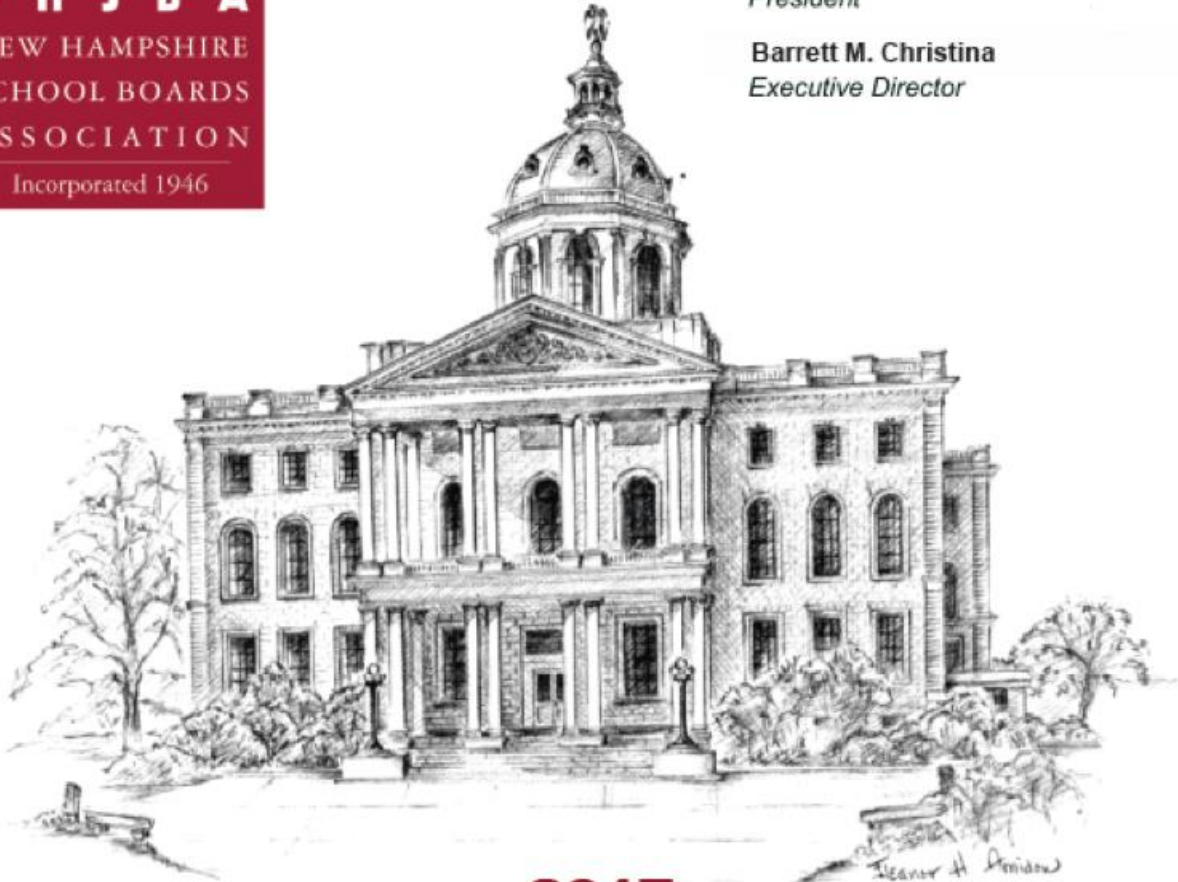




# New Hampshire School Boards Association

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# LEGISLATIVE SUMMARY

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### **2017 NHSBA Legislative Summary**

NHSBA is pleased to release the 2017 NHSBA Legislative Summary. This year, legislators were focused on numerous issues impacting public education, school board governance and school district finance. This year's Legislative Summary contains comments on over thirty bills impacting school district finance, school board governance, the Right to Know law and other high priority policy-related issues like vouchers and using state adequacy aid for tuition costs at private schools.

As with most years, there was legislation enacted that NHSBA fully supported that became law as well as legislation NHSBA opposed that also became law. NHSBA's position on each bill, if applicable, is noted in the Summary.

NHSBA extends its appreciation to the many local school boards and individual school board members and administrators who worked actively with NHSBA as well as their local legislators to assure that NHSBA's positions were communicated in an effective and timely manner, especially with respect to the bills highlighted in this Summary. These efforts ensure that NHSBA Policies, Resolutions, and Statements of Belief are shared across the state.

NHSBA also offers appreciation to members of both the Senate and House of Representatives for their continued support of public education. NHSBA offers a special appreciation to members of the respective Education Committees for their dedication and commitment to New Hampshire's students.

Based on NHSBA member feedback, we have continued to incorporate a section following each bill that summarizes NHSBA's position, if any, on the bill, a brief summary explaining the legal impact of the bill, and a statement indicating whether the bill has impacted school board policy-making responsibilities.

Respectfully,

Barrett M. Christina  
Executive Director

**Disclaimer:**

The 2017 NHSBA Legislative Summary is intended to highlight major education-related bills of the 2017 New Hampshire Legislative session. This Summary is also intended to provide a synopsis of new laws impacting school district operations and school board governance. This Summary is not intended to cover specific circumstances and is not intended to impart legal advice. Prior to taking any action with respect to a new law, NHSBA recommends its member school boards to contact NHSBA or the district's legal counsel for a full legal analysis.

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## **Enacted Bills Impacting School Board Governance:**

**HB 37** An act relative to bond requirements for public works contracts. This bill increases the value of a contract for a repair, rebuilding, or building of a school that makes it mandatory to require a performance bond or other security from the contractor from \$35,000 to \$125,000 for a school district. The District may require a performance bond for smaller projects.

**NHSBA Position:**

NHSBA did not testify on HB 37, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 37 does not impact any NHSBA sample policies.

**HB 87** An act relative to vacancies in the office of moderator. This bill revises the method of appointing a moderator pro tempore. HB 87 amends RSA 40:3 and RSA 671:33. Amendments to 671:33, III state that if the moderator is absent, the school district clerk shall serve as moderator or the clerk shall appoint a moderator pro tempore.

**NHSBA Position:**

NHSBA did not testify on HB 87, did not take a position on this bill and has no Resolutions on this subject.

**Impact on School Board Policies:**

HB 87 does not impact any NHSBA sample policies.

**HB 91** An act relative to General John Stark Day. This bill moves General John Stark Day from the fourth to the second Monday in April. The statute encourages schools to commemorate the day with appropriate educational activities.

**NHSBA Position:**

NHSBA did not testify on HB 91, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

NHSBA sample policy IMDA, Patriotic Exercises, has been updated in response to HB 91. The updated version will be included in the Fall 2017 NHSBA Sample Policy Update.

**HB 103** An act relative to school district policies regarding objectionable course material. HB 103 amends RSA 186:11, IX-c to now require that the school board policy relative to “objectionable course material”: (1) provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education; (2) address the method of delivering notification to a parent or legal guardian; and (3) to the extent practicable, a school district shall make curriculum course materials available to parents or legal guardians for review upon request.

