



New Hampshire School Boards Association

Barrett M. Christina, Executive Director
Brenda Willis, President, Derry Cooperative
Holly Kennedy, First Vice-President, Hinsdale
Travis Thompson, Past-President, Exeter Regional Cooperative

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

**2022 Delegate Assembly
October 1, 2022
11:00am
Grappone Conference Center – Concord, NH**

2022 Proposed Resolutions

1. Submitted by the Raymond School Board on 6/24/2022

Proposed Resolution: To amend NH RSA 91-A:2 III (b) to exclude subcommittees and advisory committees from the requirement for a quorum to be physically present in order to hold a meeting.

Rationale: The small size of some subcommittees means that the requirement for a physical quorum may not be met if even just two members attend remotely. The membership of subcommittees are more varied than an elected School Board. They may often include staff and citizens who are not available to be physically present for a meeting but would be able to participate remotely.

NHSBA Board of Directors Recommendation: Support, with alternative language.

The NHSBA Board of Directors offers the following alternative language:

NHSBA supports amending RSA 91-A to allow committees, subcommittees, and advisory committees to hold meetings without having a quorum physically present, while still ensuring that full notice and full transparency requirements are satisfied.

Rationale: In October 2021, the Delegates adopted a Resolution stating that NHSBA supports amending RSA 91-A to allow all public bodies to meet via remote participation. This Resolution, while similar, is more specific than the 2021 Resolution. When the COVID pandemic struck, public bodies and committees met via remote means and were still able to act with transparency. NHSBA believes that current technology can allow this to occur.

2. Submitted by the ConVal School Board on 06/08/2022

Proposed Resolution: WHEREAS, it is the responsibility of each public school to ensure a welcoming, healthy and safe community for students and educators to thrive; and

WHEREAS, there have been an increasing number of threats to schools; and

WHEREAS, it is impossible for a single school district to monitor, react, and respond to these threats without significant cooperation from law enforcement, students, staff, and the broader community; and

WHEREAS, the need to respond to these threats in an immediate manner requires pre-planning, established protocols, and coordination among multiple federal, state, and local entities; and

WHEREAS, there is a need to provide training to staff and students, conduct drills, and potentially hire dedicated staff; and

WHEREAS, some of the preventative steps to be taken may require the installation of new security equipment, building access devices, or physical renovations to structures; and

WHEREAS, these threats can come from within a District or from around the world; let it be

RESOLVED, that the State of New Hampshire, in cooperation with the New Hampshire School Board Association and New Hampshire School Administrators Association and the federal law enforcement community develop a comprehensive threat assessment and response plan for New Hampshire public schools; and be it further

RESOLVED, that this assessment include a review of physical structures and recommendations on any modifications that may be needed; and be it further

RESOLVED, that the State of New Hampshire dedicate an appropriate amount of funding in addition to funding already provided - to assist local school districts in developing, deploying, and revising these plans on a regular basis; and be it further

RESOLVED, that the State of New Hampshire develop a manner to test these protocols for effectiveness.

Rationale: Most school districts are not equipped, staffed, or authorized to respond as needed to the increasing number of threats. Only a statewide effort in cooperation with the federal law enforcement community will be effective in reducing risk to our students and staff.

NHSBA Board of Directors Recommendation: Not support.

In 2019, the Delegates adopted the following Resolution:

VI:E• NHSBA calls upon the United States Congress, the New Hampshire Legislature and local public safety agencies to prioritize collaborative threat assessment and crisis planning with school districts; and further supports legislation at the federal, state and local levels that protect students and school district employees from on-campus violence. (2019)

The NHSBA Board of Directors believes this standing Resolution meets the intent and purpose of the proposed Resolution and is broad enough to support advocacy with respect to all of the more specific aspects.

3. Submitted by the Wilton-Lyndeborough Cooperative School District on 07/11/2022

Proposed Resolution: NHSBA will advise and confirm all member SAU's are paying and segregating dues/payments to NHSBA in accordance with RSA 15:5.

Rationale: NHSBA states that its member support services include providing legal information to members, and that its services cover all aspects of school board governance and board roles and responsibilities. New Hampshire statute (RSA 15:5) requires that School Boards must segregate state funds from any funds that are used paid to NHSBA for its lobbying activities, and that a mere bookkeeping separation is not sufficient. NHSBA should be advising its members of the law and seeing to it that the dues it collects are managed in a manner that is compliant with state law.

