



School District Governance Association of New Hampshire

Model Policy approved Dec 23, 2025. Revised Sept 14, 2026

Equal Access to Public School Programs by Non-Public, Charter School, Education

Policy Code(s): JJJ

Policy Text	Annotation
All pupils residing in the District, whether they are attending a nonpublic school, public chartered school, participating in an Education Freedom Account program, or are home educated, shall have access to curricular courses and cocurricular programs offered by the District in accordance with RSA 193:1-c. Such access shall include the statewide assessment and the Preliminary Scholastic Aptitude Test (PSAT), when such assessment or examination is offered by or through the District.	RSA 193:1-c, I, expressly requires access for nonpublic, public chartered school, Education Freedom Account, and home-educated pupils. HB 1817 (2026) expanded the statute to expressly include EFA pupils. HB 1817 (2026) expressly added the statewide assessment and PSAT to the programs to which qualifying pupils must have access.
The Board shall adopt and maintain procedures regulating participation in curricular courses and co-curricular programs by pupils covered by this policy. Such procedures shall not be more restrictive for nonpublic, public chartered school, Education Freedom Account, or home-educated pupils than the policy governing the District's resident pupils.	This is the central equal-access requirement of RSA 193:1-c. The statute does not merely prohibit discrimination; it specifically prohibits a participation policy that is more restrictive for the covered pupils.
For purposes of this policy, "co-curricular" includes activities 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 the school and community.	HB 1817 (2026) expressly defines "co-curricular" to include clubs, athletics, performing groups, and service activities. The definition should be incorporated into the local policy rather than limiting access to traditional academic courses.
A pupil participating under this policy shall be subject to the same eligibility, prerequisite, scheduling, capacity, attendance, conduct, health and safety, tryout, and other participation requirements that apply to the District's resident pupils participating in the same course or program, except where a different requirement is required by law.	This provision implements the statutory requirement that the District's policy not be more restrictive for covered pupils. It also permits the District to apply ordinary program requirements when those requirements apply equally to resident pupils.

The District shall not impose a fee, charge, prerequisite, application requirement, or other condition on a pupil covered by this policy that is more restrictive than the corresponding condition imposed on the District's resident pupils.	HB 1817 requires equal treatment. The prior SDGANH policy imposed a special payment requirement on EFA students. Because HB 1817 now expressly places EFA pupils within RSA 193:1-c's equal-access protection, this special EFA payment provision should be removed.
Nothing in this policy shall require the District to create a course, program, team, club, activity, assessment, or examination that is not otherwise offered to District resident pupils.	RSA 193:1-c provides access to programs offered by the school district. It does not require a district to create a new program solely because a non-enrolled pupil requests access.
Where participation in a course or cocurricular program is limited by space or capacity, the District shall apply its established selection or capacity procedures in the same manner to pupils covered by this policy and District resident pupils.	Implements the statutory equal-treatment requirement while recognizing legitimate capacity limitations. The District should avoid creating a special, more restrictive capacity rule for non-enrolled pupils.
A home-educated pupil who is a "child with a disability" as defined in RSA 186-C:2, I, shall remain eligible for access under this policy until the pupil has acquired a high school diploma or reached age 21, inclusive.	HB 1817 (2026) specifically expanded the statutory definition of eligible home-educated pupils for purposes of access to include a child with a disability until diploma or age 21, inclusive.
Except as provided above for a home-educated pupil who is a child with a disability, a home-educated pupil shall not be eligible for access under this policy after graduating from a high-school-level home-education program or its equivalent, or after attaining age 21.	This limitation is expressly contained in RSA 193:1-c, I, as amended by HB 1817 (2026).
Nothing in this policy shall be construed to require a parent to establish or maintain a home-education program that exceeds the requirements of RSA 193:1 or RSA 193-A.	HB 1817 (2026) added RSA 193-A to the statutory protection against imposing additional home-education requirements as a condition of access.
A parent or legal guardian requesting access under this policy shall provide the District with information reasonably necessary to establish the pupil's eligibility and to administer participation in the requested course, program, assessment, or examination.	Permits reasonable administrative procedures without allowing the District to impose requirements that are more restrictive than those applicable to resident pupils
Parents may appeal access decisions to the School Board and have a right to be heard at the next regularly scheduled meeting or within 14 days of notification to the School Board of an appeal.	

The Superintendent shall make information concerning available courses, co-curricular programs, assessments, application procedures, deadlines, eligibility requirements, and other participation requirements reasonably available to parents and eligible pupils, and must be included in the District handbook.	Administrative procedures should be reviewed periodically to ensure that they remain consistent with RSA 193:1-c.
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References	
RSA 193:1-c — Access to Public School Programs by Nonpublic, Public Chartered School, Education Freedom Account, or Home Educated Pupils	Primary statutory authority.
RSA 193-A — Home Education	Establishes statutory requirements concerning home education. HB 1817 expressly references RSA 193-A.
RSA 186-C:2, I — Definition of "Child with a Disability"	Used by RSA 193:1-c to establish the extended access period for certain home-educated pupils.
RSA 194-F — Education Freedom Accounts	Governs the Education Freedom Account program.
2026 NH HB 1817, Chapter 183	Amends RSA 193:1-c to expressly include Education Freedom Account pupils, statewide assessments and PSAT; defines cocurricular activities; establishes the special eligibility rule for home-educated children with disabilities; and limits additional home-education requirements. Effective August 18, 2026.
NH Department of Education Technical Advisory — Access to Public School Curricular and Co-Curricular Programs, November 5, 2025	Provides administrative guidance concerning implementation.

Model policies are not legal advice. School Boards have discretion to consult their own legal counsel before adoption.