**NHSBA Position:**

NHSBA opposed HB 103 for the following reasons. First, “human sexuality or human sexual education” is not defined in the bill. NHSBA believes the lack of clarity with these terms may provide confusion among school board members, administrators, teachers and parents as to what course material is subject to the notice requirement. Second, while NHSBA agrees that parents should have ample access to curricular offerings, NHSBA sees HB 103 as another requirement on school districts that imposes an onerous burden.

**Impact on School Board Policies:**

NHSBA Sample Policy IGE, Parental Objections to Specific Course Material, and IHAM, Health Education And Exemption From Instruction have been updated in response to HB 103. The updated versions will be included in the Fall 2017 NHSBA Sample Policy Update.

**HB 108** An act relative to municipal record retention and conversion. This bill permits municipalities to transfer paper records to electronic format for retention. The bill also modifies requirements for the retention of electronic records. HB 108 repeals and re-enacts RSA 33A:5-a to allow for certain municipal records to be converted to electronic PDF/A or similar format; that the original paper documents may be disposed of; and that the electric version of those records may replace the original paper documents, for archival purposes. Documents that are to be retained for 10 years or less may be retained solely electronically in their original format if so approved by the school board. Documents that are to be retained for more than 10 years shall be transferred to paper, microfilmed, or stored in portable document format/archival (PDF/A) or another approved file format on a medium from which it is readily retrievable. At least once every 5 years from date of creation, the municipal committee shall review documents and procedures for compliance with guidelines issued by the secretary of state and the municipal records board.

While it is not clear if RSA 33-A, Disposition of Municipal Records, applies to school districts, NHSBA has long-recommended that school boards use its provisions as guidance for maintaining school district records.



**NHSBA Position:**

NHSBA supported HB 108, as the bill addresses the following NHSBA Resolution:

- NHSBA supports New Hampshire’s adoption of updated requirements in statutes and rules that reflect current document imaging technologies and backup capabilities. (2016)

**Impact on School Board Policies:**

The NHSBA issued an update to sample policy EHB, Data/Records Retention and the accompanying EHB-R, Local Records Retention Schedule with the Spring 2017 policy update. If a District has updated its policy consistent with the changes recommended in the Spring update, this bill does not require any further changes to policy.

**Please Note:** Three bills this session amend RSA 193-C:6: HB 275, which is effective on June 16, 2017, HB 166, which is effective on August 4, 2017, and HB 513, which is effective on August 15<sup>th</sup>, 2017. HB 513 will determine the law, as it has the latest effective date. Without HB 513, the wording in HB 166 would have negated the change enacted by HB 275.

**HB 166**

An act relative to assessments administered to pupils in grades 3 through 8. This bill amends the schedule for a school district to administer the statewide assessment and requires a school district to develop and administer an assessment in those years in which the statewide assessment is not administered. HB 166 amends RSA 193-C:6 by removing the provision that students in grades 3 through 8 taken an annual statewide assessment test. Students will now take the statewide assessment test once in elementary school, once in middle school, and once in high school. In years that a school district does not administer the statewide assessment test, the school district will be required to administer a locally developed or other standardized assessment test.

**NHSBA Position:**

NHSBA did not testify on HB 166, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 166 does not impact any NHSBA sample policies.

**HB 194** An act permitting employers to pay wages to employees weekly or biweekly. This bill amends RSA 275:43 to permit paying wages at regular intervals not to exceed 14 days. Previously, a school district had to obtain approval from the Commissioner of the Department of Labor to make wage payments on terms other than weekly.

**NHSBA Position:**

NHSBA did not testify on HB 194, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

NHSBA sample policy DKA, Payroll Procedures, has been updated in response to HB 194. The updated version will be included in the Fall 2017 NHSBA Sample Policy Update.

**HB 196** An act establishing a committee to study requiring passengers on school buses to wear seat belts. This bill establishes a committee of legislators to study and report an assessment of whether passengers on school buses should be required to wear seat belts by November 1, 2017. The NHSBA will monitor the work of the study committee.

**NHSBA Position:**

NHSBA did not testify on HB 196, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 196 does not impact any NHSBA sample policies.

**HB 216** An act relative to educational assignments for pupils who have been suspended. This bill amends RSA 193:13, I(a) and now requires a school to make educational assignments available to the suspended pupil during the period of suspension. Though not specifically defined, “educational assignments” is intended to mean coursework and access to curricular offerings.

**NHSBA Position:**

NHSBA did not testify on HB 216, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

NHSBA sample policy JICD, Student Discipline and Due Process, has been updated in response to HB 216. The updated version will be included in the Fall 2017 NHSBA Sample Policy Update.

**HB 219** An act establishing a demographic study committee. This bill creates a committee of Legislators to study and report back by November 1, 2017 on the relationship between expected demographic changes and public sector policies and operations, specifically including school enrollments. The bill requires an advisory group to assist the committee, including the community college system and university system, as well as such other organizations or individuals as the committee may appoint. NHSBA will monitor the work of the committee as it relates to school districts.

**NHSBA Position:**

NHSBA did not testify on HB 219, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 219 does not impact any NHSBA sample policies.

**HB 226** An act relative to documenting the improvement of non-proficient readers. This bill amends RSA 193-C:3, IV(i) – the statewide assessment program goals – for third grade pupils and requires a school district to submit documentation to the department of education showing that the district has implemented a reading instructional program for third grade pupils who tested as “not proficient” on the reading component of either the statewide or locally-administered assessment.

**NHSBA Position:**

NHSBA did not testify on HB 226, did not take a position on this bill, and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 226 does not impact any NHSBA sample policies.

**HB 233** An act relative to the submission of school emergency response plans. This bill requires: (1) a site-specific emergency response plan for each school; (2) that the plan be reviewed annually; and (3) that by September 1<sup>st</sup> of each year, the district submit to the NHDOE either an updated plan or a report that the plan was reviewed and is unchanged.

**NHSBA Position:**

NHSBA did not testify on HB 233, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

NHSBA sample policy EBCA, Emergency Plans, has been updated in response to HB 233. The updated version will be included in the Fall 2017 NHSBA Sample Policy Update.

**HB 251** An act relative to capital reserve fund appropriations by municipalities. This bill permits certain amounts to be paid into a capital reserve fund under a special warrant article. This bill was requested by the department of revenue administration.

This bill amends RSA 35:5 to clarify that warrant articles proposing to raise and appropriate money to be placed in a capital reserve fund are “special warrant articles” as defined in RSA 32:3. Other clarifying language is added throughout RSA 35:12, RSA 32:7 and RSA 32:10.

NHSBA believes HB 251 offers clarifying language only and does not require any change in practice relative to the raising and appropriating money for capital reserve funds.

**NHSBA Position:**

NHSBA did not testify on HB 251, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 251 does not impact any NHSBA sample policy.

**Please Note:** Three bills this session amend RSA 193-C:6: HB 275, which is effective on June 16, 2017, HB 166, which is effective on August 4, 2017, and HB 513, which is effective on August 15<sup>th</sup>, 2017. HB 513 will determine the law, as it has the latest effective date. Without HB 513, the wording in HB 166 would have negated the change enacted by HB 275

**HB 275** An act prohibiting the inclusion of statewide assessment results in a student’s transcript without consent. This bill amends RSA 193-C:6 to provide that a student's statewide assessment results shall not be a part of a student's transcript.

**NHSBA Position:**

NHSBA did not testify on HB 275, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 275 does not impact any NHSBA sample policies.