NHSBA Board of Directors Recommendation: Not support. The Board of Directors believes this is not appropriate for a Resolution, as NHSBA Resolutions are intended to guide NHSBA's positions relative to legislative advocacy. However, the Board also believes this matter is worthy of explanation discussion at the Delegate Assembly.

RSA 15:5 states:

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

Relative to Paragraph I, NHSBA maintains that the Association is not subject to Paragraph I, as NHSBA is not a “recipient of a grant or appropriation of state funds.”

Relative to Paragraph II, whether this Paragraph applies to local school boards and the payment of dues to NHSBA is an open question. RSA 15:5 became law in 2006. A review of the legislative history yields no clarity. NHSBA is not aware of any instance since this statute became law when the bills’ sponsors asserted that RSA 15:5 was intended to apply to organizations such as NHSBA. Anecdotally, NHSBA is aware of only two or three school districts which segregates funds for NHSBA or other such association dues.

Nothing precludes school boards from segregating funds for NHSBA dues. Consistent with limitations on NHSBA’s legal services, NHSBA recommends that boards consult with their own local legal counsel for an interpretation of RSA 15:5, II. For the sake of argument, if we assume that Paragraph II does apply to school boards and their membership dues to NHSBA, local counsel, along with the superintendent, business administrator and district auditor should be consulted as to how such funds should be segregated, if possible. Local counsel should be involved to ascertain whether this statute would also apply to other professional organizations/associations, vendors, contractors, or other entities engaged in legislative advocacy.

As to the final point regarding NHSBA “seeing to” its members complying with the law, such statement inaccurately suggests a supervisory relationship of NHSBA, a non-profit association, over elected public bodies.

4. Submitted by the Derry Cooperative School District on 07/13/2022

Proposed Resolution: Food Insecurity - Whereas: Food insecurity happens when students do not receive enough food on a regular basis.

And whereas: Studies have found that breakfast affects students’ cognitive function and learning; and has shown it improves math and reading scores.

And whereas: Students who eat breakfast tend to have better attendance and fewer behavior problems, improved executive functioning, memory, and the ability to concentrate.

And whereas: school lunch programs provide nutritious meals that include whole grains, reduced saturated, trans fats and lower sodium that meet student caloric needs.

And whereas: We know that for many of our students, these are the only meals available to them. As of Oct. 1, 2019, the last year before the start of the Covid-19 pandemic which led to free meals, 24.77% of students qualified for free or reduced breakfast and lunch statewide based on family income.

Be it resolved that the state and federal government seek and provide viable, sustainable, permanent funding to provide a school breakfast and lunch at no cost to students.

Rationale: NHSBA acknowledges good nutrition as a key component in creating healthy and productive individuals. NHSBA also acknowledges the serious need food insecurity creates. We recognize the significant increase in the number of school breakfasts and lunches served during 2021 and 2022 while all students were provided free breakfast and lunch.

NHSBA Board of Directors Recommendation: Not support. While the Board of Directors agrees with the purpose and sentiment of this proposal, NHSBA already has eighteen (18) current Statements of Belief relative to school funding and at least three (3) Continuing Resolutions that address school funding. The NHSBA Board of Directors believes our current Resolutions sufficiently satisfy and make clear NHSBA's position on all matters related to school funding.

5. Submitted by Chester Academy SAU #82 on 07/13/2022

Proposed Resolution: Be it Resolved: That the NHSBA should oppose any subsequent legislation that would modify an adequate education for the school approval standards set forth in rules adopted by the department of education by removing any of the following subject areas:

- (1) English/language arts and reading.
- (2) Mathematics.
- (3) Science.
- (4) Social studies, to include including civics, government, economics, geography, history, and Holocaust and genocide education.
- (5) Arts education, to include music and visual arts.
- (6) World languages.
- (7) Health and wellness education.
- (8) Physical education.
- (9) Engineering and technologies including technology applications.
- (10) Computer science and digital literacy.
- (11) Personal finance literacy.

