowledge domains that include science, mathematics, language, government, history, health,  
9 reading, writing, spelling, the history of the constitutions of New Hampshire and the United States,  
10 and an exposure to and appreciation of art and music.

11 9 Application for an Education Freedom Account. Amend RSA 194-F:3, III(d)(3)(C) to read as  
12 follows:

13 (C) Maintaining a portfolio including, but not limited to, a log which designates  
14 by title the reading materials used; samples of writings, worksheets, workbooks, or creative  
15 materials used or developed by the student. The parent shall have a certified teacher or a teacher  
16 currently teaching in a nonpublic school, who is selected by the parent, evaluate the student's  
17 educational progress upon review of a portfolio and discussion with the parent or student. **A letter**  
18 **from the teacher as to the student's education progress shall be provided to the scholarship**  
19 **organization. The scholarship organization shall make available to the department only**  
20 **aggregate data on student progress. The scholarship organization shall protect the**  
21 **privacy of the student and evaluator.**

22 10 Application for an Education Freedom Account. Amend RSA 194-F:3, VI to read as follows:

23 VI. Upon notice to the scholarship organization, an EFA student may ~~choose to stop~~  
24 ~~receiving EFA funding and enroll full time in a public school]~~ **withdraw from the program and**  
25 **enroll full-time in another qualified educational program pursuant to RSA 193:1.**

26 11 Authority and Responsibilities of the Scholarship Organization. Amend RSA 194-F:4, IX(b)-  
27 (c) to read as follows:

28 (b) The scholarship organization determines that there was **intentional and**  
29 **substantial misuse of the funds in the EFA.**

30 (c) The scholarship organization ~~may~~ **shall** refer suspected cases of intentional and  
31 substantial misuse of EFA funds to the attorney general for investigation if evidence of fraudulent  
32 use of EFA funds is obtained, **and notify the department.**

33 12 Authority and Responsibilities of the Scholarship Organization. Amend RSA 194-F:4, XV to  
34 read as follows:

35 XV. ~~[The department]~~ **state board of education** shall adopt rules that are necessary for  
36 the administration of this chapter.

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1           13 New Paragraphs; Authority and Responsibilities of the Scholarship Organization. Amend  
2 RSA 194-F:4 by inserting after paragraph XVII the following new paragraphs:

3           XVIII. The scholarship organization and any contractors shall comply with all federal and  
4 state laws regarding student privacy.

5           XIX. The scholarship organization shall keep a record of denied expenses which shall  
6 include the reason for denial and provide for parent appeal of the scholarship organization's decision  
7 to the department.

8           XX. The scholarship organization shall provide an annual report to the speaker of the house  
9 of representatives, the president of the senate, the chairperson of the house education committee,  
10 the chairperson of the house finance committee, the chairperson of the senate education committee,  
11 the chairperson of the senate finance committee, the governor, the joint legislative oversight  
12 committee under RSA 194-F:12 and the commissioner of the department of education. The report  
13 shall include:

14                   (a) The number of eligible students with accounts.

15                   (b) A list of nonpublic schools and educational service providers including the number of  
16 eligible students served per school and educational service provider.

17                   (c) The value of EFA funds utilized for services during the year by eligible expense  
18 category.

19                   (d) A survey of parents of eligible students with accounts. The survey shall include, but  
20 not be limited to, the number of years the parent has been in the program, reasons for leaving their  
21 prior education program for an EFA, the relative satisfaction of the parent with the program, uses of  
22 the EFA, and suggestions of the parent for improvement.

23                   (e) The value of funds spent on administrative expenses by the scholarship organization.

24           14 Responsibilities of Public Schools and School Districts. Amend RSA 194-F:8 to read as  
25 follows:

26           194-F:8 Responsibilities of Public Schools and School Districts. A public school, or school  
27 district, that previously enrolled an EFA student shall provide a private school that is also an  
28 education service provider and that has enrolled an EFA student with a complete copy of the [~~ESA~~  
29 **EFA** student's school records, in a timely manner, while complying with 20 U.S.C. section 1232g, the  
30 Family Educational Rights and Privacy Act of 1974.

31           15 Effective Date. This act shall take effect upon its passage.