

From: Fillion, Dr. Judith D. [mailto:Judy.Fillion@doe.nh.gov]

Sent: Wednesday, August 07, 2013 3:34 PM

To: Randall Maas

Cc: Leclerc, Ron; Schwartz, Michael

Subject: FW: Request for public information concerning the education tax credit program

Dear Mr. Maas,

We received your request for information dated August 6, 2013. Please note, the Right-to-Know law provides the public with the right to inspect "all governmental records," unless otherwise exempt, in the "possession, custody, or control" of the agency; it does not require the agency to create a document in response to the request. Because you are not requesting governmental records, but instead seeking information, we are not treating this as a request under RSA 91-A.

As a preliminary matter, to clarify our role under RSA 77-G, please note that the Scholarship Organization ("SO") must only notify us of the students eligible under RSA 77-G:1, VIII(a)(1) and (2). We are not informed of all students, only the ones that appear to fall under (a) (1) or (2). Also, as you point out the SO has 30 days to inform us if students do not receive a scholarship. Additionally, they can inform us even at a later date if students return a scholarship. See RSA 77-G:5, II(e) (below).

In response to question #2 (below): To date 15 students were identified under RSA 77-G:1, VIII(a) and (1). However, it is very possible that not all 15 eligible students will receive a scholarship. Because SOs are not required to submit the students who are not covered under (1) and (2), we do not receive the information required for questions (1) or (3) below.

RSA 77-G:5,II(e):

(e) Notwithstanding RSA 193-E:5, on or before July 15, a scholarship organization shall furnish the unique pupil identifier and date of birth for each student eligible pursuant to RSA 77-G:1, VIII(a)(1) and (2) who is receiving a scholarship, and the subparagraph under which he or she was eligible, to the department of education. The department of education shall notify the scholarship organization within 30 days of any students who are ineligible under RSA 77-G:1, VIII(a)(1). The scholarship organization shall notify the department of education within 30 days if any student eligible under RSA 77-G:1, VIII(a)(1) or (2) is not awarded a scholarship or is awarded a scholarship yet subsequently returns to public school. The department of education shall return such student to the calculation of the average daily membership in residence, as defined in RSA 189:1-d, IV, for the student's school district of residence, and add the amount calculated under RSA 198:40-a, I-III to the adequate education grant amount to the student's school district of residence, and include such amount in the next adequate education grant payment made under RSA 198:42.