

# TITLE XV EDUCATION

## CHAPTER 193 PUPILS

### School Attendance

#### Section 193:1

##### **193:1 Duty of Parent; Compulsory Attendance by Pupil. –**

I. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in the child's resident district. Such child shall attend full time when such school is in session unless:

(a) The child is attending a New Hampshire public school outside the district to which the child is assigned or an approved New Hampshire private school for the same time;

(b) The child is receiving home education pursuant to RSA 193-A and is therefore exempt from this requirement;

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and adequate education grants under RSA 198:41;

(d) The child is attending a public or private school located in another state which has been approved by the state education agency of the state in which the school is located, or is attending a nonsectarian private school located in New Hampshire that is approved as a school tuition program by the school board pursuant to RSA 193:3, VII;

(e) The pupil has been exempted from attendance pursuant to RSA 193:5;

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

(1) Obtaining a high school equivalency certificate; or

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

(g) The pupil has been accepted into an accredited postsecondary education program; or

(h) The pupil obtains a waiver from the superintendent, which shall only be granted upon proof that the pupil is 16 years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.

(1) Alternative learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components or combination of components of extended learning opportunities as

independent study, private instruction, performing groups, internships, community service, apprenticeships, and on-line courses.

(2) Alternative learning plans shall be developed, and amended if necessary, in consultation with the pupil, a school guidance counselor, the school principal and at least one parent or guardian of the pupil, and submitted to the school district superintendent for approval.

(3) If the superintendent does not approve the alternative learning plan, the parent or guardian of the pupil may appeal such decision to the local school board. A parent or guardian may appeal the decision of the local school board to the state board of education consistent with the provisions of RSA 21-N:11, III.

II. A child who reaches the sixth birthday after September 30 shall not be required to attend school under the provisions of this section until the following school year.

III. In this section, "parent" means a parent, guardian, or person having legal custody of a child.

IV. [Repealed].

**Source.** 1903, 13:1. 1911, 139:1. 1917, 52:1. 1919, 84:1. 1921, 85, III:1. PL 118:1. RL 137:1. 1949, 92:1. 1953, 223:1. RSA 193:1. 1985, 47:1. 1990, 279:1. 1994, 121:1. 1996, 157:1. 1997, 183:1. 1999, 17:42; 39:1. 2005, 257:15. 2007, 242:5; 270:3; 350:1; 350:2. 2008, 173:11. 2013, 215:1. 2017, 182:2, eff. Aug. 28, 2017.

## **Section 193:1-a**

### **193:1-a Dual Enrollment. –**

I. Notwithstanding any other provision of the law, the full-time attendance requirement may be met by attendance at more than one school provided the total time spent in the schools is equivalent to full-time attendance and further that the attendance at more than one school may include attendance at a nonpublic school provided that the school district and the state board of education have given prior approval to the detailed dual enrollment agreement, which is to be effectuated for this purpose.

II. [Repealed.]

**Source.** 1969, 356:1. 1994, 130:1. 2002, 202:2, eff. July 14, 2002.

## **Section 193:1-b**

### **193:1-b Rulemaking Authority; Dual Enrollment Programs. –**

I. In order to accomplish the secular educational purposes of RSA 193:1-a, the state board of education shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II(h), relative to:

(a) Providing for shared or released time programs.

(b) Leasing of space.

(c) Requirements for optional services permitted under RSA 189:49.

II. In the event that a court rules invalid a particular lease or rule, that action shall not be deemed to have invalidated other leases or rules adopted under this section.

**Source.** 1973, 501:5. 1986, 41:21, eff. April 3, 1988.

## **Section 193:1-c**

**193:1-c Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated Pupils. –**

I. Nonpublic, public chartered school, or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for non-public, public chartered school, or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall not include any pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

**Source.** 2002, 202:1. 2016, 4:1, eff. March 26, 2016.

**Section 193:2**

**193:2 Repealed by 1990, 279:5, eff. July 1, 1991. –**

**Section 193:3**

**193:3 Change of School or Assignment; Best Interest of Student. –**

I. (a) The parent or guardian of a student may apply to the superintendent of the student's district of residence if the parent or guardian believes it would be in the best interest of the student to change the student's school or assignment.

(b) Upon such request, the superintendent shall schedule a meeting with the parent or guardian, to be held within 10 days of the request.

(c) Prior to or at such meeting, the parent or guardian shall make a specific request that the student be re-assigned by the school board to another public school or public academy within the district or to a public school or public academy in another district.

(d) At such meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that it is in the best interest of the student to change the student's school or assignment. The superintendent may present such information as he or she deems appropriate.

(e) In determining whether it is in the best interest of the student to change the student's school or assignment, the superintendent shall consider the student's academic, physical, personal, or social needs.

(f) If the superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the superintendent shall initiate:

(1) A change of assignment within the student's current assigned school;

(2) The student's transfer to another public school or public academy within the district of residence; or

(3) The student's transfer to a public school or public academy in another district.