Rationale: Whereas: Last Legislative session, HB 1671 would have removed art, health and physical education, engineering, computer science, digital literacy, and world languages from the core academic domains;

Whereas: Education research indicates the synergistic effects of a rich and diverse school experience that includes art, music, foreign languages, physical education, computer science, engineering, various trade, and life skill classes, etc. to increase access to, improve educational outcomes of, and increase understanding among the four basic competencies in the domains of math, English, science, and social studies;

Whereas: The combined effects of increased costs of post-secondary education, access to quality Career and Technical Education resources and availability of sustainable careers requiring access and fluency with varied and diverse modes of education;

Whereas: Access to quality post-secondary educational institutions requires demonstrated competency among a wide array of content areas and the ability to communicate creative and well-reasoned responses to complex subject matter;

NHSBA Board of Directors Recommendation: Support, with alternative language. The NHSBA Board of Directors offers the following alternative language:

NHSBA supports public school approval standards that encompass wholistic and comprehensive academic subject areas including: English/language arts and reading; Mathematics; Science; Social studies, to include including civics, government, economics, geography, history, and Holocaust and genocide education; Arts education, to include music and visual arts; World languages; Health and wellness education; Physical education; Engineering and technologies including technology applications; Computer science and digital literacy; Personal finance literacy.

NHSBA Board of Directors Rationale: The global landscape necessitates that New Hampshire’s students have full access to numerous academic subjects. Student exposure to the full array of listed subject areas open students to the choices and possibilities of their own futures, while at the same time providing better understandings of the world around them. For these reasons, the NHSBA Board of Directors believes that these core subject areas should not be removed from the current Minimum Standards for Public School Approval under New Hampshire Department of Education Rule 306.

6. Submitted by Chester Academy SAU #82 on 07/13/2022

Proposed Resolution: A resolution relative to payment by the State of New Hampshire to political subdivisions of an amount equal to a portion of retirement system contributions of political subdivision employers.

Be it Resolved: That the New Hampshire Legislature provide viable financial solutions and State funding to resume responsibility for a fair and equitable share of the New Hampshire Retirement System Costs for Group I teachers.

In each year subsequent to the fiscal year ending June 30, 2024, that the state shall annually pay to each political subdivision an amount equal to or greater than 7.5 percent of both the normal and accrued liability contributions of each political subdivision for benefits under the retirement system on account of its Group I teacher members. The board of trustees of the New Hampshire Retirement System shall certify the amount required for each such state contribution based on actual payroll data from the prior fiscal year, and the total amount of the required state appropriations, to the New Hampshire Department of Revenue Administration.

Rationale: House Bill 1221 provided Local Property Tax Reduction effective July 1, 2022 via a one-time payment by the state of an amount equal to 7.5 percent of required political subdivision

employer contributions made to the state retirement system for Group I teachers and Group II members.

It was the intent of the legislature that this will result in a one-time reduction in local property taxes without increasing state or local baseline spending.

The state has, over the last couple of decades, incrementally downshifted their pension contribution to the Municipalities / School Districts. At this point, they have required an employer contribution but have completely opted out of any state-funded percentage. Meanwhile, to make up for this shortfall, they have increased both the employer and employee contributions. (Which have gone up year-over-year in real dollar value due to wage increases.)

NHSBA Board of Directors Recommendation: Not support. While the NHSBA Board of Directors agrees with the sentiment and purpose of this proposed Resolution, the Board also believes that current, existing NHSBA Resolutions address this matter. The following current, existing NHSBA Resolutions on this matter are as follows:

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)

X:B• NHSBA supports the continuing existence of the New Hampshire Retirement System (NHRS). The NHRS should be strong, secure, solvent and fiscally stable. To achieve this goal, NHSBA supports legislation that will return state contributions to NHRS. (2019)

7. Submitted by the Dresden School Board on 07/14/2022

Proposed Resolution: Resolution Calling for Compliance with Federal Laws

Whereas, more than 311,000 students attending more than 331 primary and secondary schools have experienced a shooting on campus since the Columbine High School massacre in 1999 and;

Whereas, New Hampshire school children spend increasingly more time participating in lock-down and active shooter drills, detracting from time spent on critical classroom learning and invoking significant anxiety and fear among students and teachers that impedes learning and;

