



**25 Triangle Park Drive, Suite 101
Concord, NH 03301
(603) 228-2061
(603) 228-2351 (fax)
www.nhsba.org**

Policies, Resolutions and Statements of Belief Manual

**January 2020
By Procedure Adopted Unanimously at Delegate Assembly,
November 4, 2006
And Following Action of the
January 26, 2019 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**

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Perennial Resolutions of the New Hampshire School Boards Association

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, transportation 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 – Revised in 2020)*

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. This resolution should not be interpreted to obligate the NHSBA to challenge the renewal or re-authorization of mandates that uphold existing rights for students receiving special education services. *(First Adopted in 2009 – Revised in 2020)*

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)

II:Q• 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)

II:R• 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)

II:S• NHSBA supports the study of the establishment of additional state adequacy aid for public pre-kindergarten. (2017)

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)

V:P• NHSBA supports New Hampshire's adoption of updated requirements in statutes and rules that reflect current document imaging technologies and backup capabilities. (2016)

V:Q• 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 an undue burden on the school district to account for every student who would participate, versus the few who choose not to participate. (2017)

V:R• NHSBA supports modifying RSA 193:12 to add the following: Any person who provides false information for establishing residency for school attendance purposes, or any person who assists in doing so, may be required to remit full restitution to the school district or districts that have financial or fiscal liability as a result of the false information. (2018)

V:S• NHSBA supports amending pertinent electioneering statutes to clarify: (1) the definition of "election" official"; (2) that electioneering by election officials may not occur at the polling place; and (3) that a public body may affirmatively promote positions established by formal actions of that body. (2018)

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)

VI:D• 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)

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)

VII:E• 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)

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)

VIII:L• 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)

IX - Federal Legislation

Individual with Disabilities Education Act:

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• Deleted in 2019. Replaced with Continuing Resolution #4 (2019).