



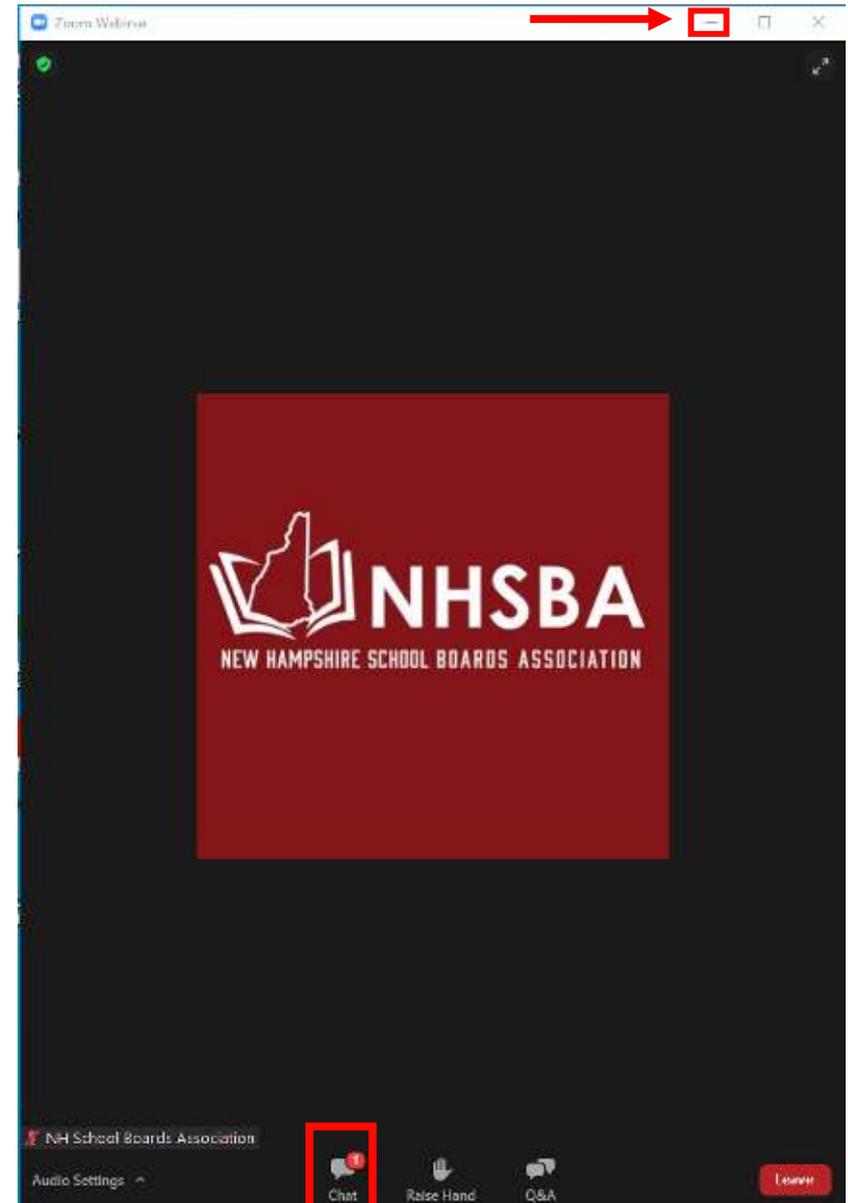
NHSBA

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

NHSBA
2022 Legislative Summary and Review
August 18, 2022

How to Participate

- To close or reopen your panel.
- To download today's presentation or any additional documents. Use this to also submit text questions.
- If time permits, we will have a brief Q&A session at the end of this presentation.



