

Draft Amendment to _____

1 1 Department of Administrative Services; Exemptions. Amend RSA 21-I:18, I(i) to read as
2 follows:

3 (i) Purchases of services from nonprofit organizations by the department of education[
4 ~~division of educational improvement~~] and the department of health and human services for severely
5 disabled or severely emotionally disturbed children as provided by RSA 186-C:22 shall not be
6 subject to the provisions of this chapter.

7 2 Department of Education; Establishment. Amend RSA 21-N:2 to read as follows:

8 21-N:2 Establishment; General Functions.

9 I. There is hereby established the department of education, an agency of the state under
10 the executive direction of a commissioner of education. *The department shall consist of 4*
11 *divisions, all of which shall be under the direction of the commissioner. Each division*
12 *shall be under the supervision of an unclassified director. Each division shall perform*
13 *such functions as assigned by the commissioner.*

14 II. The department of education, through its officials, shall be responsible for the following
15 general functions:

16 (a) Providing general supervision for elementary and secondary schools, teachers and
17 administrators.

18 (b) Providing a variety of educational services to schools and particular groups.

19 (c) Providing vocational rehabilitation and social security disability determination
20 services for persons with disabilities.

21 III. *Notwithstanding any provision of law to the contrary, the commissioner may:*

22 (a) *Transfer or reassign personnel within and between any division, office,*
23 *unit, or other component of the department. Upon written notice to the commissioner of*
24 *the department of administrative services, such changes shall be reflected in the state's*
25 *payroll and financial systems accounts.*

26 (b) *Delegate, transfer, or assign the authority to administer and operate any*
27 *program or service of the department to any employee, division, office, bureau, or other*
28 *component of the department. Such delegation, transfer, or assignment shall include the*
29 *authority to conduct or perform any act necessary to administer the program or service so*
30 *assigned.*

31 (c) *Transfer funds within and among all accounting units and to create*
32 *accounting units and expenditure classes as required within the department, as the*

commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department, with the exception of class 60 transfers; provided that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

3 New Paragraphs; Department of Education; Duties of the Commissioner. Amend RSA 21-N:4 by inserting after paragraph XII the following new paragraphs:

XIII. Execute the following functions:

(a) Implementing the organizational goals, managing the work of the department, and directing the division directors in carrying out state and federal obligations.

(b) Assuring that the division directors comply with the procedures relative to support for local schools under paragraph V.

(c) Personnel management.

(d) Developing and maintaining a system of accounting records and budget control procedures which meet all state and applicable federal accounting, purchasing, and reporting requirements.

(e) Administration of property and contracts.

(f) Requiring and approving the development of short- and long-range division level plans and their implementation.

(g) Rate setting, as specified under RSA 186-C:7-c, III. Such rate setting shall be accomplished in consultation with the department of health and human services and the department of administrative services.

(h) Administering finance and operations.

(i) Fiscal management of all federal and other grants.

XIV. Exercise supervisory authority over the directors of the divisions of the department relative to the following programs:

(a) Administering standards for certifying and recertifying educational personnel, including monitoring local staff development efforts.

(b) Assuring compliance with all federal equal opportunity and access requirements, including, but not limited to, those requirements concerning awareness and elimination of discrimination on the basis of sex, race, language, national origin, or disability.

(c) Providing school building construction services and administering the school building aid program.

(d) Administering department responsibilities for nutrition programs and services.

(e) Administering department responsibilities for information services.

(f) Collecting, compiling, analyzing, and reporting on education data.

(g) Administering career technology and adult learning programs.

(h) Overseeing the administration of the provisions of RSA 200-C.

(i) Overseeing the administration of federal social security disability determinations as authorized by the Social Security Administration.

(j) Overseeing the administration of the provisions of RSA 186-B relative to services to the blind.

(k) Establishing regional vocational rehabilitation offices necessary for the administration of this section.

(l) Providing technical and consulting services to assist secondary vocational education efforts.

(m) Administering the provisions of RSA 186:61 and RSA 186:62, relative to adult basic education.

(n) Providing technical and consulting services in both academic and support areas to public elementary and secondary schools.

(o) Administering the provisions of RSA 186-C relative to special education.

(p) Administering federal and state programs designed to assist the education of students and teachers.

(q) Developing and administering standards governing the professional development of educators from pre-service preparation through ongoing professional growth.

(r) Administering standards for approving elementary and secondary schools in accordance with rules adopted by the board under RSA 21-N:9, I.

4 Department of Education; Deputy Commissioner. RSA 21-N:5 is repealed and to read as follows:

21-N:5 Duties of Deputy Commissioner. The deputy commissioner shall, in accordance with applicable laws:

I. Perform such duties as may be assigned by the commissioner, which may include, but not be limited to, directing and supervising the operation and administration of any division of the department.

II. Act in the commissioner's place when the commissioner is absent from the state and at such other times as directed by the commissioner or the governor. When acting for the commissioner, such person shall have all the power, duties, and authority of the commissioner.

III. Assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

5 Department of Education; Division of Higher Education. Amend the section heading of RSA 21-N:8-a and RSA 21-N:8-a, I to read as follows:

21-N:8-a ~~[Division of]~~ Higher Education *Commission*.

I. ~~[There is hereby established within the department the division of higher education, under the supervision of an unclassified director of higher education who]~~ *The office of the*

1 *commissioner* shall be responsible for providing support to the higher education commission
2 established in paragraph II.

3 6 Department of Education; Division of Higher Education. Amend RSA 21-N:8-a, II(e)(9)(E) to
4 read as follows:

5 (E) Establishment and collection of reasonable fees for functions performed by
6 the ~~[division of higher education and the]~~ higher education commission as required in this section.

7 7 Department of Education; Higher Education; Military Academic Credit. Amend RSA 21-N:8-
8 b to read as follows:

9 21-N:8-b Higher Education; Military Academic Credit.

10 I. The ~~[division of]~~ higher education *commission* shall develop and adopt a written policy
11 requiring each public institution of higher education to develop a set of written policies and
12 procedures governing the evaluation of a student's military occupation, military training,
13 coursework, and experience, to determine whether academic credit shall be awarded by the
14 institution for the evaluated occupation, experience, training, and coursework. The ~~[division's]~~
15 *commission's* policy may require that the occupation, training, experience, or courses meet the
16 standards of the American Council on Education or equivalent standards for awarding academic
17 credit. The ~~[division]~~ *commission* may also develop and adopt a written policy requiring each
18 public institution of higher education to develop a set of written policies and procedures to
19 standardize credit-by-exam equivalencies for exams funded through the Department of Defense.
20 The educational credit shall be awarded based upon each institution's admissions standards and
21 shall be consistent with the mission of the state's system of public higher education. Each public
22 institution of higher education shall designate a single point of contact for a student who is enrolled
23 in such an institution and who is also a veteran, as defined in RSA 21:50, I, to conduct such an
24 evaluation and determination.

25 II. The ~~[division]~~ *commission* shall consult with the chief executive officers of each public
26 institution of higher education in implementing the policy set forth in paragraph I and the policy
27 adopted by the ~~[division]~~ *commission* shall, to the greatest extent possible, provide for consistent
28 application by all of the state's public institutions of higher education and promote accurate and
29 complete academic counseling.

30 8 New Hampshire Council on Autism Spectrum Disorders. Amend RSA 171-A:32, I(g)-(h) to
31 read as follows:

32 (g) The ~~[director of the division of instruction,]~~ *office of the commissioner of the*
33 department of education, or designee.

34 (h) The ~~[director of the division of career technology and adult learning,]~~ *office of the*
35 *commissioner of the* department of education, or designee.

36 9 Adult Education; Professional Standards Board. Amend RSA 186:60, I(a) to read as follows:

37 (a) The ~~[director of the division of program support]~~ *commissioner of the department*

1 *of education*, or designee, who shall be the executive secretary of the board;

2 10 Adult Education; Establishment of Adult High School Education Program. Amend RSA
3 186:61, I to read as follows:

4 I. The state board of education shall establish and promote an educational program for
5 adults to earn a high school diploma or its equivalent. This program shall be administered by the
6 ~~[division of career technology and adult learning,]~~ *office of the commissioner of the* department
7 of education, in accordance with the rules adopted by the state board.

8 11 Adult Education; Establishment of Other Adult Education Programs. Amend the
9 introductory paragraph of RSA 186:62, II to read as follows:

10 II. These programs shall be administered by the ~~[division of career technology and adult~~
11 ~~learning. The division shall:]~~ *office of the commissioner of the department of education. The*
12 *commissioner shall:*

13 12 Special Education; Definitions. Amend RSA 186-C:2, I-b to read as follows:

14 I-b. ~~["Division" means the division of educational improvement,]~~ *"Commissioner" means*
15 *the commissioner of the* department of education.

16 13 Special Education; Division of Educational Improvement. Amend RSA 186-C:3 to read as
17 follows:

18 186-C:3 ~~[Division of Educational Improvement,]~~ Special Education; Programs and Services.
19 The department shall hire and assign such personnel or contract for services to perform
20 responsibilities required under state or federal special education law, including, but not limited to,
21 monitoring, compliance, and technical assistance and support to school districts. Special education
22 services of the ~~[division of educational improvement]~~ *department* shall be fully coordinated and
23 integrated with the department's general curriculum and instruction activities.

24 14 Special Education; Duties. Amend RSA 186-C:3-a, I to read as follows:

25 I. The ~~[division]~~ *department of education* shall help school districts meet their
26 responsibilities under this chapter and under federal law regarding the education of children with
27 disabilities.

28 15 Special Education; Program Approval. Amend RSA 186-C:5, I(b) to read as follows:

29 (b) The ~~[division of educational improvement]~~ *office of the commissioner* of the
30 department of education, through its program approval and monitoring process shall determine if a
31 district is making diligent efforts to resolve personnel shortages that result in children with
32 disabilities being placed out of district.

33 16 Special Education; Rate Setting. Amend RSA 186-C:7-c to read as follows:

34 186-C:7-c Rate Setting.