**HB 391**

An act relative to checklists in other districts. This bill requires Cooperative School Districts to use the town's checklists at District elections and requires the town Supervisors of the Checklist to fulfill all duties that otherwise would be assigned to the School Board acting as the School District Supervisors of the Checklist. Previously, Cooperative School Districts could choose to use the town checklist and Supervisors of the Checklist. For Districts that have already opted in, this change to law will have no impact. The bill repeals RSA 671:16, Checklists in Other Districts, and RSA 671:24. These repealed statutes applied to circumstances where a Cooperative School District had not opted in to using the town's checklists.

**NHSBA Position:**

NHSBA did not testify on HB 391, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

HB 391 does not impact any NHSBA sample policies.

**HB 556**

An act requiring schools to post the state telephone numbers to report child abuse and relative to criminal history records checks of school employees and volunteers. HB 556 requires each school and chartered public school to post a sign containing information on how to report child abuse or neglect to the New Hampshire Department of Health and Human Services, Division for Children, Youth, and Families ("DCYF").

HB 556 also amends the requirements for criminal history records checks of school employees, volunteers, contractors, employees of contractors, and other educational staff.

With respect to posting the child abuse hotline information, HB 556 creates a new statute, RSA 189:72, which requires school districts to post a sign in each school in an area that is readily accessible to students. The sign is to be provided in electronic or printed form by DCYF and will contain the telephone number of the state child abuse hotline, as well as the pertinent website.

With respect to criminal background checks, HB 556 amends RSA 189:13-a, relative to criminal background checks. There are four significant changes that may impact school board policies and administrative practices relative to criminal background checks.

First, Superintendents will receive more information. In place of a statement of the presence or absence of disqualifying convictions or a charge pending disposition of a disqualifying offence, Superintendents will receive a report on the criminal history records check conducted through state records and through the Federal Bureau of Investigation database that will include any misdemeanors

and/or felony convictions and any charges pending disposition for any disqualifying crimes listed in paragraph RSA 189:13-a, V. The law continues to allow only the Superintendent to view the report. Following School Board policy, the Superintendent will have to determine whether a conviction for an offense which is not on the list of disqualifying offenses in statute, should nonetheless disqualify the applicant.

Second, the school board shall adopt a policy relative to hiring practices based on the results of the criminal history records check. Such policy may include language stating that any person who has been convicted of any misdemeanor or any of a list of misdemeanors may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired. The change to law recognizes that in some cases there is evidence of conduct that, were sufficient evidence available, would result in a conviction for an offense that is made disqualifying by law, but that as a result of the character of available evidence the case may result only in a conviction for a lesser offense. A criminal conviction requires proof beyond a reasonable doubt while most employment decisions require only that it be more likely than not that disqualifying conduct occurred. This difference in the standard of proof means that even where the individual was not convicted of the more serious crime, in some cases it will still be proper to disqualify the applicant. Furthermore, some offenses not included in the statutory list of disqualifying offenses give rise to significant cause to find an applicant unsuitable. School Districts will have greater access to information and greater local discretion as to what offenses and circumstances will be disqualifying. Federal anti-discrimination law still requires that the reason for treating an offense as disqualifying be job related for the position and consistent with business necessity.

Third, the District is required to conduct criminal history record checks for student teachers and interns, before the individual is placed, notwithstanding that the institution of higher education that individual is attending is also required to conduct a criminal history record check upon the individual's enrollment.

Fourth, the law now also requires the District to conduct the criminal history record check on all individuals contracting with the District to provide services directly to students and for the employees of contractors who will be assigned within the District to provide services to students. This means that the District itself must conduct the criminal history records check on cafeteria workers, school bus drivers, custodial personnel or any other service provider who provides services directly to students, even though the individual is a contractor or employee of a contractor. For employees of a contractor, for example a school bus driver, it will no longer be adequate for the contracted school bus operator to just certify to the District that the driver's criminal history record was checked and does not contain any disqualifying convictions or pending charges. The contractor can be required to pay the fee for the criminal history record check, but

the District itself will have to submit the request and upon receipt of the report the Superintendent will have to determine whether the individual will be allowed to provide services directly to students within the District. The criminal history record received by the Superintendent will now contain all felony and misdemeanor convictions and the law assigns authority to the District to determine whether a conviction for a crime which is not on the statutory list of disqualifying offenses is nonetheless disqualifying.

**NHSBA Position:**

NHSBA supported HB 556 with respect to the criminal background and criminal records check provisions. NHSBA did not take a position on the provision relative to posting the state telephone numbers to report child abuse, though NHSBA supports the measure, in concept. NHSBA is working closely with the NHDOE to provide clear policy guidance recommendations for school boards and administrators.

**Impact on School Board Policies:**

NHSBA sample policy JLF, Reporting Child Abuse or Neglect, has been updated in response to HB 556 and will be included in the Fall 2017 NHSBA Sample Policy Update.

NHSBA sample policy GBCD, Background Investigation and Criminal Records Check, is being updated and will be included in the Fall 2017 NHSBA Sample Policy Update.

In addition, NHSBA will issue GBCD-R, a sample Background Check and Criminal History Record Check Protocol. The Protocol will include a sample background check procedure. It will also include a sample list of felony and misdemeanor offenses that the District will treat as disqualifying, and a further list of other offenses for which the District will assess convictions on a case-by-case basis to decide whether, given the facts of the case and the passage of time, the conviction is disqualifying.

**SB 8**

An act relative to school attendance in towns with no public schools. This bill establishes a procedure for the approval of a nonsectarian private school as a school tuition program in a town where there is no public school for the pupil's grade level and authorizes the school board to enter into a contract with an approved nonsectarian private school and appropriate money for the education of pupils in such towns.

SB 8, also referred to as the “Croydon” bill, makes significant changes to various provisions of New Hampshire statutes relative to compulsory attendance, change of school assignments, school district tuition contracts, and the NHDOE oversight of tuition contracts.

First, SB 8 amends RSA 193:1 – the compulsory attendance statute – to state that compulsory attendance requirements are satisfied if and when a student attends a nonsectarian private school in New Hampshire that is approved and designated by the local school board as a “school tuition program”. SB 8 defines “school tuition program” as 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.

Second, SB 8 amends RSA 193:3 – the change of school or assignment statute – to state that a school board may assign a student to any nonsectarian private school that has been approved as a “school tuition program” by the local school board.

Third, SB 8 amends RSA 193:4 to state a school district shall pay tuition for any pupil who has been assigned to a nonsectarian private school approved as a “school tuition program” in RSA 193:3. RSA 193:4 is also amended to allow for school districts to tuition their students to a nonsectarian private school if the school district does not maintain a school of corresponding grades. This provision applies to elementary and middle schools.

Fourth, similarly, SB 8 amends RSA 194:27 to allow school districts to enter into tuition agreements with nonsectarian private schools for high school, if the school district does not maintain a high school of corresponding grades.