(g) If a student is reassigned as a result of a best interest determination, the superintendents involved in the reassignment shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to school board policy of the receiving district. The school board of the student's district of residence shall approve the payment of tuition upon the superintendent's finding that is in the best interest of the student to be reassigned. Transportation shall be the responsibility of the parent or legal guardian.

(h) If the superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent or guardian may request a hearing with the school board of residence to determine if the student is experiencing a manifest educational hardship under paragraph II.

II. (a) "Manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.

(b) The superintendent shall duly notify the school board that the parent or guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received.

(c) At such hearing, the parent or guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The superintendent may present such information as he or she may deem appropriate to assist the school board in reaching its decision. The parties shall have the right to examine all evidence and witnesses.

(d) Prior to or at such hearing, the parent or guardian shall make a specific request that the student be re-assigned by the school board to another public school or public academy within the district or to a public school or public academy in another district.

(e) The parent or guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence.

(f) If the school board finds that the student has a manifest educational hardship, the school board shall grant the parent's or guardian's request to re-assign the student to another public school or public academy within the district or to a public school or public academy in another district.

(g) If the school board finds that the parent or guardian has not met their burden of proof, the parent or guardian may appeal the local school board decision to the state board of education. If the state board of education chooses to accept the parent's or guardian's appeal, the state board of education shall schedule hearing on the matter, pursuant to applicable department of education rules.

(h) If a student is assigned to attend school in another district because of a manifest educational hardship, the district in which the student resides shall pay tuition to the district to which the child is re-assigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment.

III. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

III-a. (a) A student reassigned under this section shall be counted in the average daily membership in residence of the student's resident school district. The student's resident district shall forward any tuition payment due to the district to which the student was reassigned.

(b) The superintendent of the student's resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section.

(c) Nothing in this section shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

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

(e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to manifest educational hardship. Each school board shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district.

(f) Students re-assigned under this section shall meet the admission requirements of the school to which the student is re-assigned.

IV. (a) Any person having custody of a child may apply to enroll that child in a public school or public academy outside the school district in which the person and child reside. If the non-resident school district or public academy agrees to enroll the child it may charge tuition to the parent or may enter into an agreement for payment of tuition with the school district in which the child resides.

(b) When a child is enrolled pursuant to subparagraph (a), the district in which the child is enrolled shall immediately notify the district in which the child resides of the name, date of birth, address, and grade assignment of the child. This same notification shall be made at the beginning of each school year for which the child is enrolled.

(c) When a child is enrolled pursuant to subparagraph (a), the district in which the child resides shall retain all responsibility for the provision of special education and related services pursuant to RSA 186-C.

(d) The decision by a school district or a public academy to deny enrollment of a non-resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the Rehabilitation Act of 1973, as amended.

(e) The decision of a parent to enroll a child in a charter school shall not be subject to the provisions of this section.

(f) Disputes related to the provision of special education services under this paragraph shall be governed by RSA 186-C.

V. A placement made by a child's special education team pursuant to that child's individualized education program shall not be deemed a change of school assignment for purposes of this section.

VI. If there is no public school for the child's grade in the resident district, the school board may assign the child to another public school in another school district or to any nonsectarian private school that has been approved as a school tuition program by the school board. The school board may execute a contract with an approved nonsectarian private school to provide for the education

of a child who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.

VII. In this section, "approved as a school tuition program" means a school that has been approved and contracted by the school board to provide students with the opportunity to acquire an adequate education as defined in RSA 193-E:2. Upon approval by the school board, the school shall receive status as an approved school tuition program, shall be deemed in compliance with the provisions of RSA 193-E:3-b, I(a) and (b), and shall qualify as a school approved to provide the opportunity for an adequate education. The school shall be required to submit to the school board an annual student performance progress report in a format selected by the school board, which may include reporting of aggregate achievement data to protect student privacy, and that demonstrates that students are afforded educational opportunities that are substantially equal in quality to state performance standards for determining an adequate education. A private school that receives tuition program students shall:

- (a) Comply with statutes and regulations relating to agency approvals such as health, fire safety, and sanitation;
- (b) Be a nonsectarian school;
- (c) Be incorporated under the laws of New Hampshire or the United States; and
- (d) Administer an annual assessment in reading and language arts, mathematics, and science as defined in RSA 193-C:6 to tuition program students. The assessment may be any nationally recognized standardized assessment used to measure student academic achievement, shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-C:6 for school tuition program students. The school's annual assessment results for tuition program students shall be submitted to the commissioner and school board. If the school enrolls 10 or more publicly-funded tuition program students and if the school's group assessment percentile score for tuition program students is less than the 40th percentile, the commissioner may require a site visit to determine if the school provides the opportunity for an adequate education in accordance with RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to demonstrate that it provides an opportunity for an adequate education, the school may be subject to revocation of tuition program status.

