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2021 NHSBA Delegate Assembly
Saturday January 23, 2020
10am
To be held virtually

PROPOSED RESOLUTIONS

7. Submitted by the ConVal School Board on 10/13/2020

Resolution: COVID-19 FUNDING

WHEREAS, K-12 schools were to re-open this fall for in person instruction or offer and adequate education through hybrid in person-remote models during the COVID-19 pandemic amid a State of Emergency at the urging of the Governor, it is the responsibility of each school district to do so safely and responsibly; and

WHEREAS, it is the responsibility of the state to ensure that each school district is able to pay for the enormous additional staffing, technology, transportation, indoor air quality upgrades and material expenses required to do this; and

WHEREAS, the state cannot expect COVID-19 safety guidelines to be followed without also ensuring that each school district has the funds required to implement these guidelines; therefore, let it be

RESOLVED: that the state must guarantee every school district reasonable reimbursement for whatever COVID-19 expenses are required to follow re-opening guidelines set forth by the State and Center for Disease Control and Department of Health and Human Services and the Environmental Protection Agency.

We must ensure a statewide school re-opening that is safe, responsible and equitable.

THERE CAN BE NO UNFUNDED MANDATES FOR COVID-19 or DURING THE COVID-19 STATE OF EMERGENCY.

Rationale:

The resolution addresses funding for the expenses related to COVID-19 including staffing, supplies, equipment and upgrades to technology and indoor air quality needed to help schools reopen safely while adhering to NH RSA, State and Federal Guidelines. With only a fraction of costs being covered by the CARES Act and no allowable FEMA reimbursements to school districts, the budget constraints imposed upon school districts as a result of lack of additional funding will have a direct impact on students both in the immediate budget and future budget cycles. Since each district is funded by over 60% in local taxation and the guidelines set-forth for re-opening encouraged an in person or hybrid learning model, passing along additional costs in future budgets for scheduled purchases, projects and ongoing capital maintenance of schools that had to be delayed in order to re-open schools or going into deficit spending in order to re-open schools will further burden the local tax base.

NHSBA Board of Directors Recommendation: Not support.

NHSBA agrees that additional state aid should be provided to school districts relative to COVID-related expenses districts have incurred and will continue to incur. NHSBA has repeatedly advocated for additional funding for these expenses. However, NHSBA believes the proposed Resolution is too narrow in focus to be a long-standing resolution or statement of belief. Additionally, NHSBA has numerous resolutions calling for additional state funding (II:A, II:D, II:N.)

8. Submitted by the ConVal School Board on 10/26/2020

Resolution: LAST-MILE BROADBAND

WHEREAS, the COVID-19 pandemic required school districts to move to remote-only and hybrid instruction models; and

WHEREAS, the availability of broadband Internet services varies from town to town in New Hampshire; and

WHEREAS, lack of access to adequate broadband creates an equity concern for students in towns without 100% broadband coverage; and

WHEREAS, parents who may have elected a remote-only option, did not have that choice based on a lack of access to broadband Internet; and

WHEREAS, the availability of cellular coverage is also poor in many areas of state negating the ability of cellular hot spots to fill the void; and

WHEREAS, state initiatives like the SB170 bonding option are only financially viable for towns with little to no existing broadband coverage; and

WHEREAS, prior to the availability of CARES Act funding, New Hampshire had spent less than \$100,000 in the last 10 years on broadband Internet projects; and

WHEREAS, a hybrid or remote learning option is likely to continue to be needed in the short and long term as a response to public health concerns, weather events, and evolving service delivery models, let it be

RESOLVED: that the state seek to provide viable financial solutions and funding models to assist municipalities in completing the true “last-mile” broadband Internet networks throughout their towns or establish a regulatory framework that requires providers to complete the networks, so that broadband Internet access is available along every public way in the state.

Rationale:

The Internet service providers have already maximized the profit of their networks by providing access to the areas of greatest population density in each town. This results in the houses on the outskirts of towns to lack access to broadband Internet. Due to the rural nature of these towns, the distance between houses creates a financial disincentive for ISPs to expand their network further than they have. Additionally, in

towns with 50% or higher coverage, competing providers are unlikely to want to overbuild the existing network. Meanwhile, the state (through Federal funding) continues to make investments in other areas of infrastructure. For example, the cost to reconstruct exit 4 on I-93 – this time – is \$66 million – for one exit. The state is rebuilding the infrastructure of yesterday while ignoring the infrastructure of the future.

NHBSA Board of Directors Recommendation: Support.

One primary theme throughout COVID has been the lack of stable and reliable internet services in many parts of New Hampshire. This has created inequities in the delivery of remote instruction and distance education. Also, the State Board of Education is currently seeking to revise rules to expand the use and implementation of distance education. This cannot happen without greater access to broadband and internet across New Hampshire.

9. Submitted by the Raymond School Board on 11/5/2020

Resolution:

To amend Continuing Resolution #6 to read: “NHSBA supports reinstating full school building aid funding to state-funded levels greater than state appropriations prior to the 2011 school building aid moratorium.”

