



New Hampshire School Boards Association
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NHSBA – Proposed Resolutions for January 2019 Delegate Assembly November 26, 2018

Proposed Resolution #1

Submitted by: Oyster River Coop School Board

Proposed Resolution: The New Hampshire School Boards Association supports legislation that makes clear the authority of local school districts to restrict all but authorized police and security officers from bringing firearms onto school property. This restriction applies to all students, school visitors, employees, volunteers, those attending school functions, and those voting when the polling place is in a school.

Rationale: While the federal Gun Free School Zone Act (GFSZA) would seem to coincide with this resolution, recent actions of the legislature, and an opinion by the attorney general, substantially undercut this law. In an August 26, 2016 ruling, the Attorney General stated that the NH Open Carry law allows guns to be brought into polling places (including schools) The state of New Hampshire, in his opinion, has no authority to enforce the GFSZA. In fact, another New Hampshire statute, RSA 159:26 denies any political subdivision the power to regulate “the sale, purchase, ownership, use, possession, transportation, permitting, taxation, or any other matters pertaining to firearms....” According to school attorney Gordon Graham, this law “has completely pre-empted the authority of school districts to formally adopt a policy or regulation regarding the possession of firearms on school property.” (communication to SAU 5 Board). This law would seem to make any restriction (e.g. parents bringing in guns to teacher conferences) beyond the capacity of districts to regulate. On the other hand, school boards and administration have the responsibility of maintaining an environment “free of hazardous conditions” (NH Department of Education Rule 302.02(m)—a rule that presumably would allow prohibiting the possession of guns on school property. Attorney Graham concludes that “the jumble of federal and state laws is a mess.” Action on this resolution will bring state law in line with the federal law, and give clear authority for districts to maintain gun-free schools.

NHSBA Executive Committee Recommendation: Opposed/Not recommended. The NHSBA Board of Directors has reservations adopting a Resolution relative to guns or firearms on school grounds. The NHSBA Board of Directors recognizes that school boards and individual school board members may have vastly varying opinions on this matter.

NHSBA Board of Directors Proposed Alternative: NHSBA calls upon the United States Congress, the New Hampshire Legislature and local public safety agencies to prioritize collaborative threat assessment and crisis planning with school districts; and further supports legislation at the federal, state and local levels that protect students and school district employees from on-campus violence.

Proposed Resolution #2

Submitted by: Manchester Board of School Committee

Proposed Resolution: Eliminate/remove the two existing NHSBA Resolutions relative to the New Hampshire Retirement System:

- (1) NHSBA supports the continuing existence of the New Hampshire Retirement System (NHRS). The NHRS should be strong, secure, solvent and fiscally sustainable. To achieve this goal, NHSBA supports legislation that will strengthen NHRS's solvency while also lessening the fiscal impact on local school districts. NHSBA supports legislative changes to NHRS that ensure NHRS is fully funded. NHSBA supports legislative changes to NHRS that return state contributions to NHRS. NHSBA supports requiring that all NHRS rate increases are shared equally between employees, employers and the state. (2017)
- (2) Resolution X:A• NHSBA supports the continuing existence of the New Hampshire Retirement System (NHRS). The NHRS should be strong, secure, solvent, and fiscally sustainable. To achieve this goal, NHSBA supports legislation that will strengthen NHRS's solvency, including legislation to change how an employee's average final compensation is determined. NHSBA supports a calculation using an average of the highest five years for all employees retiring after July 1, 2016. NHSBA further supports legislation requiring that all NHRS rate increases, above those attributable to the \$2.4 billion unfunded liability agreed to by public employers in 2007, be shared equally between employees and employers. (2011)

Rationale: The decennial commission has established a long-term plan for fully funding the New Hampshire Retirement System. All stake holders had an opportunity to voice their opinion to the Commission and make recommendations.

NHSBA Executive Committee Recommendation: Support/Recommend. The NHSBA Board of Directors believes that eliminating these two Resolutions will better reflect the Association's position with respect to recent actions of the New Hampshire Retirement System. The NHSBA Board of Directors agrees with the stated rationale as expressed by the Manchester Board of School Committee. Additionally, the NHSBA Board of Directors believes that challenges facing local school boards with respect to NHRS funding relate primarily to the elimination of state contributions to the NHRS, which were cut in 2009 and fully eliminated in FY 2013.