**Source.** 1871, 2:1. GL 91:14. PS 93:14. 1901, 61:14. 1903, 13:1. 1911, 139:9. 1913, 22:1. 1919, 84:1. 1921, 85, III:3. PL 118:3. RL 137:3. 1949, 139:3. RSA 193:3. 1969, 356:2. 1973, 240:1. 1985, 48:1. 1990, 140:2, X. 1995, 98:1. 1997, 183:2. 2001, 292:1, 2. 2002, 138:6. 2008, 274:30, 31. 2010, 316:1, 2. 2015, 125:1. 2016, 44:1. 2017, 182:3, eff. Aug. 28, 2017. 2020, 38:24, eff. Sept. 27, 2020.

### **Section 193:3-a**

#### **193:3-a Classroom Placement of Twins or Other Multiples. –**

I. No school board shall adopt a policy of automatically separating or placing together twins or other multiples. In this section, "multiples" means triplets or more.

II. A parent or guardian of twins or other multiples in elementary school may, no later than 60 days before the first day of each school year or upon registration in the case of children enrolling in a new school, request that the twins or multiples be placed in the same classroom or in separate classrooms. This request shall be granted unless the principal, after meeting with the

parents or guardians and after careful consideration of the reasons for their recommendation and of the best interests of their children and other children in the school affected by this decision, decides that a different placement is necessary.

III. This section is not intended to limit a parent's or guardian's right to appeal.

**Source.** 2007, 309:1, eff. Sept. 11, 2007.

## **Section 193:4**

**193:4 District Liability for Elementary or Junior High School Tuition.** – Any district shall pay for the tuition of any pupil who, as a resident of the district, has been assigned to attend a public elementary or junior high school or school of corresponding grade in another district or a nonsectarian private school approved as a school tuition program by the school board pursuant to RSA 193:3, VII, and any district not maintaining an elementary or junior high school or school of corresponding grade shall pay for the tuition of any pupil who, as a resident of the district, is determined to be entitled to have such tuition paid by the district where the pupil resides, and who attends an approved public elementary or junior high school or public school of corresponding grade in another district, or a nonsectarian private school approved as a school tuition program by the school board pursuant to RSA 193:3, VII. Except under contract, the liability of any school district under this section for the tuition of any pupil shall be the current expenses of operation of the receiving district for its elementary or junior high school or public school of corresponding grade, as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils.

**Source.** 1949, 139:4. RSA 193:4. 1957, 52:1. 1959, 117:1. 1963, 288:2. 1975, 45:1. 1997, 183:3. 1998, 271:1. 2017, 182:4, eff. Aug. 28, 2017.

## **Section 193:4-a**

**193:4-a Tuition Liability; Dual Enrollment.** – Any district shall be liable for the tuition of any child who as a resident of the district has been assigned to attend public school in another district in accordance with an approved dual enrollment plan; such payment shall be made as provided in RSA 193:4.

**Source.** 1971, 273:1. 1973, 501:4, eff. June 30, 1973.

## **Section 193:5**

**193:5 Exemption From Attendance.** – Whenever it shall appear to the superintendent of schools that the welfare of any child will be best served by the withdrawal of such child from school, the superintendent or a majority of the members of the school board shall make recommendation to the commissioner of education, who shall, if the facts warrant it, make an order exempting such child from attendance for such period of time as seems best for the interest of such child.

**Source.** 1911, 139:1. 1913, 22:1. 1919, 84:1. 1921, 85, III:3. PL 118:4. RL 137:4. RSA 193:5. 1969, 356:3. 1997, 183:4, eff. Jan. 1, 1998.

### **Section 193:6**

**193:6 Repealed by 1961, 98:1, eff. June 19, 1961. –**

### **Section 193:7**

**193:7 Penalty.** – Any person who does not comply with the requirements of this subdivision shall be guilty of a violation and any fines collected hereunder shall be for the use of the district.

**Source.** 1871, 2:1. GL 91:14. PS 93:14. 1921, 85, III:4. PL 118:6. RL 137:6. RSA 193:7. 1973, 531:47, eff. Oct. 31, 1973 at 11:59 p.m.

### **Section 193:8**

**193:8 Notice of Requirements.** – The school board of every district shall cause a copy of RSA 193:1-7 to be sent to every person who they have reason to believe does not comply with the requirements thereof.

**Source.** 1871, 2:3. 1874, 58:1. GL 91:16. PS 93:16. 1921, 85, III:5. PL 118:7. RL 137:7. RSA 193:8. 1969, 356:4, eff. July 1, 1969.

### **Section 193:9**

**193:9 Repealed by 2013, 215:3, eff. Sept. 8, 2013. –**

### **Section 193:10**

**193:10 Exception.** – The provisions relating to illiterates and non-English-speaking persons over 16 years of age shall not apply to persons employed in cutting, harvesting or driving pulp-wood and timber, nor to persons temporarily employed in any sort of construction or agricultural work.

**Source.** 1921, 85, III:7. PL 118:9. RL 137:9.

### **Section 193:11**

**193:11 Disturbance.** – Any person not a pupil who shall wilfully interrupt or disturb any school shall be guilty of a misdemeanor.

**Source.** GL 91:17. 1887, 15:1. PS 93:17. 1921, 85, III:8. PL 118:10. RL 137:10. RSA 193:11. 1973, 528:106, eff. Oct. 31, 1973 at 11:59 p.m.