**NHSBA Position:**

NHSBA testified in opposition to SB 8, as the bill stands in contradiction to the following NHSBA Resolutions:

- I:A• NHSBA supports the utilization of public education funds solely for public school purposes as determined by the local school boards. (1991)
- I:B• NHSBA urges the NH Legislature and Congress to oppose any efforts to subsidize elementary or secondary private, religious or home schools with public tax dollars. Specifically, NHSBA opposes the creation of vouchers, tax credits and tax subsidies that in any form are targeted to the tuition or expenses for non-public K-12 schools. Rather than diverting scarce tax dollars away from our public school classrooms, NHSBA urges the NH Legislature and Congress to support improvements in our public schools and meet current funding obligations and promises, benefiting the vast majority of America’s children who are educated daily in our public schools. (2005)

NHSBA also has continued constitutional concerns with respect to SB 8. First, private schools that receive state adequacy aid via tuition contracts are not required to abide by the same accountability and assessment requirements that public schools must abide by. Accountability and assessment are key components



of the Claremont lawsuits. As a result, state adequacy aid will be used for an educational system that does not meet “adequate education” standards that are imposed on public schools.

Additionally, NHSBA has concerns that state adequacy aid will be diverted to private schools that are not subject to the same openness and transparency with respect to the Right to Know law, public budget hearings, or voter input relative to budgets.

Last, SB 8 does not provide adequate protections or safeguards for students with disabilities.

**Impact on School Board Policies:**

SB 8 does not impact any NHSBA sample policies.

**SB 43**

An act relative to non-academic surveys administered by a public school to its students. SB 43 amends RSA 186:11, IX-d to state that no student shall be required to volunteer for or submit to a nonacademic survey or questionnaire without written consent of a parent or legal guardian. SB 43 also creates an exception to the prior written consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention.

**NHSBA Position:**

NHSBA opposed SB 43, based in part on a Resolution adopted at the 2017 NHSBA Delegate Assembly, which states:

- NHSBA supports language in legislation that provides parents’ rights to opt-out of content and programs that they feel are not appropriate for their child(ren). However, NHSBA opposes language requiring parents to opt-in to content and programs for their child(ren). Opt-in language creates undue burden on the school district to account for every student who would participate, versus the few who choose not to participate.

NHSBA also opposed SB 43 because the definition of “nonacademic survey or questionnaire” is significantly vague, such that any inquiry of students could be construed to fall into that definition. Likewise, the administrative responsibility of ensuring students have returned the appropriate forms is considerable.

**Impact on School Board Policies:**

NHSBA sample policy ILD, Educational Questionnaires, Surveys, and Research and sample policy ILDA, Non-Educational Questionnaires, Surveys, and Research have been combined and updated in response to SB 43. The updated sample policy will be included in the Fall 2017 NHSBA Sample Policy Update.

**SB 44**

An act prohibiting the state from requiring implementation of common core standards and relative to the amendment or approval of academic standards. SB 44 amends RSA 193-E:2-a, IV to prohibit the department of education and the state board of education from requiring the implementation of the common core standards. The bill also prohibits the state board of education from amending any existing academic standards or approving any new academic standards without prior review and recommendation of the legislative oversight committee.

The legal impact of this bill on school districts is minimal. School districts are still required to implement and adhere to the Minimum Standards for Public School Approval found in NHDOE regulation Ed 306. Likewise, school districts are allowed to implement their own academic standards, provided those standards meet or exceed what is found in Ed 306.

**NHSBA Position:**

NHSBA did not testify on SB 44, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

SB 44 does not impact any NHSBA sample policies.

**SB 45**

An act requiring a course in civics for high school graduation. SB 45 amends RSA 189:11 to require that a civics course shall be required for high school graduation. SB 45 also lists nine components or criteria that must be part of the civics curriculum. SB 45 becomes effective August 7, 2017.

The impact of this bill may require school districts to amend current curricular offerings or coursework.

**NHSBA Position:**

NHSBA did not testify on HB 45, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

SB 45 does not require any change to NHSBA sample policy IKF, High School Graduation, which already includes the requirement for 1 credit of US and NH History and ½ credit of government/civics.

**SB 101**

An act relative to enrollment eligibility for regional career and technical education programs and relative to high school students participating in New Hampshire's dual and concurrent enrollment program. This bill reduces the prerequisite for enrollment in a regional career and technical education center from having attended high school for 2 years to 1 year. The bill also establishes a Dual and Concurrent Enrollment Program, which will allow high school students to earn both high school and college credit for certain courses taught either at a high school or at a community college. When the course is taken at a community college, the state will pay a fixed tuition to the Community College System upon the student's successful completion of the course. The law requires high schools to notify students and parents about the program. The Department of Education and the Community College System of New Hampshire are required to develop a model enrollment agreement and guidelines.

**NHSBA Position:**

NHSBA did not testify on SB 101, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

The school board is required to adopt a policy regarding the program no later than July 1, 2018. The NHSBA will provide a sample policy with either the Fall 2017 or Spring 2018 Sample Policy Update.

**SB 104**

An act relative to career and technical education. This bill alters the makeup of the regional advisory committee of representatives from the sending and receiving districts. A list of specific vocational areas that must be represented has been replaced with a general requirement that the district appointees represent the career cluster areas in the region's approved career and technical education programs. At least one representative must be a certified high school counselor. This change to law gives Districts added flexibility. The law also replaces the term "vocational education centers" with "career and technical education centers" throughout pertinent statutes.

**NHSBA Position:**

NHSBA did not testify on SB 104, did not take a position on this bill and has no Resolutions on this matter.

**Impact on School Board Policies:**

SB 104 does not impact any NHSBA sample policy.

## **Enacted Bills Impacting School District Finance**

**HB 354** An act making an appropriation to the department of education to provide additional adequate education grant payments to certain municipalities. HB 354 appropriates funds for additional adequate education grants to certain municipalities for costs incurred in the 2016 fiscal year.

This bill is a result of the recent Dover lawsuit in which the Superior Court found that the statutory cap on adequacy grants found in RSA 198:41, III(b) is unconstitutional. The appropriations made via HB 354 are given to towns/districts that did not receive the full adequacy grant they otherwise would have been entitled to.

### **NHSBA Position:**

NHSBA supported HB 354, as NHSBA believes the Dover lawsuit was properly decided.

### **Impact on School Board Policies:**

HB 354 does not impact any NHSBA sample policies.

**HB 356** An act establishing a committee to study education funding and the cost of an opportunity for an adequate education, establishing a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education, and relative to the duties of the commissioner of the department of education. HB 356 establishes a committee to study education funding and the cost of an opportunity for an adequate education and establishes a committee to study the organizational structure of the department of education and the duties and responsibilities of the commissioner of the department of education. The bill also authorizes the commissioner of the department of education, with the advice of the state board of education and after consultation with the deputy director and affected division directors, to transfer or assign functions, programs, or services within or between any division.

As introduced, HB 356 sought to increase the amount of state adequacy grants by \$30 per pupil. Through various amendments, the final version of HB 356 is as noted above.

### **NHSBA Position:**

NHSBA supported HB 356, as introduced. NHSBA's initial support of HB 356 was based on the following NHSBA Resolution:

- II:D• NHSBA supports a continual review of all costs associated with providing the opportunity for an adequate education, including costs associated with facilities, and increasing the state commitment to reflect actual costs incurred. Any additional revenue raised by the state to meet

this obligation shall be dedicated solely for the purpose of fully funding a constitutionally adequate education for all students in the state. (First Adopted in 2000; Revised in 2014)

NHSBA does support legislative efforts to study the cost of an adequate education.