Rationale:

Costs have gone up over the years (inflation) and so returning to past levels of spending is not wholly sufficient.

NHSBA Board of Directors Recommendation: Support.

By way of clarification, the Continuing Resolution question is #4. The proposed rationale makes sense, as there has not been a significant building aid program since 2011 and construction costs have certainly risen. Further, with the continued lack of a full building aid program, many districts have forgone building projects due to cost. The building aid needs now are significantly greater than they were in 2011.

10. Submitted by the Monadnock School Board on 11/5/2020

Resolution:

The New Hampshire School Boards Association supports school districts that promote equity-based inclusive education, which is a widely-accepted concept that calls for accommodations in general education classroom settings for students who have unique learning needs on the basis of sex, gender identity, race, religious creed, color, marital status, physical or mental disability, national origin, economic status, familial status, sexual orientation, health condition, or native language.

Rationale:

- Equity-based inclusive education practices are being adopted by school districts around the state. This means that they are building community by being mindful of the need for children with different educational requirements to be able to succeed in learning in the general education environment (regular classroom) rather than being set apart in specialized classrooms. This graphic describes inclusion in an easily-understandable way. <https://2aih25gkk2pi65s8wfa8kzvi-wpengine.netdna-ssl.com/praxis/files/2016/07/Inclusion-graphic.png>
- School districts look to the NHSBA in one of the most important duties - to establish school board policy. Presently, the sample policy database does not provide a policy addressing inclusion, but with this resolution in place, the NHSBA may be inclined to include such a policy (which could be authored elsewhere and submitted for NHSBA Staff Attorney review).
- The NHSBA presently has little direction on its position regarding matters of equity and inclusion in its Policies, Resolutions and Statements of Belief Manual, but it has been and will be called on to take a position from time to time on such matters as they pertain to our schools. The climate for this resolution is right because matters of inclusion and equity are on the forefront. Documenting a position now will pave the way for future testimony on rules and regulations from the State Board of Education, NH Department of Education, or legislative proposals. This resolution will inform the NHSBA on whether to support or oppose legislation even if it calls for measures that could bear a cost to voluntarily participating districts.
- In 2019, the NHSBA signed in support of HB 383. The list of categories above is taken directly from HB 383 (as amended) with the addition of related categories “familial status, sexual orientation, health condition, or native language”. For reference, that bill reads as: “Relative to the Prohibition on Unlawful Discrimination in Public and Nonpublic Schools; 2 Duties of the State Board of Education. Amend RSA 21-N:11, XXXIII to read as follows: XXXIII. Discrimination. Ensure that there shall be no unlawful discrimination in any public school, private school, or approved school tuition program, that receives public funds, against any person on the basis of

sex, gender identity, race, religious creed, color, marital status, physical or mental disability, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, gender identity, race, religious creed, color, marital status, mental or physical disability, national origin, or economic status of the benefits of educational programs or activities.”

NHBSA Board of Directors Recommendation: Support alternative language.

Proposed alternative language:

The New Hampshire School Boards Association supports equity and inclusion in all aspects of education. NHSBA supports adherence to all anti-discrimination laws, rules and statutes ensuring that no student is excluded or discriminated against on the basis of sex, gender identity, race, religious creed, color, marital status, physical or mental disability, national origin, economic status, familial status, sexual orientation, health condition, or native language.

11. Submitted by the Monadnock School Board on 11/5/2020

Resolution:

The New Hampshire School Boards Association supports the concept that the State of New Hampshire should define the calculation of inter-district charges when students are tuitioned to an alternate district.

Rationale:

Although the State has an RSA to define a school district's default budget, there are no specific calculation methods defined for setting the standard student tuition rate, the Special Education tuition rate, or to guide a receiving school district that needs to develop an invoice to a sending district. For students who do not receive any unique services related to IEPs, etc., the district's regular tuition rate may suffice, but for students receiving additional services there are a variety of variables. As a result, each district's Business Administrator is left to develop their district's specific formula, on a per student/per situation basis. This may lead to inequitable invoicing between districts. Some of the calculation variables or decision points might include things like: Whether the situation is Manifest Educational Hardship (affects Transportation cost) Portions of service that are funded by grant funds Cost of contracted services, e.g. additional assessments or additional nursing Cost of specific equipment If included in the services provided Amortized or capitalized The cost of specific staff, i.e. the cost of the student's one-to-one paraprofessional If one is assigned / % of time allotted if resource is shared Whether to use a blended rate based on average staff costs or rates based on union contract Etc.

NHBSA Board of Directors Recommendation: Not support.

Tuition calculations among school districts are a matter of local contract and can be determined locally. Additionally, RSA 193:4 states: "Except under contract, the liability of any school district under this section for the tuition of any pupil shall be the current expenses of operation of the receiving district for its elementary or junior high school or public school of corresponding grade, as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils." Further, using a state-wide formula to determine tuition costs may result in discrepancies based on local factors such as transportation and local curricular programming.