## Section 193:12

### **193:12 Legal Residence Required. –**

I. Notwithstanding any other provision of law, no person shall attend school, or send a pupil to the school, in any district of which the pupil is not a legal resident, without the consent of the district or of the school board except as otherwise provided in this section or in RSA 193:28.

II. For purposes of this section, the legal residence of a pupil shall be as follows:

(a) In the case of a minor, legal residence is where his or her parents reside, except that:

(1) If the parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.

(2)(A) In a divorce decree where parents are awarded joint decision making responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides. In a divorce decree, or parenting plan developed pursuant to RSA 461-A, a child's legal residence for school attendance purposes may be the school district in which either parent resides, provided the parents agree in writing to the district the child will attend and each parent furnishes a copy of the agreement to the school district in which the parent resides. The parents shall update their parenting plan to reflect this agreement. If a parent is awarded sole or primary residential responsibility or physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility or physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA 193:28.

(B) Nothing in this subparagraph shall require a school district to provide transportation for a child to another school in the school district in which the child resides, or beyond the designated attendance area for the school to which the child is assigned, or beyond the geographical limits of the school district in which the child resides.

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.

(b) No minor placed in a home for children or health care facility, as defined in RSA 193:27, by another state which charges the state of New Hampshire, a political subdivision of the state of New Hampshire, or a New Hampshire school district, for the regular or special education costs for New Hampshire children placed in that state, shall be deemed a legal resident for purposes of school assignment, unless the sending state agrees to reimburse the receiving district, as defined in RSA 193:27, for regular education and special education costs.

(c)(1) If a parent with legal custody of a child moves from New Hampshire to another state while the child is in a court-ordered residential placement in this state or another state pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, the departments of education and health and human services shall make a written request of the receiving state to assume the programmatic and financial liability of the child's placement in this state or another state until physical custody of the child is returned to a parent or legal guardian. In this subparagraph, "receiving state" shall mean the state to which the child's parents move.

(2) If the receiving state refuses to accept financial liability, the departments of education and health and human services shall enter into an agreement to provide the child with general and special education and residential services until legal custody of the child is returned to a parent or legal guardian.

III. For the purposes of this title, "legal resident" of a school district means a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. A person may have only one legal residence at a given time.

IV. The term "homeless children and youths" means individuals who lack a fixed, regular, and adequate nighttime residence, and shall include the following:

(a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

(b) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

(d) Migratory children, as defined in 20 U.S.C. 6399 who qualify as homeless because such children are living in circumstances as described in subparagraphs (a)-(c).

V. Except as provided in subparagraph II(b), nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, or of any child placed in the home of a relative of that child by the department of health and human services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, to attend the public schools of the school district in which the home for children or home of the relative or friend in which a child is placed by the department of health and human services or by a court of competent jurisdiction is located, as provided in RSA 193:28.

V-a. Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the department of health and human services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

(a) Upon request of the school district, the department of health and human services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child's well being, and not for the purpose of allowing the child to attend school

in the district where the relative resides; and

(b) Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, the child being allowed to attend school in that district while the relative seeks guardianship.

V-b. Whenever a dispute arises among one or more school districts, the department of health and human services, or one or more of the previously mentioned parties, as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services shall request in writing that the superintendents involved resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services shall request that the commissioner of the department of education determine the residence of the child. The child shall be permitted to attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

VI. (a) The commissioner of the department of education, or designee, shall decide residency issues for all pupils, excluding homeless children and youths, in accordance with this section. If more than one school district is involved in a residency dispute, or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached, the commissioner of the department of education, or designee, shall make a determination within 30 days of notice of the residency dispute and such determination shall be final. If the unresolved residency dispute has resulted in an interruption of educational or related services, or such an interruption is likely to occur if the determination cannot be made before the expiration of 30 days, the determination shall be made within 14 days. With the agreement of the school districts involved and of the minor child's parent or legal representative, the time for determination of the residency dispute may be extended. Residency disputes may be submitted to the commissioner for determination by a school district involved in a dispute. In cases where the failure to resolve a residency dispute has resulted in or is likely to result in the interruption of educational or related services, a minor child's parent or legal representative may submit a residency dispute for determination to the commissioner. In all cases, all parties with an interest in the dispute shall be notified of the pendency of the proceedings, shall have an opportunity to review all information provided to the commissioner, and shall have an opportunity to present facts and legal arguments to the commissioner. The commissioner's decision, including a written explanation for that decision, shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education. No school district shall deny a pupil attendance or implementation of an existing individualized education program.

(b) A pupil shall remain in attendance in the pupil's school of origin during the pendency of a determination of residency. If a child does not have a school of origin within this state, the child shall be immediately admitted to the school in which enrollment is sought pending determination of the residency dispute, provided such school is in the school district in which the child temporarily resides. For the purpose of this paragraph, "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled.

(c) Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

VII. Nothing in this section shall require a district to provide transportation for a student beyond the geographical limits of that district.

VIII. Each school district shall adopt an admission and attendance of non-resident students policy.

IX. The commissioner of education may enter into agreements with other states relative to liability for educational costs, including special education costs, of students placed in New Hampshire by those states, or of students placed outside the state of New Hampshire.