**Impact on School Board Policies:**

HB 356 does not impact any NHSBA sample policies.

**SB 191**

An act establishing keno and relative to funding for kindergarten. SB 191 establishes keno in New Hampshire and establishes a program to provide grants to kindergarten students. SB 191 adds various provisions to New Hampshire law, most significantly, the establishment of “keno” gambling, with proceeds from keno to be deposited in the education trust fund established in RSA 198:39.

Under the bill approved by the House and Senate, starting in state fiscal year 2019 which begins July 1, 2018, the state will provide an additional \$1,100 per full-day kindergarten student to start, and more if keno revenues exceed expectations. The decision to allow keno, which often is played in bars and restaurants, would be up to each community.

SB 191 was the topic of much debate within the New Hampshire Legislature. While the final version of SB 191 falls short of the bill as introduced – which would have provided full adequacy aid funding for full-day kindergarten, NHSBA believes the passage of SB 191 will undoubtedly provide much needed financial relief for school districts that offer full-day kindergarten programs.

**NHSBA Position:**

NHSBA supported SB 191 as introduced and supports the bill as adopted. NHSBA’s support of SB 191 is based on the following NHSBA Resolution adopted at the 2017 NHSBA Delegate Assembly:

- NHSBA supports modifying RSA 198:38 to provide state funding for the cost of full-day kindergarten for school districts that have chosen to provide kindergarten for the entire school day. (2017)

**Impact on School Board Policies:**

SB 191 does not impact any NHSBA sample policies.

## **Enacted Bills Impacting the NH Department of Education**

**HB 210** An act relative to a code of ethics for certified educational personnel. HB 210 authorizes the state board of education to adopt rules establishing a code of ethics for certified educational personnel, with such code of ethics to address an educator's: (1) responsibility to the education profession and educational professionals; (2) responsibility to students; (3) responsibility to the school community; and (4) responsible and ethical use of technology as it relates to students, schools, and other educational professionals.

### **NHSBA Position:**

NHSBA did not testify on HB 210. However, during work sessions on this bill last year, NHSBA did consult with members of the House Education Committee and voiced NHSBA's position that the Code of Ethics should be related to certification and not employment actions, as such employment actions should remain with local school boards.

NHSBA is currently working with a NHDOE committee formed to assist in the development of NHDOE administrative regulations relative to the code of ethics for certified educational personnel.

### **Impact on School Board Policies:**

HB 210 does not impact NHSBA sample policy GBEA, Staff Ethics. NHSBA will monitor rulemaking by the Department of Education and re-assess whether GBEA should be updated once rules are issued.

## **Enacted Bills Impacting the Right to Know Law**

### **HB 170**

An act relative to posting notice and minutes of public meetings on the public body's website. HB 170 clarifies the procedure for posting minutes and meeting notices on the public body's Internet website.

HB 170 amends RSA 91-A:2 to state that if a public body/school board maintains an internet website, the school board shall either post approved minutes in a consistent and reasonably accessible location on the website or post and maintain a notice on the website stating where the minutes may be reviewed and how copies can be requested. Likewise, the same website posting and requirements now apply to meeting agendas.

#### **NHSBA Position:**

NHSBA opposed HB 170 as introduced. While NHSBA recognizes and appreciates efforts to provide greater access to meeting agendas and minutes, NHSBA's opposition was based on imposing yet another requirement on school districts with respect to the Right to Know law. NHSBA maintains that the longer the list of requirements expands, the greater the likelihood of inadvertent mistakes.

NHSBA did work closely with the New Hampshire Municipal Association and the Senate Judiciary Committee in drafting alternative language to HB 170. The end result is the bill, as adopted.

#### **Impact on School Board Policies:**

NHSBA sample policy BEDB, Agenda Preparation And Dissemination will be updated in response to HB 170. The updated sample policy will be included in the Fall 2017 NHSBA Sample Policy Update.

### **HB 178**

An act establishing a commission to study processes to resolve Right to Know complaints. HB 178 creates a legislative study commission with the responsibility of study alternative processes to resolve right-to-know complaints relative to: (1) encouraging resolution of right-to-know complaints directly between citizens and public agencies and bodies; (2) reducing the burden and costs of right-to-know complaints on the courts; (3) reducing the burden and costs of right-to-know complaints on public agencies and bodies; (4) reducing the burden and costs of right-to-know complaints on citizens aggrieved by violations of RSA 91-A; and (5) increasing awareness and compliance with the right-to-know law to minimize violations.

NHSBA will be represented on this committee.

**NHSBA Position:**

NHSBA supported HB 178, believing that any effort to study any or all aspects of the Right to Know law is warranted.

**Impact on School Board Policies:**

HB 178 does not impact any NHSBA sample policies.

**HB 460**

An act relative to minutes under the Right to Know law. HB 460 declares that a member of a public body/school board may object to a discussion in a meeting of the board, including non-public session, if the member believes the discussion violates RSA 91-A. Upon request of the member who is objecting to the discussion, the school board shall record the board member's objection in its minutes.

HB 460 amends RSA 91-A:2 by adding a new paragraph outlining a process and what must be included in the public minutes if a member of a public body/school board objects to the board entering non-public session. The objecting member may continue to participate in the meeting without being subject to the penalties established for violating the Right to Know law.

**NHSBA Position:**

NHSBA opposed HB 460. The Right to Know law applies to the public body as a single entity and not to individual members of the public body. While NHSBA recognizes the intent of seeking to immunize an individual board member from potential personal liability, imposing personal liability on elected officials under the Right to Know is extremely rare. Further, NHSBA believes that minutes can be adequately taken under current law to protect the objecting board member from potential liability. NHSBA believes HB 460 is unnecessary.

**Impact on School Board Policies:**

HB 460 does not impact any NHSBA sample policies.



## **Bills Retained or Re-referred to Committee**

**HB 122** An act relative to withdrawal from a cooperative school district. HB 122 sought to amend the procedure for withdrawal from a cooperative school district. Current law requires that the vote on withdrawal of a town from a cooperative school district occur district-wide. HB 122 sought to amend RSA 195:25 to require that the vote on withdrawal occur only within the town seeking to withdraw.

### **NHSBA Position:**

NHSBA testified in opposition to HB 122. NHSBA believes that numerous legislative changes are needed throughout RSA 195. However, NHSBA also believes that while the current process for withdrawal is complicated, the vote on withdrawal should remain district-wide. Numerous towns have withdrawn from cooperative school districts in the last ten years, indicating the withdrawal process is not unduly burdensome.

**HB 155** An act relative to funding for kindergarten programs. HB 155 sought to increase funding for pupils attending full-day kindergarten programs.

### **NHSBA Position:**

NHSBA supported HB 155, for reasons in line with NHSBA's support of SB 191, as indicated above.

**HB 182** An act relative to the adoption of a default budget. HB 182 sought to permit political subdivisions/school boards to require the default budget to be placed on the ballot as a separate contingent warrant article if the operating budget is defeated and to permit a revised operating budget to be voted on if both the operating budget and the contingent default budget are defeated.

### **NHSBA Position:**

NHSBA opposed HB 182 primarily it sought to create a new system under the SB 2 form of annual meetings under which the default budget is approved. The bill would require school boards to hold a subsequent special meeting in the event neither the proposed operating budget or the default budget were adopted. The cost and time of holding a subsequent special meeting would be extraordinary.