12. Submitted by the Oyster River School Board on 11/6/2020

Resolution:

NHSBA values and respects student and staff privacy. New Hampshire state law should enable school to require students who attend classes remotely to participate through video when enabling technology is provided. Schools should also provide tools that protect the privacy of the location and other people in the environment where the student is remotely learning.

Rationale:

In-person school is essential, and fully remote instruction cannot replace in-person school for all students. There are circumstances where remote instruction is beneficial and appropriate. Schools have developed many approaches to remote learning in response to the COVID-19 pandemic and the Governor's various emergency orders. In the future, it is likely that students will benefit from remote learning capabilities in the event of weather-related disruption (Snow Days), a resurgence of pandemic cases, or other community disruptions (i.e. temporary facility or utility interruption). Virtual classes work best when students and teachers can see each other. Visual and auditory communication create a more comprehensive and productive learning environment and encourage accountability for all involved.

Technological tools exist now to enable students to participate in class, with their faces visible to teachers and classmates just as if they were participating in an in-school class. Tools are also available to prevent remote viewers from seeing the student's environment or others in the room, protecting the privacy of the student, student's family, and student's location.

It is reasonable for schools to require video participation in remote classes to count students as present. Schools would not be mandated to force students to have cameras on, but legal changes would give schools the option where appropriate and beneficial.

NHSBA Board of Directors Recommendation: **Not support.**

As the NHSBA understands it, the Oyster River School Board is asking NHSBA to advocate for a state law that would require students to “show their face” or otherwise be visible when engaged in remote instruction, while simultaneously making sure the program or platform student are using has the ability to use a “background” so that the student’s house/household remains private.

Given the variety of platforms school districts are currently using, this seems like a challenging task. Further, local school districts can choose their own remote instruction platforms that have these abilities, and can require students use them via administrative regulation or board policy.

13. Submitted by the Nottingham and Strafford School Boards on 11/10/2020

Resolution:

The Nottingham and Strafford School Boards oppose changes in the IDEA allocation calculations resulting in funds being disbursed directly to the school/district in which the child is registered (in towns which do not have high schools) and not to the student's residence. **The Nottingham and Strafford School Boards** calls for the immediate return of prior method of calculations for IDEA federal and state funds, as well as maintaining this commitment in the future to keep any and all funds distributed to the student's town of residence.

NHSBA Response: This Resolution was submitted on Tuesday November 10, 2020 – after the deadline of Friday November 6, 2020. In 2018, NHSBA received one proposed Resolution after the deadline for submission. At that point, the NHSBA Board of Directors decided to not make a recommendation but rather put it to the Delegates in attendance whether or not they wish to consider the late submission. NHSBA will afford the same process with respect to this Resolution.

Background Information relative to this proposal: The issue Nottingham and Strafford speak to arose in the Fall 2019. The NHDOE received notice from the USDOE that the NHDOE was incorrectly distributing federal special education funds. The NHDOE had been sending these monies to the district where the student resides. Under the corrected disbursements, per USDOE regulations, the money is now sent to the district where the student attends. This created significant confusion among districts that tuition their students to other districts. Numerous school districts have petitioned the NHDOE for clarification and a recalculation of these IDEA funds. The NHDOE has stated that the current method of disbursement is consistent with federal law, whereas the prior method of disbursement was not.

14. Submitted by the Manchester Board of School Committee on 11/10/2020

Rationale:

WHEREAS, the NHDOE has enacted waivers to provide free meals to all students during the current school year due to the COVID-19 pandemic;

WHEREAS, SAU's across the state have seen significant reductions in the number of families filling out and turning in paperwork for free and reduced meals status, as there may not be an incentive for families to do so due to free meals being provided to all;

WHEREAS, the COVID-19 pandemic, coupled with hybrid learning models and remote learning models has made it more difficult to contact parents to fill out forms and return forms for free and reduced meals;

WHEREAS, the reduction of students identified with free and reduced status impacts state differentiated aid and federal Title I funds;

WHEREAS, the number of students who actually qualify for free and reduced meals are much higher than the numbers currently on record;

WHEREAS, the impact of reduced differentiated aid will negatively impact our most vulnerable students;

Proposed Resolution:

1. School Administrative Units (SAU's) should be held harmless during the 2021-2022 fiscal year for differentiated aid;
2. Differentiated aid for FY 2021-2022 should be based upon free and reduced meal numbers from FY 2019-2020.
3. The New Hampshire School Boards Association will make this a priority in its lobbying efforts during the upcoming NH legislative session.

NHSBA Recommendation: This Resolution was submitted on Tuesday November 10, 2020 – after the deadline of Friday November 6, 2020. In 2018, NHSBA received one proposed Resolution after the deadline for submission. At that point, the NHSBA Board of Directors decided to not make a recommendation but rather put it to the Delegates in

attendance whether or not they wish to consider the late submission. NHSBA will afford the same process with respect to this Resolution.

Background Information relative to this proposal: NHSBA has numerous Resolutions that speak to full-funding for public education. Likewise, NHSBA has previously advocated against cuts to differentiated aid and cuts to other matters of school funding. NHSBA believes this proposal is in line with current, existing Resolutions.