X. For the purpose of determining liability for a child placed and cared for in any home for children or health care facility, the provisions of RSA 193:29 shall apply.

**Source.** RS 73:7. CS 77:7. GS 83:1. GL 91:1. PS 93:1. 1921, 85, III:9. PL 118:11. 1927, 58:1. RL 137:11. RSA 193:12. 1955, 227:2. 1997, 183:6. 1998, 206:1-3, 7, 8. 2001, 294:1. 2002, 138:7. 2003, 222:1, 2. 2005, 273:19. 2006, 236:1, 2. 2008, 274:16 to 19, 32. 2011, 178:1, 2. 2012, 257:1. 2013, 165:1, eff. Aug. 28, 2013.

### **Section 193:13**

[RSA 193:13 effective until July 1, 2021; see also RSA 193:13 set out below.]

#### **193:13 Suspension and Expulsion of Pupils. –**

I. (a) The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend pupils from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and shall make educational assignments available to the suspended pupil during the period of suspension.

(b) The school board or a representative designated in writing of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board is appealable to the school board, provided that the superintendent received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education. Any expulsion shall be valid throughout the school districts of the state.

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

IV. The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

VII. For purposes of paragraphs I, II, and III, school board may be either the school board or a subcommittee of the board duly authorized by the school board.

XI. School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

(a) Include a graduated set of age appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extra curricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.

(b) Set forth standards for short term suspensions up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and expulsion. Such standards shall make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

XII. Each school district and chartered public school shall make its policy on school discipline:

(a) Available to parents at the beginning of each school year;

(b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and

(c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.

[RSA 193:13 effective July 1, 2021; see also RSA 193:13 set out above.]

### **193:13 Suspension and Expulsion of Pupils. –**

I. (a) A superintendent or chartered public school director, or a representative designated in writing by the superintendent or chartered public school director, may suspend pupils from school for a period not to exceed 10 consecutive school days for:

(1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or

(2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.

(b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil up to 10 additional consecutive school days for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun. The school board's or board of trustee's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district or chartered public school in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board or board of trustees is appealable to the school board or board of trustees, provided that the superintendent, school board, or board of trustees received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board or board of trustees shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board or board of trustees stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board or board of trustees for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

(a) A repeated act under subparagraph I(b);

(b) Any act of physical or sexual assault that would be a felony if committed by an adult;

(c) Any act of violence pursuant to RSA 651:5, XIII; or

(d) Criminal threatening pursuant to RSA 631:4, II(a).

III. A pupil who has been expelled shall not attend school until reinstated by the local board or chartered public school board of trustees.

III-a. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:

(a) The pupil's age.

(b) The pupil's disciplinary history.

(c) Whether the pupil is a student with a disability.

(d) The seriousness of the violation or behavior committed by the pupil.

(e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.

(f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

III-b. Any expulsion shall be subject to review by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board or board of trustees to the state board of education at any time while the expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.

III-c. Any expulsion shall be valid throughout the school districts of the state. However, upon application by the pupil, any school district or chartered public school may choose to admit an

expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.

IV. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a pupil to advance from grade to grade. Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of missing class due to suspension.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

VIII. For purposes of paragraphs I, II, III, and IV school board may be either the school board or a subcommittee of the board duly authorized by the school board.

IX. Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.

X. The provisions of this section shall be construed in a manner consistent with RSA 186-C.

XI. School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

(a) Include a graduated set of age appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extra curricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.

(b) Set forth standards for short term suspensions up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and expulsion. Such standards shall make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

XII. Each school district and chartered public school shall make its policy on school discipline:

- (a) Available to parents at the beginning of each school year;
- (b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and
- (c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.

**Source.** RS 73:4. CS 77:4. GS 83:3. GL 91:3. PS 93:3. 1921, 85, III:10. PL 118:12. RL 137:12. RSA 193:13. 1969, 356:5. 1971, 371:6. 1994, 355:2. 1995, 231:1. 1996, 168:1, 2. 1999, 44:2. 2017, 12:1, eff. June 16, 2017. 2020, 38:1, eff. July 29, 2020 and July 1, 2021.

### **Section 193:14**

**193:14 Repealed by 2017, 63:9, III, eff. Aug. 1, 2017. –**

### **Section 193:14-a**

**193:14-a Change of School Assignment; Duties of Board of Education.** – The state board of education in conjunction with the department of education shall make available to local school boards information regarding the responsibilities of the local boards when parents request a change in school assignment. Such information shall include an explanation of local board's authority and responsibilities, as well as the rights and responsibilities of parents seeking a change of assignment as set forth in RSA 193:3 and applicable rules adopted under RSA 541-A.

**Source.** 1994, 126:6. 2017, 63:7, eff. Aug. 1, 2017.

### **Section 193:15**

**193:15 Penalty for Unauthorized Attendance, etc.** – Any pupil who, after notice, attends or visits a school which the pupil has no right to attend, or interrupts or disturbs such school, shall for the first offense be guilty of a violation, and shall for any subsequent offense be guilty of a misdemeanor.