**HB 207** An act prohibiting the implementation of common core in public elementary and secondary schools. HB 207 sought to prohibit the department of education and the state board of education from requiring any school or school district to implement the common core standards. HB 207 was significantly similar to SB 44, which passed, as noted above.

**NHSBA Position:**

As with SB 44, NHSBA did not testify or take a position on HB 207.

**HB 252** An act relative to pro se litigants under the Right to Know law. HB 252 sought to clarify procedural aspects relative to the submission and filing of documents and related evidence when an individual filed a Right to Know law petition in Superior Court.

**NHSBA Position:**

NHSBA did not testify on HB 252 and took no position on the bill.

**HB 525** An act relative to stabilization grants for education. HB 525 sought to remove the annual 4 percent reduction in stabilization grants made to certain municipalities and school districts. HB 525 also sought to provide that stabilization grants in fiscal year 2018 would be the same as in fiscal year 2017.

**NHSBA Position:**

NHSBA supported HB 525. NHSBA's support was based on various NHSBA Resolutions relative to school funding.

**HB 557** An act relative to school attendance in towns with no public schools. Similar to SB 8, HB 557 sought to establish a procedure for the approval of a nonsectarian private school as a school tuition program in a town where there is no public school for the pupil's grade level and authorizes the school board to enter into a contract with an approved nonsectarian private school and appropriate money for the education of pupils in such towns.

**NHSBA Position:**

NHSBA opposed HB 557 for reasons in line with NHSBA's opposition to SB 8, as noted above.

**SB 193** An act establishing education freedom savings accounts for students. SB 193 sought to create a voucher program that would divert state adequacy aid away from school districts and allow students to apply for "scholarships" that could be used to pay expenses at a private school or for a home schooling program.

**NHSBA Position:**

NHSBA testified in opposition to SB 193. NHSBA's opposition was based on the following Resolutions:

I:A• NHSBA supports the utilization of public education funds solely for public school purposes as determined by the local school boards. (1991)

I:B• NHSBA urges the NH Legislature and Congress to oppose any efforts to subsidize elementary or secondary private, religious or home schools with public tax dollars. Specifically, NHSBA opposes the creation of vouchers, tax credits and tax subsidies that in any form are targeted to the tuition or expenses for non-public K-12 schools. Rather than diverting scarce tax dollars away from our public school classrooms, NHSBA urges the NH Legislature and Congress to support improvements in our public schools and meet current funding obligations and promises, benefiting the vast majority of America’s children who are educated daily in our public schools. (2005)

**CACR 7** A proposed constitutional amendment stating that the general court shall have the authority to define standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

**NHSBA Position:**

NHSBA opposed CACR 7, as this proposed constitutional amendment is an attempt to undo the Claremont court cases relative to the state’s obligation to provide an adequate education. The proposed constitutional amendment sought to remove the courts from having any oversight relative to legislative action with respect to an adequate education.

## **New Hampshire School Boards Association 2017 Board of Directors**

### Officers:

Donald Austin, President – Somersworth  
Heidi Chaney, 1<sup>st</sup> Vice-President – Shaker Regional  
Shannon Barnes, 2<sup>nd</sup> Vice-President – Merrimack  
John Falconer, Immediate Past President – Colebrook

### Board of Directors

David Cummings, Epsom  
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Leslie Stevens, Portsmouth  
Travis Thompson, Exeter Region Cooperative  
Jack Widmer, Governor Wentworth Regional  
Brenda Willis, Derry Cooperative

# **New Hampshire School Boards Association Continuing Resolutions – 2017**

**Adopted by the 2017 NHSBA Delegate Assembly – January 21, 2017**

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- 1. NHSBA** supports the development of curriculum for use by trained teachers in grades K-12 to educate students in the prevention of sexual abuse, with such curriculum to be developed locally using either a model developed by the New Hampshire Department of Education or by one of the 13 state agencies that already use evidence-based sexual abuse prevention education. (2016)
- 2. NHSBA** supports modifying RSA 193:12 to add the following:  
“Any person who provides false information for the purpose of establishing residency for school attendance or any person who assists in doing so, may be required to remit full restitution to the school district of the improperly attended school.” (2016)
- 3. NHSBA** supports New Hampshire’s adoption of updated requirements in statutes and rules that reflect current document imaging technologies and backup capabilities. (2016)
- 4. NHSBA** supports legislative action that allows criminal background checks to be shared with their Human Resources Department and that the specific charge be shared with the Superintendent so he/she can make an informed judgment related to their employment. (2017)
- 5. 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)
- 6. NHSBA** supports language in legislation that provides parents’ rights to opt-out of content and programs that they feel are not appropriate for their child(ren). However, NHSBA opposes language requiring parents to opt-in to content and programs for their child(ren). Opt-in language creates undue burden on the school district to account for every student who would participate, versus the few who choose not to participate. (2017)

7. **NHSBA** supports fully funding the School Building Aid program pursuant to RSA 198:15-a. Furthermore, NHSBA believes that an adequate school building is a component of the requirement to provide an adequate education and therefore the state is obligated to provide funding for adequate school facilities. The state has failed to meet this obligation since 2009. (2017)
  
8. **NHSBA** supports modifying RSA 193-C:6 to require that the State Department of Education publish the results of the statewide assessment within 30 days of receipt of the assessment results. The NHSBA supports modifying RSA 193-C:6 to prohibit embargos of assessment results by the State Department of Education, local school districts, or other agencies. (2017)
  
9. **NHSBA** supports modifying RSA 198:38 to provide state funding for the cost of full-day kindergarten for school districts that have chosen to provide kindergarten for the entire school day. (2017)
  
10. **NHSBA** supports the study of the establishment of additional state adequacy aid for public pre-kindergarten. (2017)



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## **Policies, Perennial Resolutions and Statements of Belief Manual**

January 2017

By Procedure Adopted Unanimously at Delegate Assembly, November 4, 2006  
And Following Action of the January 21, 2017 Delegate Assembly

### **Overview of Action Taken at the 2006 Delegate Assembly**

The resolutions contained herein have been adopted for three consecutive years by a vote of the Delegate Assembly. Such resolutions become a continuing commitment of the Association and part of this document, *Policies, Resolutions and Statements of Belief Manual*. This practice is based on the proposal adopted unanimously at the 2006 Delegate Assembly on November 4, 2006:

*Whereas* NHSBA takes consistent positions on certain issues that repeatedly come before the Delegate Assembly as re-adopted resolutions, and

*Whereas* these issues deserve special recognition for their continued importance as long-standing positions,

*Be it therefore resolved* that any resolution adopted for at least three continuous years be moved to the NHSBA Policies, Resolutions and Statements of Belief Manual.