Education Related Bills that Have Become Law



HB 1035: Repealed Notarization Requirement for Religious Immunization Exception

- Prior to 2022, parents or legal guardians seeking a **religious exemption to vaccination** requirements for school attendance, were required to provide a notarized letter documenting this request upon school registration and enrollment.
- This letter must still be provided to local schools upon registration/enrollment, but there is **no longer a requirement for notarization.**
- It will be important for school staff responsible for collecting registration/enrollment paperwork, to be aware of this change

HB 1074: Notice of Special Education Meetings to Charter Schools

- This bill will require those staff within the LEA who organize, schedule, and provide notification of special education team meetings, to ensure that a copy of the written meeting notification be provided to a designated person at the public charter school for all meetings of the child's IEP team.
- Previous to this bill's passage, the LEA was only required to provide this notification for the annual IEP team meeting.
- NH Department of Education will be providing districts with written Technical Assistance regarding this bill.

HB 1125: Emergency Plans Sent to Department of Homeland Security & Department of Safety

As is already the case, every public, chartered public, and nonpublic school must develop a site-specific school emergency operations plan which is based on and conforms to the Incident Command System and the National Incident Management System (ICS)

This bill changes the submission requirements: Schools must now submit such a plan to the director of homeland security and emergency management, department of safety by October 15 of each year.

The date of October 15th was chosen to allow schools time at the start of the school year to determine any changes, adjustments, or revisions that may need to be made based on schools being back in session each September in response to room changes, staffing, programming, etc.

If a school does not file these plans by that date, for two consecutive years, the New Hampshire Department of Education will be notified, and this could result in some consequences in regards to required reports being submitted and filed, impact on funding, etc.

HB 1132: Voting Requirements for Applications for a Charter Conversion School

This bill removes the former requirements that prior to a vote on this conversion, there needed to be a percentage of staff and administrative approval prior to being placed on the ballot by the school board

This bill allows voters to approve taking a current school within the local school district and “converting” it to a public charter school with a specific pedagogy, methodology, etc. as with any charter school. All students who currently attend that local district school, would be eligible to attend the newly converted charter school.

This bill also clarifies that the LEA is still responsible for providing special education services to any qualifying students residing in the district consistent with the requirements of state and federal law

The bill adds the voting requirement that a two-thirds majority vote be taken by the school district at a regular annual meeting.

**HB 1234 and
HB 1311:
Adding Human
Trafficking,
First Degree
Assault, and
Felony Drug
Possession to
189:13-c**

This bill amends RSA 189:13-a, V and RSA 189:13-c, V to add persons convicted of first-degree assault (RSA631:1) , possession of a controlled drug with the intent to sell at a felony level within the last ten years (RSA 318-B:2) and human trafficking (RSA 633:7 to the list of offenses that preclude an individual from employment in a public school or from being granted a teaching credential.

This amendment affects candidates seeking certification/licensure by the NH Department of Education who have been charged pending disposition for or convicted of these crimes. These applicants will not be issued a teaching license in the state of New Hampshire. This will also be true for anyone seeking recertification through the NH Department of Education

NH Department of Education will be providing districts with written Technical Assistance regarding this bill.

HB 1244: Parental Consent to “At School” Medical and Dental Treatment

- This bill amends RSA 124-A:4-g and adds new sections RSA 126-A:5,XIV-b and RSA 200:27-a to require a child's parent or legal guardian provide explicit written consent for any medical or dental treatment provided in a school setting.
- HB1244 increases the significance of clear, unambiguous consent forms relating to school treatment and care of students within the school setting.
- School administrators should work with their school nurses to assure that there are adequate opt-in consent forms for a variety of different services/programs (e.g., screenings, sports, etc.)
- For schools that participate in the children’s oral health initiative in conjunction with the NH Department of Health and Human Services (DHHS), this bill requires the commissioner of DHHS to develop rules to address eligibility criteria, types and frequency of services covered, reimbursement rates, and provider training requirements.
- DHHS must also develop a list of approved training programs, which shall include, but may not be limited to, those offered by the American Academy of Pediatrics and the Southern New Hampshire Area Health Education Center. Upon implementation of the program, the department shall provide, upon request, a list of dentists participating in the state Medicaid program to primary care providers in the oral health initiative

HB 1263 and HB 1671: Curriculum Related Bills

HB 1263: Restructures RSA 189:10 and adds that (1) health education must include, as part of the curriculum, interpersonal relationships, wellness, and prevention of sexual violence; and (2) the school board shall ensure that personal financial literacy instruction is taught as part of the curriculum.