**Source.** 1849, 85:41. CS 78:5. GS 83:5. GL 91:5. PS 93:5. 1921, 85, III:12. PL 118:14. RL 137:14. RSA 193:15. 1973, 528:107. 1997, 183:7, eff. Jan. 1, 1998.

### **Section 193:16**

**193:16 Bylaws as to Nonattendance.** – Districts may make bylaws, not repugnant to law, concerning habitual truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h), and to compel the attendance of such children at school; failure to comply with such bylaws shall constitute a violation for each offense.

**Source.** 1852, 1278. CS 78:1. GS 83:6. GL 91:6. PS 93:6. 1921, 85, III:13. PL 118:15. RL 137:15. RSA 193:16. 1973, 531:48. 2007, 350:3, eff. July 1, 2009.

### **Section 193:17**

**193:17 Repealed by 1975, 502:15, eff. Aug. 28, 1975. –**

### **Section 193:18**

**193:18 Suspension of Sentence.** – Any offender so convicted may give bond to the district in the sum of \$25, with sufficient sureties, approved by the court or justice before whom such offender was convicted, conditioned to attend regularly a school assigned by the local school board for one term next ensuing, to comply with the regulations thereof, and to be obedient and respectful to the teacher, and such offender's sentence may be suspended.

**Source.** 1852, 1278. CS 75:5. GS 83:10. GL 91:10. PS 93:9. 1921, 85, III:15. PL 118:17. RL 137:17. RSA 193:18. 1969, 356:7. 1997, 183:8, eff. Jan. 1, 1998.

## **Education of Children Placed in Homes for Children**

### **Section 193:18-a, 193:18-b**

**193:18-a, 193:18-b Repealed by 1981, 326:2, eff. Sept. 1, 1981. –**

### **Section 193:18-c**

**193:18-c Repealed by 1961, 250:2, eff. July 1, 1961. –**

## **Scholarships for Orphans of Veterans**

### **Section 193:19**

**193:19 Purpose of Appropriations.** – The sums appropriated under the provisions of this section shall be nonlapsing and continually appropriated for the sole purpose of contributing to the payment of board, room rent, books and supplies, at an institution of higher education, for veteran's natural or adopted children between the ages of 16 and 25 years, who are legal residents of the state at the time of application, whose parent served on active duty in the armed services of the United States from December 7, 1941 to December 31, 1946; or from June 27, 1950 to January 31, 1955; or from February 28, 1961 to May 7, 1975; or from August 2, 1990 through a final date of the Gulf War conflict to be prescribed by Presidential proclamation or law; or in any operation not otherwise covered by this section for which the armed forces expeditionary medal or a theater of operations service medal, as defined in RSA 72:29, has been awarded to the veteran, and the veteran, who was a New Hampshire resident at the time of his or her death, either died while on active duty during the service described above, or has since died from a

service-connected disability so rated by the federal government. Not more than \$2,500 shall be paid under this section to any one student in any one year, provided that no individual shall be eligible to receive such benefits for a period of more than 4 years.

**Source.** 1943, 35:1. 1945, 196:1. 1951, 220:1. RSA 193:19. 1973, 278:1. 1981, 409:2. 2003, 44:1. 2005, 97:1. 2006, 28:6. 2009, 280:3, eff. Sept. 27, 2009.

### **Section 193:20**

**193:20 Tuition.** – Children, as described in RSA 193:19, enrolled at a New Hampshire public institution of higher education shall receive free tuition.

**Source.** 1943, 35:2. RSA 193:20. 1981, 409:3. 1987, 171:3. 2005, 97:2, eff. Aug. 7, 2005.

### **Section 193:21**

**193:21 Payment.** – The amounts payable to recipients shall be determined by the department of education, division of educator support and higher education. The higher education commission established in RSA 21-N:8-a shall determine the eligibility in accordance with rules adopted under RSA 541-A of the children who make application for the benefits provided for in this subdivision.

**Source.** 1943, 35:3. RSA 193:21. 1981, 409:4. 1987, 171:4. 2005, 97:3. 2011, 224:132. 2013, 164:2, eff. June 28, 2013. 2018, 315:20, eff. Aug. 24, 2018.

### **Section 193:22**

**193:22 Repealed by by 2005, 97:4, eff. Aug. 7, 2005.** –

## **Payment to Outside Schools Furnishing Instruction Not Available in New Hampshire**

### **Section 193:23 to 193:25**

**193:23 to 193:25 Repealed by 1959, 214:2, eff. July 1, 1959.** –

## **Loans to Students**

### **Section 193:26**

**193:26 Powers of Minors to Borrow for Educational Expense.** – Notwithstanding any statutory provisions or rule of law to the contrary, any minor who contracts to borrow money to defray the expenses of attending any institution of higher education shall have full legal

capacity to act in the minor's own behalf and shall have all the rights, powers, and privileges and be subject to the obligations of persons of full age with respect to any such contracts.