**Resolutions Qualifying for Inclusion in the  
Policies, Resolutions and Statements of Belief Manual**

<b><u>SECTION</u></b>	<b><u>TOPIC</u></b>
I	School Choice
II	Education Funding
III	Health Care Funding
IV	Charter Schools
V	Local Control and School District Autonomy
VI	School Safety
VII	Accountability
VIII	State Board of Education
IX	Federal Legislation
X	Public Pension System



## **I - School Choice**

- I:A• NHSBA** supports the utilization of public education funds solely for public school purposes as determined by the local school boards. (1991)
- I:B• NHSBA** urges the NH Legislature and Congress to oppose any efforts to subsidize elementary or secondary private, religious or home schools with public tax dollars. Specifically, NHSBA opposes the creation of vouchers, tax credits and tax subsidies that in any form are targeted to the tuition or expenses for non-public K-12 schools. Rather than diverting scarce tax dollars away from our public school classrooms, NHSBA urges the NH Legislature and Congress to support improvements in our public schools and meet current funding obligations and promises, benefiting the vast majority of America's children who are educated daily in our public schools. (2005)

## **II - Education Funding**

- II:A• NHSBA** proposes that the state fully fund all state education aid formulas before the funding of any other state obligation. (1994)
- II:B• NHSBA** supports reducing the threshold for determining the local share of a catastrophic aid special education placement to 2 times the state average elementary and secondary costs of general education. (1998)
- II:C• NHSBA** supports the appropriation of at least \$50 million each fiscal year to fully fund, per RSA 198:15-a, IV, the state's Building Aid Program. This program has effectively created local and state partnerships in financing school building improvements that benefit all students of New Hampshire, and which should be considered a significant part of fulfilling the State's constitutional duty to provide an adequate education to all children. (*First Adopted in 2000 – Revised in 2014*)
- II:D• NHSBA** supports a continual review of all costs associated with providing the opportunity for an adequate education, including costs associated with facilities, and increasing the state commitment to reflect actual costs incurred. Any additional revenue raised by the state to meet this obligation shall be dedicated solely for the purpose of fully funding a constitutionally adequate education for all students in the state. (*First Adopted in 2000 – Revised in 2014*)
- II:E• NHSBA** proposes that the state develop an equitable and sustainable tax plan dedicated solely to education for the purpose of fully funding a constitutionally adequate education for all students in the state. (2002)
- II:F• NHSBA** opposes the dramatic and unpredictable changes in educational funding each year – often with solid information only coming to the school districts after the balloting or school district meetings are done.

The **NHSBA** opposes any new educational funding legislation, passed and enacted by the Legislature, which takes effect any earlier than the next biennium. School boards cannot be expected to work with legislation passed after the budget cycle for the following year is completed. (2005)

**II:G**• *Replaced by Resolution II:D in 2014.*

**II:H**• **NHSBA** supports a required kindergarten program as part of a comprehensive K-12 curriculum offering, with concurrent state kindergarten funding. (*First Adopted in 2003 – Revised in 2014*)

**II:I**• *Replaced by Resolution II:N in 2014.*

**II:J**• **NHSBA** opposes any constitutional amendment that vacates the spirit and intent of the Claremont and Londonderry lawsuits and attempts in any way to limit or redirect funding in a manner that is contrary to the New Hampshire Supreme Court's ruling and present interpretation of the New Hampshire Constitution. (2008)

**II:K**• **NHSBA** opposes transfer of the responsibility to provide and fund a free and appropriate education (FAPE) for special education students from resident districts to attending districts when a non-resident student is placed in a district by a parent. (2008)

**II:L**• *Replaced by Resolution II:C in 2014.*

**II:M**• **NHSBA** opposes the recent change in statute that decreases the state share of local employer retirement costs. **NHSBA** calls for the immediate return of the state share of local employer retirement costs for teachers, police and fire to 35% for fiscal years 2010 and 2011, as well as maintaining this commitment in the future. (2010)

**II:N**• **NHSBA** opposes legislation that would directly or indirectly divert state costs or responsibilities to local school districts, including unfunded state aid programs (e.g. catastrophic aid and building aid), and the state share of retirement contributions. (2011)

**II:O**• Should the special education mandates of the state of New Hampshire exceed the federal special education requirements, then the state of NH should fully fund those mandates that exceed federal requirements to the local school districts. (2009)

**II:P**• **NHSBA** supports amending New Hampshire's special education statute so that only the state legislature, not the State Board of Education via rulemaking or any other process, decides when it is appropriate for state law to exceed federal law. (2010)

### **III – Health Care Funding**

**III:A• NHSBA** supports a statewide effort to work with legislative bodies to address the spiraling costs associated with health care benefits borne by the school districts in New Hampshire. (2005)

### **IV – Charter Schools**

**IV:A• NHSBA** proposes that for any charter school authorized by the State Board of Education, state aid entitlements under RSA 198:42 should be paid directly to the charter school from state funds which are separate from local district grants. (2006)

**IV:B• NHSBA** proposes that the State Department of Education develop evaluation and accountability criteria for the state’s charter schools to ensure their financial stability as well as sound educational objectives. (2006)

### **V - Local Control and School District Autonomy**

**V:A• NHSBA** supports legislation to lower the mandated 2/3-majority vote for passing a bond article to 60% for all school districts. (1997)

**V:B• NHSBA** supports the continued ability for Cooperative School Districts to adopt apportionment formulas based on locally determined factors. (2000)

**V:C• Deleted in 2014.**

**V:D• NHSBA** supports amending current law to allow school districts to establish a non-lapsing contingency fund to meet the cost of unanticipated expenses. (2001)

**V:E• NHSBA** supports legislation that allows local governing bodies to indicate their recommendation on any warrant article, in addition to those recommendation requirements already specified in the municipal budget law, RSA 32. (2006)

**V:F• The NHSBA** supports the NH Legislature amending the “SB 2” process to allow a legislative body to specifically vote by a supermajority of 60% on a Warrant Article to create and fund a program that would then continue beyond the single year and its costs would be included as part of the following years default budget. (2008)

**V:G• NHSBA** opposes any change in statute implementing an “Evergreen Clause” in all negotiated contracts. Evergreen clauses mandate the continuation of any pay plan after the expiration of a contract when a successor agreement has not been reached. Any such provision exceeds previous standards and usurps local control, significantly tipping the balance of negotiations. (*First adopted in 2009 – Revised in 2014*)

- V:H• NHSBA** opposes any mandated teacher salary schedule requiring all districts in the state to pay salaries based on a common state schedule. (2009)
- V:I• NHSBA** supports local control provided in NH statutes and rules that allow local school districts the authority to make their own decisions in defining a school calendar that complies with both the spirit and the letter of the law. (*First adopted in 2009 – Revised in 2014*)
- V:J• NHSBA** supports new legislation or administrative rules that impose penalties against school district employees who breach their employment contracts. (2011)
- V:K• NHSBA** opposes any branch of New Hampshire government adopting or supporting curriculum standards that usurp state’s rights and de-emphasize and limit local control of curriculum and local school board oversight. (2011)
- V:L• NHSBA** supports legislation to allow local school districts to retain a percentage of their year-end unreserved fund balance in the same manner as local municipal governments. (2011)
- V:M• NHSBA** supports local boards and their responsibility for establishing the structure, accountability, advocacy and delivery of instruction within their local district. This includes statutory changes that affirm this managerial policy confided exclusively to public employers. Specifically, governing bodies have the right to determine standards for evaluation, compensation, selection, layoff and retention, discipline, assignment and transfer, and other traditionally accepted managerial rights so as to continue public control of governmental functions. (2013)
- V:N• NHSBA** supports state and federal legislation that affirms the responsibility for education resides with the states, which have delegated to local school boards the power and authority to adopt policies, establish priorities, and provide accountability to direct the operation of the schools, including the school system’s mission and goals, organization, budget, program, curriculum and services, all essential to the daily operation of schools, consistent with state laws and regulations. (2014)
- V:O• NHSBA** supports legislative affirmation of the management right associated with teacher evaluation that is an integral component of the requirement that school boards adopt a teacher evaluation policy. Further, NHSBA supports involving teachers and principals by allowing a reasonable opportunity to comment on draft school board evaluation policy, understanding that the school board has the sole prerogative to adopt a local policy it deems appropriate. (2014)