NHSBA Board of Directors Proposed Alternative: NHSBA supports the continuing existence of the New Hampshire Retirement System (NHRS). The NHRS should be strong, secure, solvent and fiscally sustainable. To achieve this goal, NHSBA supports legislation that will return state contributions to NHRS.

Proposed Resolution #3

Submitted by: Merrimack Valley School Board

Proposed Resolution: NHSBA advocates for the proper funding of high quality public education and opposes any provisions of the law or rule that funds private school student reassignment using publicly raised tax dollars.

Rationale: RSA 193:3 and Ed 320 rules represent potential areas where school choice proponents can divert publicly raised funds in the case of school reassignment. The NHSBA should oppose any such efforts.

NHSBA Board of Directors Recommendation: Opposed/Do Not Recommend. The NHSBA Board of Directors greatly appreciates the Merrimack Valley School Board's submission and interested in this matter. However, the NHSBA Board of Directors believes the subject matter and intent of this proposal is already covered in NHSBA Resolution I:A and I:B. Adoption of this Resolution would be duplicative and repetitive.

Proposed Resolution #4

Submitted by: Mascenic Regional School Board

Proposed Resolution: The Mascenic School Board supports NHSBA Resolution I:A, that the utilization of public education funds (be used) solely for public school purposes as determined by the local school boards.

Rationale: The advent of SB 193 and the continued advocacy for the use of public, taxpayers funds to support vouchers and/or private school interests is contrary to our belief that public education funds be used solely for the support of students' public school education.

NHSBA Board of Directors Recommendation: **No action** is needed on this proposal, as it was submitted to indicate the Mascenic Regional School Board's continued support of NHSBA Resolution I:A. The NHSBA Board of Directors greatly appreciates the Mascenic Regional School Boards continued support of this Resolution and continued support of NHSBA.

Proposed Resolution #5

Submitted by: Mascenic Regional School Board

Proposed Resolution: The Mascenic School Board supports Resolution I:B "urging the NH Legislature and Congress to oppose any efforts to subsidize elementary of secondary private, religious or home schools with public tax dollars. We oppose the creation of vouchers, tax credits and tax subsidies that in any form are targeted to (offset) the tuition or expenses for non-public K-12 schools, rather than diverting scarce tax dollars away from our public school classrooms". We urge "the NH Legislature and Congress to support improvements in our public school and to meet current funding obligations and promises benefiting the majority of America's children who are educated daily in our public schools".

Rationale: The Mascenic School Board supports the importance and responsibility of the NH Legislature and Congress to adequately fund our country's system of public education and to maintain up-to-date funding formula's designed to meet these needs.

NHSBA Board of Directors Recommendation: **No action** is needed on this proposal, as it was submitted to indicate the Mascenic Regional School Board's continued support of NHSBA Resolution I:B. The NHSBA Board of Directors greatly appreciates the Mascenic Regional School Boards continued support of this Resolution and continued support of NHSBA.

Proposed Resolution #6

Submitted by: Raymond School Board

Proposed Resolution: That if a parent chooses to exempt their student from a statewide assessment, school district does not need parental approval for the alternative activity that will be provided to the student while the assessment is being administered.

Rationale: RSA 193-C:6 and RSA 91-A:5, III were amended, such that if a student is exempted from taking the statewide assessment by their parent or legal guardian, the school must provide an appropriate alternative educational activity for the time period during which the test is administered, and that the alternative activity will be agreed upon by the parent/legal guardian and the school district. We feel that requiring parental approval for each student's activity places an undue burden on school districts already required to find space and staff for these alternative activities during assessments.

NHSBA Board of Directors Recommendation: Opposed/Do Not Recommend. The NHSBA Board of Directors understands and respects the concerns raised with this proposal. However, the NHSBA Board of Directors is concerned that the proposed language may be interpreted as meaning NHSBA does not respect parental input. Additionally, the NHSBA Board of Directors is unaware of any instances in which the school district and the parent were not able to reach mutual agreement on alternative academic activities for those students who do not take the state-wide assessment test.