**Source.** 1959, 241:1. 1961, 189:1. 1997, 183:9, eff. Jan. 1, 1998.

## **Education of Children Placed in Homes for Children, Health Care Facilities, or State Institutions**

### **Section 193:27**

#### **193:27 Definitions. –**

As used in this subdivision:

I. "Home for children" means any orphanage; institution for the care, treatment, or custody of children; child care agency as defined by RSA 170-E:25, II and III; or any residential school approved under RSA 186:11, XXIX.

II. "Health care facility" means any hospital, nursing home, sheltered home, or other institution licensed under RSA 151.

III. "State institution" means the New Hampshire hospital, Laconia developmental services, and the youth development center.

IV. "Sending district" means the school district in which a child most recently resided other than in a home for children, the home of a relative or friend in which a child is placed by the department of health and human services or a court of competent jurisdiction pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, health care facility, or state institution, if such child is not in the legal custody of a parent or if the parent resides outside the state; if the child is retained in the legal custody of a parent residing within the state, "sending district" means the school district in which the parent resides. For the purposes of this paragraph a parent shall not have legal custody if legal custody has been awarded to some other individual or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this paragraph.

V. "Receiving district" means the school district in which a home for children or health care facility is located if a child who is placed therein attends a public school in that district or receives educational services from that district.

VI. "School district" means a school district in the state.

**Source.** 1981, 326:1. 1982, 39:6. 1985, 241:1, 2; 355:3, 4. 1988, 107:5. 1990, 257:9. 1998, 206:4. 2006, 139:1. 2008, 274:20, eff. July 1, 2008.

### **Section 193:28**

#### **193:28 Right of Attendance. –**

Whenever any child is placed and cared for in any home for children, or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, such child, if of school age, shall be entitled to attend:

- I. The public schools of the school district that the child attended prior to placement, if continuing in the same school district is in the best interest of the child as determined by the court, if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be arranged without imposing additional transportation costs on a school district or the department of health and human services; or
- II. The public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, provided that the school district for a child placed in a group home, as defined in RSA 170-E:25, II(b), within a cooperative school district, shall be the cooperative school district, not the pre-existing district within the cooperative.

**Source.** 1981, 326:1. 1993, 322:7. 1998, 206:5. 2001, 294:2. 2008, 274:21, eff. July 1, 2008.

## **Section 193:29**

### **193:29 Liability for Education of Children in Homes for Children or Health Care Facilities. –**

- I. For any child placed and cared for in any home for children or health care facility, the sending district shall make payments to the receiving district as follows:
- (a) For a child attending a public school in the receiving district who receives special education as required by RSA 186-C, the sending district is liable for the actual prorated cost of the special education and any related services, as defined in RSA 186-C:2, provided by the receiving district.
- (b) For a child attending a public school to which the receiving district as defined in RSA 193:27 shall pay tuition under an AREA or other contractual agreement, the sending district as defined in RSA 193:27 is liable for all costs which said receiving district must pay under that agreement.
- (c) If a child is assigned to an out-of-district special education program, the sending district is liable for all costs under RSA 186-C.
- II. Actual fiscal liability under paragraph I commences upon enactment of this statute. However, the determination of liability as applied in paragraph I refers to children placed in a home for children or health care facility prior to as well as subsequent to enactment.
- III. If the receiving district receives any state or federal aid for educating a child in any home for children or health care facility, including but not limited to aid for foster children under RSA 198:23, that amount shall be deducted from the liability of the sending district for that child.
- IV. The agency responsible for placing the child shall inform the sending and receiving districts of where the child presently resides and where the child last resided before placement in a home for children, health care facility, or state institution or where the parent of the child resides if the child is in the legal custody of a parent who resides within the state.
- V. The cooperative school district, not the pre-existing district, shall be liable for the cost associated with the education of children placed in a group home, as defined in RSA 170-E:25, II(b), within such cooperative school district provided, however, that the provisions of RSA 193:29, I(a) shall apply to children receiving special education.

**Source.** 1981, 326:1. 1982, 39:7. 1983, 286:1. 1993, 322:8. 2008, 274:33, eff. July 1, 2008. 2018, 90:1, eff. July 24, 2018.

## **Section 193:30**

**193:30 Rulemaking Authority.** – The state board of education shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II(1), relative to education of children placed in homes for children, health care facilities or state institutions. Such rules may include provisions for administrative hearings to resolve disputes between school districts relative to reimbursement under RSA 193:29.

**Source.** 1981, 326:1. 1986, 41:22, eff. April 3, 1988.

## **Missing Child Education Program**

### **Section 193:31**

**193:31 Program Established; Rules.** – The department of education, in cooperation with the department of health and human services, shall establish the "missing child educational program" that shall perform the functions specified in this subdivision. The program shall operate under the supervision and control of the commissioner of education in accordance with procedures that the commissioner shall adopt by rule, pursuant to RSA 541-A, to implement this subdivision.