## **VI - School Safety**

- VI:A• NHSBA** supports legislation which excludes public schools from being designated as neutral ground for visitation purposes for children of parents undergoing a divorce procedure by legal or other administrative orders. (1998)
- VI:B• NHSBA** supports efforts to enact legislation which would require notification to school districts of restraining orders related to a student's behavior. (1999)
- VI:C• NHSBA** supports legislative action to remove the unfunded mandated provisions of RSA 193-F, Pupil Safety and Violence Prevention. The imposition of these new mandates and their related financial costs, without additional state funding, violates the New Hampshire Constitution, Part First, Article 28-a. (2011)

## **VII - Accountability**

- VII:A• NHSBA** believes that all components of state testing (English Language Arts, Writing Prompt, Mathematics, Science, and Social Studies) should continue to be given annually at the end of the school year with appropriate and immediate steps being taken to ensure that these test results are received by school districts no later than the following July 1. Valid data to assess school performance relies on measuring individual student progress: NH should adopt gain score or value-added measures as the principal means for measuring student performance. If NH does not adopt gains-score or value-added measures as the principal means for measuring student performance, then annual testing should take place at the beginning of the school year so that information may be used instructionally during the year. (*First adopted in 1998 – Revised in 2016*)
- VII:B• NHSBA** supports the inclusion of only students who have enrolled in a district continuously for the previous school year in the numbers calculated to measure student performance. (*First adopted in 2005 – Revised in 2016*)
- VII:C• NHSBA** supports a review of NH's accountability and performance measures as well as standards established for the NH state assessment program. (2009)
- VII:D• NHSBA** supports legislation to amend the State Common Core Testing that will begin in the school year 2014-2015 to allow special education students be tested at their grade level ability rather than their placement of their current school grade. (2013)

## VIII - State Board of Education

- VIII:A• NHSBA** calls on the State Board of Education to continuously monitor all teacher training programs at New Hampshire colleges and universities to assure that such institutions are offering quality and relevant training programs preparing individuals for careers as teachers and/or administrators in New Hampshire’s public schools. (*First adopted in 1998 – Revised in 2014*)
- VIII:B• NHSBA** proposes that the Department of Education develop and maintain a database of available grants and other funding mechanisms to assist local school districts in their grant writing efforts and funding of locally determined programs. (2002)
- VIII:C• NHSBA** urges the State Board of Education to conduct a statewide study of the “traditional” school calendar utilized by most public school districts in New Hampshire and to issue a summary report of its findings, conclusions and recommendations. (2003)
- VIII:D• NHSBA** urges the NH State Board of Education to adopt Standards of NH School Approval which emphasize qualitative standards rather than quantitative standards. (2003)
- VIII:E•** *Replaced by Resolution II:H in 2014.*
- VIII:F• NHSBA** supports the development and implementation of poverty indicators for Title I eligibility, which best reflect the current distribution of children from low income families in the public schools across the State and maximizes the number of districts eligible for Title I funds. (2003)
- VIII:G• NHSBA** supports the concept and duties of the State Board of Education as established in RSA 21-N:10-11. In its capacity to review all programs, advise on goals and hear appeals, the State Board of Education should have the authority to appoint the Commissioner of Education as well as confirm the Deputy Commissioner and division directors nominated by the Commissioner of Education. (2005)
- VIII:H• NHSBA** opposes the changes in student assessment at the state level which are resulting in fewer content and skill areas tested, especially the loss of the writing assessment. Basing assessment decisions on availability of funding rather than on what is best for the students of New Hampshire is not something that **NHSBA** can support. (2005)
- VIII:I• NHSBA** supports a compulsory attendance age of eighteen (18), along with flexibility to utilize alternative options that allow students to continue a program of study to complete their high school education. (*First adopted in 2006 – Revised in 2014*)
- VIII:J• NHSBA** supports a Department of Education funded study on the impact on performance of extended learning opportunities and those extended learning opportunities’ relationship to the funding formula. (2009)

**VIII:K• NHSBA** supports the adoption of statutory language requiring that any statute or New Hampshire Department of Education rule, which mandates the adoption of local school board policies, will expire after five years; and that such statute or rule cannot be renewed without full public hearings, debate and re-authorization by the New Hampshire Legislature. All rules and regulations stipulated by the New Hampshire Department of Education must be submitted to the full New Hampshire Legislature for final consent and approval. (2015)

## **IX - Federal Legislation**

### **IDEA:**

**IX:A• NHSBA** urges the U.S. Congress to appropriate funds to pay 40% of the cost of implementing IDEA, and to fully fund any additional requirements in the area of special education and to provide financial impact statements. (1990)

**IX:B•** Since its original enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has played a pivotal role to assure that students with disabilities receive the services they need for their success. **NHSBA** supports and applauds the efforts and goals encompassed by IDEA's mission.

As our Congress considers the reauthorization of IDEA, **NHSBA** believes attention should be directed at components of the program that are moving away from the original mission of educating children to a mission that involves a wider range of functions. **NHSBA** believes that for special education to achieve its potential in today's environment, several areas should receive attention. **NHSBA** proposes that federal reauthorization of IDEA address these specific priority concerns in the following areas:

- federal funding - Congress should fully fund the federal share of IDEA as a mandatory program;
- teacher recruitment and retention - federal law should create and encourage incentives for new teachers seeking special education certification;
- administration and paperwork - federal law should ease the current complex paper trail aimed at documenting compliance as well as allowing greater flexibility in the IEP process;
- due-process hearings - federal law should provide for adequate notice of issues and good-faith mediation
- related services - federal law should identify the financial role of other governmental units rather than fix all costs for related services on the narrow portion of the tax base that just serves education;
- private placements - federal law should focus on whether a substantive deprivation of educational opportunities exists in the public setting before consideration of private placement;
- safe learning environment - federal law should allow local school district personnel the flexibility and discretion to make appropriate discipline determinations that are in

the best interests of all students when it comes to disciplining children with disabilities;

- over identification - federal law should clarify the definition of those disabilities that can result in over identification. (2002)

**Every Student Succeeds Act:**

**IX:C• NHSBA** urges the New Hampshire Legislature and New Hampshire Department of Education, consistent with the language and intent of the Every Student Succeeds Act (ESSA), to maximize local governance and community leadership through enhanced local school board flexibility in addressing key areas such as standards, testing, and accountability; and further to pro-actively engage and collaborate with NHSBA in all legislative and administrative discussions and decisions concerning the implementation of ESSA. (*First adopted in 2003 – Revised in 2009 – Revised in 2016*)

**National School Boards Association:**

**IX:D• NHSBA** supports the efforts of the National School Boards Association to provide more local governance and flexibility by working with federal officials to ensure passage of all federal legislation and regulations consistent with this goal. (2015)

**X – Public Pension System**

**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)