35 I. The ~~[division of educational improvement]~~ *office of the commissioner* of the
36 department of education shall ensure that each school district develops approved programs for
37 children with disabilities in the school district.

1 II. The ~~[division of educational improvement]~~ *office of the commissioner* of the
2 department of education shall set an approved rate for private providers of special education
3 services pursuant to ~~[RSA 21-N:5, I(h)]~~ *RSA 21-N:4, XIII(g)*.

4 III. Such rates shall be sufficient to reflect costs and expenses of comparable or similar
5 programs in the region or state and sufficient to provide children with disabilities with a free
6 appropriate public education.

7 IV. No provider shall charge the department of education or any school district in this state
8 an amount in excess of the rate established by the ~~[division of educational improvement]~~ *office of*
9 *the commissioner* of the department of education.

10 17 Special Education; Local School District Alternative Dispute Resolution Programs. Amend
11 RSA 186-C:23-a, II to read as follows:

12 II. Local school districts and parents are encouraged to submit to the department of
13 education information relating to methods of alternative dispute resolution which have proven to be
14 effective. ~~[Pursuant to RSA 21-N:6, VII,]~~ The department shall develop a system whereby such
15 information can be collected, compiled, and disseminated to local school districts.

16 18 Private Postsecondary Career Schools; Surety Indemnification. Amend RSA 188-G:3, II to
17 read as follows:

18 II. The amount of such bond shall be based on income from tuition at 10 percent of gross
19 tuition, with a \$10,000 minimum. If a school licensed under RSA 188-G:2 should fail to provide the
20 services required in a contract with any entity, as determined by a court of competent jurisdiction,
21 the bond shall be forfeited, and the proceeds distributed by the ~~[director]~~ *commissioner* in such
22 manner as justice and the circumstances require.

23 19 Private Postsecondary Career Schools; Veterans Education and Services Approval. Amend
24 RSA 188-G:8 to read as follows:

25 188-G:8 Veterans['] Education and Services Approval. The ~~[division]~~ *commissioner* may
26 approve for veterans' education and services any institution licensed under this chapter. The
27 department of education may adopt rules, under RSA 541-A, relative to the procedures for approval
28 of institutions for veterans' education and benefits.

29 20 Scholarships for Orphans of Veterans; Payment. Amend RSA 193:21 to read as follows:

30 193:21 Payment. The amounts payable to recipients shall be determined by the department of
31 education~~[division of higher education]~~. The higher education commission established in RSA 21-
32 N:8-a shall determine the eligibility in accordance with rules adopted under RSA 541-A of the
33 children who make application for the benefits provided for in this subdivision.

34 21 Optometry; Report to Division of Career Technology and Adult Learning. Amend RSA
35 327:34 to read as follows:

36 327:34 Report to ~~[Division of Career Technology and Adult Learning]~~ *Commissioner*. All
37 licensed optometrists in this state shall report, with the permission of the patient or the patient's

parent or guardian, all cases of vision examination results of 20/200 or less in the better eye, after correction, to the ~~[division of career technology and adult learning]~~ *office of the commissioner*, department of education. Such report shall contain the name and address of the examined individual, date of birth, the amount of vision in both eyes, and the cause of visual impairment. The information contained in the report shall be treated as confidential by the ~~[division]~~ *commissioner*.

22 Application of Receipts; Higher Education Fund. Amend RSA 6:12, I(b)(228) to read as follows:

(228) Fees collected by the ~~[department of education, division of higher education]~~ *higher education commission* pursuant to RSA 188-G:9.

23 Compensation of Certain State Officers. Amend the following position in RSA 94:1-a, I(b), EE to read as follows:

EE Department of ~~[Education]~~ *education division* director~~[-division of higher education]~~

24 Compensation of Certain State Officers. Amend the following positions in RSA 94:1-a, I(b), GG to read as follows:

GG Department of education ~~[director, career technology and adult learning]~~ *division director*

GG Department of education ~~[director, standards and certification]~~ *division director*

GG Department of education ~~[director of instruction]~~ *division director*

25 Adequate Public Education. Amend RSA 193-E:3-b, I(b)(5) to read as follows:

(5) The commissioner shall integrate, to the maximum extent practicable, the input-based school accountability system to demonstrate the opportunity for an adequate education with the school approval process pursuant to RSA ~~[21-N:6, V]~~ *21-N:4, XIV(r)*.

26 Repeal. The following are repealed:

I. RSA 21-N:6, relative to the department of education, division of educational improvement.

II. RSA 21-N:7, relative to the department of education, division of program support.

III. RSA 21-N:8, relative to the department of education, division of career technology and adult learning.

IV. RSA 188-G:1, I(e), relative to the definition of director of the division of higher education.

V. RSA 188-G:1, I(f), relative to the definition of division of higher education.

27 Effective Date. This act shall take effect July 1, 2017.

2017-1236s

AMENDED ANALYSIS

This bill consolidates the duties of the divisions of the department of education into the office of the commissioner and authorizes the commissioner to transfer appropriations or transfer or reassign personnel as the commissioner deems necessary.