**Source.** 1985, 318:6. 1994, 212:2. 1995, 310:181, eff. Nov. 1, 1995.

### **Section 193:32**

#### **193:32 Educational Materials.** –

I. The program shall acquire or prepare educational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:

- (a) The types of missing children.
- (b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, custodial parent, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems.
- (c) How to avoid becoming a missing child and what to do if one becomes a missing child.
- (d) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor who becomes a missing child, including, but not limited to, fingerprinting programs.

II. The program shall provide, upon request, a reasonable number of copies of the educational materials acquired or prepared pursuant to paragraph I to boards of education in this state and to nonpublic schools in this state. The program shall provide assistance, upon request, to a board of education or nonpublic school that is developing an educational program concerning missing children issues and matters.

III. The program shall provide, upon request, a copy of any educational material to another person or entity.

**Source.** 1985, 318:6. 1997, 183:10, eff. Jan. 1, 1998.

### **Section 193:33**

**193:33 Report.** – Each year the program shall issue a report describing its performance of the functions specified in this subdivision and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the attorney general, and the commissioner of the department of health and human services.

**Source.** 1985, 318:6. 1994, 212:2. 1995, 310:182, eff. Nov. 1, 1995.

## **Parents as Teachers Program**

### **Section 193:34**

#### **193:34 Policy and Purposes. –**

I. This act recognizes the importance of the early childhood years upon children's brain development. Given appropriate stimulation, babies develop critical cognitive and social skills from birth to age 3. These early years provide a window of opportunity to enrich a child's cognitive and social development. The least intrusive and most successful way to impact early childhood experiences is to educate parents as to how they can best teach their children. Studies have shown that parents who are trained as to how to interact with their children can help their children enter school ready to learn and are more likely to stay involved with their child's educational process throughout the school years.

II. The Parents as Teachers Program was established in 1981 and has a presence in 49 states, including New Hampshire. The New Hampshire program is operated at 8 sites in New Hampshire by the Parent Information Center with funds from Goals 2000. The Parents as Teachers Program creates a partnership between parents and early childhood development professionals. Early childhood development professionals conduct monthly home visits and group meetings to help parents understand what to expect from their children in each stage of development and to teach parents how to encourage learning, manage challenging behavior and strengthen parent-child relationships.

III. The purpose of this subdivision is to expand the Parents as Teachers Program in New Hampshire by developing 2 school district based programs, one of which shall be in a rural community and one in an urban community.

**Source.** 2000, 140:1, eff. May 15, 2000.

### **Section 193:35**

#### **193:35 Parents as Teachers Program Established. –**

I. The department of education shall establish the school district based Parents as Teachers Program for a rural community in Sullivan county in cooperation with School Administrative Unit 6 and the Parent Information Center. Sullivan county will be the rural site for the program because of its unique demographic profile, including the high number of risk factors affecting its

children, the demonstrated interest of its public officials in the program, and the capacity to link the program to existing programs within the county including Good Beginnings, the Parent Information Center, and department of education programs in Sullivan county. The department shall use the following criteria to measure the effectiveness of the program:

- (a) Whether the pilot program was implemented according to the criteria established by the Parents as Teachers National Center.
  - (b) The number of families served, the number of contacts with each family, and family profile information for the families served, including the percentages of families served by town.
  - (c) The total cost and the cost per family for the program.
  - (d) The number of children identified with Parents as Teachers participants that were identified as having developmental delays who have received services during the pilot program to address these delays.
  - (e) The number of children identified with Parents as Teachers participants who were, during the pilot program, the subject of a founded report of abuse or neglect pursuant to RSA 169-C.
  - (f) The results of 3-year-old developmental screening for all children of appropriate age identified with Parents as Teachers participants.
  - (g) The level of parental participant knowledge and achievement including, but not limited to high school equivalency completion, employment, and volunteerism.
- II. The department shall, consistent with available funding and the expressed commitment of an urban community, establish a school district based Parents as Teachers Program in an urban community on or before January 1, 2002.
- III. The programs established by this subdivision shall serve parents of children aged birth through 3 years of age. The programs shall utilize at least 1/2 of the appropriated funds to serve areas with high concentrations of low income families in order to serve parents who are educationally or economically disadvantaged.

**Source.** 2000, 140:1. 2003, 317:2. 2013, 215:2, eff. Sept. 8, 2013.

### **Section 193:36**

**193:36 Rulemaking.** – The commissioner of the department of education shall adopt rules, pursuant to RSA 541-A, necessary to carry out the provisions of this subdivision.

**Source.** 2000, 140:1. 2003, 317:3, eff. July 1, 2003.

### **Section 193:37**

**193:37 Repealed by 2012, 264:1, VI, eff. Aug. 17, 2012. –**

## **Discrimination in Public Schools**

### **Section 193:38**

**193:38 Discrimination in Public Schools.** – No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools

because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a discriminatory practice prohibited under this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the New Hampshire commission for human rights, as provided in RSA 354-A:27-28.

**Source.** 2019, 282:1, eff. Sept. 17, 2019.

### **Section 193:39**

**193:39 Discrimination Prevention Policy Required.** – Each school district and chartered public school shall develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, or any other classes protected under RSA 354-A.

**Source.** 2019, 282:1, eff. Sept. 17, 2019.