Proposed Resolution #7

Submitted by: Raymond School Board

Proposed Resolution: The public funding not be used to support religious or private education.

Rationale: None provided.

NHSBA Board of Directors Recommendation: Opposed/Do Not Recommend. The NHSBA Board of Directors greatly appreciates the Raymond School Board's submission and interested in this matter. However, the NHSBA Board of Directors believes the subject matter and intent of this proposal is already covered in NHSBA Resolution I:A and I:B. Adoption of this Resolution would be duplicative and repetitive.

Proposed Resolution #8

Submitted by: Raymond School Board

Proposed Resolution: That the decision as to what date to start the school year remain a local decision and not be mandated by the State Government.

Rationale: There has been discussion in State Government about the possibility of mandating that the first of school for all New Hampshire public school be after Labor Day each year. While we're not necessarily opposed to this, we feel that it should be decision made locally, not mandated by the State.

NHSBA Board of Directors Recommendation: Opposed/Not Recommend. The NHSBA Board of Directors greatly appreciates the Raymond School Board's submission and interested in this matter. However, the NHSBA Board of Directors believes the subject matter and intent of this proposal is already covered in NHSBA Resolution V:I. Adoption of this Resolution would be duplicative and repetitive.

Proposed Resolution #9

Submitted by: Keene School Board

Proposed Resolution: The NHSBA supports continuing to allow school districts to determine the best opening school date for their own districts.

Rationale: The opening date of school should not be a top-down, one size fits all decision. Different regions of the state have different needs and desires regarding both the starting and ending dates of their local school districts. Local school boards are in the best position to understand the needs and wants of their local communities and should be able to determine the best start date for their region based on this information.

NHSBA Board of Directors Recommendation: Oppose/Do Not Recommend. The NHSBA Board of Directors greatly appreciates the Keene School Board's submission and interested in this matter. However, the NHSBA Board of Directors believes the subject matter and intent of this proposal is already covered in NHSBA Resolution V:I. Adoption of this Resolution would be duplicative and repetitive.

Proposed Resolution #10

Submitted by: Keene School Board

Proposed Resolution: The NHSBA supports legislation allowing local districts to determine whether guns are allowed in their schools.

Rationale: Local school districts and superintendents work closely and intensely with local and state safety and law enforcement personnel to develop individualized school safety plans designed for the individual buildings and communities. Local officials should retain control over what weapons policies best keep their own students and buildings safe.

NHSBA Board of Directors Recommendation: Opposed/Not recommended. The NHSBA Board of Directors has reservation adopting a Resolution relative to guns or firearms on school grounds. The NHSBA Board of Directors recognizes that school boards and individual school board members may have vastly varying opinions on this matter.

Proposed Alternative: See Proposed Resolution #1 – Oyster River School Board

NHSBA calls upon the United States Congress, the New Hampshire Legislature and local public safety agencies to prioritize collaborative threat assessment and crisis planning with school districts; and further supports legislation at the federal, state and local levels that protect students and school district employees from on-campus violence.

Proposed Resolution #11

Submitted by: Litchfield School Board. Approved by the Litchfield School Board on November 5, 2018

Proposed Resolution: The NHSBA supports the modifying RSA 193:3, I, to require the New Hampshire State Board of Education to restore support for local decision in Change of School Assignments and Manifest Educational Hardship requests.

Rationale: Support from the State Board of Education for local decisions in a case of manifest educational hardship would restore authority to local school boards and enable local school boards to render better decisions which are in the best interest of the child. Local school boards better understand the situation under which a parent/guardian requests a manifest education hardship decision for their child. Local school boards are in a better position to determine if there is clear and convincing evidence to approve this type of request.

NHSBA Board of Directors Recommendation: No action. This proposed Resolution was submitted after the Friday November 2, 2018 deadline. For this reason, and to maintain consistency and fairness, the NHSBA Board of Directors is declining to make a recommendation on this proposed Resolution. The Litchfield School Board may introduce this proposal from the floor of the January Delegate Assembly.