Whereas, all New Hampshire students have the right to attend school and live in a community free from the fear of death or injury as a result of gun-related violence and;

Whereas, all New Hampshire teachers and staff have the right to a working environment free from the fear of death or injury as a result of gun-related violence and;

Whereas, parents have the right to live in a community and send their children to a school in which they have confidence in their children's physical, psychological, and emotional safety and;

Whereas, we are local elected officials charged with ensuring the education, health, and safety of students on behalf of parents and our community, and therefore cannot accept the current status quo that allows firearms in our schools and;

Whereas, legislation in New Hampshire prohibits schools and towns in New Hampshire from enforcing any federal statute, regulation or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms;

We, the Dresden School Board and Hanover School Board, call upon the New Hampshire School Boards Association to advocate for legislative action that ensures local school boards comply with federal firearm laws and policies.

Rationale: School safety is a key responsibility of local school boards, and as a two-state school district, the Dresden Board is also under obligation to residents of Vermont to ensure the safety of children from that state.

NHSBA Board of Directors Recommendation: Not support. The NHSBA Board of Directors believes that the following current, existing Resolution addresses this topic:

VI:E• NHSBA calls upon the United States Congress, the New Hampshire Legislature and local public safety agencies to prioritize collaborative threat assessment and crisis planning with school districts; and further supports legislation at the federal, state and local levels that protect students and school district employees from on-campus violence. (2019)

8. Submitted by the Dresden School Board on 07/14/2022

Proposed Resolution: Participation in National Level School Board Organizations

Whereas participation in a national school boards organization may require NHSBA to pay dues and;

Whereas the dues paid to a national school board organization would utilize funds gathered from NHSBA member school boards and;

Whereas the federal advocacy of a national level school boards organization should broadly align with the positions of NHSBA and;

Whereas positions of the NHSBA are primarily determined through the NHSBA resolution process;

Therefore, be it resolved that NHSBA participation in a national level school board organization, including the payment of dues, shall require the simple majority approval of membership at a duly warned meeting.

Rationale: Given that membership must pay dues to a national organization, it seems reasonable to bring such a decision forward for approval. The rationale is clearly spelled out in the resolution itself.

NHSBA Board of Directors Recommendation: Not support. The NHSBA Board of Directors recognizes the rationale for this proposal and fully understands that the National School Boards Association (NSBA) issue from last fall still lingers for NHSBA, NSBA, and other state school boards associations. The Board of Directors does not support this proposed Resolution for the following reasons.

First, NHSBA was a member of the National School Boards Association for decades, prior to last fall. During the years of NHSBA membership in NSBA, dues to NSBA were never in question for NHSBA's member school boards. Membership in NSBA was never brought forward to the Delegates prior.

Second, NHSBA's previous membership with the NSBA was not based in any way, shape or form, on NSBA's legislative priorities. Rather, the benefit of NHSBA's membership in NSBA was based primarily in NSBA's offering of "work alike" groups – other school law attorneys across the country (Council of School Attorneys); other state association school board policy staff; general federal updates; and others. Membership in nation-wide organizations is intended to assist state associations providing information, support and services to NHSBA's member school boards.

Third, membership in a national organization is more than advocacy. Such organizations provide training, webinars, federal updates, and numerous other services relative to communication, governance, and other school board governance issues. These services are provided to state associations, including NHSBA, so that state associations can better serve their

member school boards. For small state associations like NHSBA, such resources are crucial to our mission to serve local school boards.

In these contexts, NHSBA views NSBA or other national organizations as a “vendor” that NHSBA uses to obtain information, services, and assistance so that we can better serve our members.

Last, it should be noted that the school board members and the boards they serve are not members of the National School Boards Association or any other nationwide organization. NHSBA and 48 other state school board associations were the sole members of the national federation/NSBA. Local school boards and their members did not receive direct services from NSBA or any other national organization. By constitution, NSBA is a non-profit organization created to "work exclusively with and through its member state school board associations in carrying out their missions in a full partnership..." That did not occur.

Please know that the decisions of the NHSBA Board of Directors to withdraw from NSBA and to join the newly formed COSSBA (or any other national organization) were both consistent with the Association's bylaws, were not made in haste or taken lightly.