HB 1671 adds the following: (1) adding to the social studies requirement that it includes civics, government, economics, geography, history, and Holocaust and genocide education; (2) adding to art education that it includes music and visual arts; (3) adding personal finance literacy; (4) adding wellness to the health requirement; (5) adding that teachers shall integrate computer use/digital literacy and logic/rhetoric into learning areas; and (6) adding definitions

HB 1277: Defining and Reporting of Cybersecurity Incidents to the Department of Information Technology

- This bill adds RSA 103-b, which states that the governing body, chief administrative officer, or designee of any political subdivision, who knows of or suspects a cybersecurity incident within their information systems shall immediately report such an incident and disclose all known information and interactions to the New Hampshire cyber integration center of the department of information technology.
- Districts should ensure that technology directors, or other staff responsible for maintaining data systems, media or other technology within the district, are aware of this new requirement.
- It will be important for district IT/Tech Directors and Administration to consult with legal counsel to determine any implications for violations of student/staff acceptable use policies.
- It will also be important for districts to ensure a process for making required reports and documenting when such a report is made to the appropriate departments.

HB 1381: Student School Board Members

The bill provides that the school board is now required to have at least one non-voting student board member from each public high school within its district.



The stated Legislative goal of this bill is to ensure that local public school boards include a student board member from EACH public high school in the district, on their board, as a non-voting member.



This student board member must be elected by the student body and serves for a one-year term.



For those districts with more than one high school, a representative must be included from each high school, in order to allow the board to have a full picture of the culture, climate and needs of individual schools, as opposed to just one voice from one school which may not be able to provide information or speak to the needs of each school.



For those boards who do not have a high school within it's bounds, boards may want to consider how to include student representation/voice in their meetings on a more regular basis, to meet the spirit of this bill, even though it is not required.

HB 1421 and SB 233: Lead in School Drinking Water and Water Bottle Filling Stations

These bills requires local schools to either install and provide access to water bottle filling stations or to retest drinking water outlets for lead and remediating them where necessary.

Changes the threshold for “unacceptable” lead in the drinking water in schools and licensed childcare facilities to “exceeding 5 parts per billion” as opposed to current language, which was “less than 15 parts per billion.”

Outlines notification and remediation requirements

The state has set aside \$7,760,000 at the department of environmental services for the purpose of providing state matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State Revolving Fund

Adopts RSA 200:11-b which states: (1) the state board of education shall adopt rules relative to requirements for the installation of water bottle filling stations in newly constructed schools and existing schools undergoing substantial construction; (2) all construction or renovation of public school buildings shall be equipped with water bottle filling stations; (3) inspections shall not be approved unless the plans meet the water bottle filling station requirements; (4) schools shall permit students to bring certain types of water bottles to school; and (5) school boards may enact a disciplinary policy for the misuse of water bottles.

HB 1455: Proof of COVID-19 Vaccination & Testing Requirements

- This bill prohibits state enforcement of any federal law, order, or rule that requires an individual, as a condition of employment or any other activity, to provide proof of vaccination against COVID-19 or to submit more than once per month to COVID-19 testing.
- At this time, there have been several statements made by NH Department of Health and Human services, that there is no plan to require COVID-19 vaccination for school attendance in the State of New Hampshire.
- Local districts/school boards do not set vaccination requirements for public schools in the state.

HB 1513 and SB 394: Definition of Disability for Special Education and Funding up to Age 21 Inclusive

- These bills amend the definition in RSA 186-C:2 of "child with disability" to include persons up to 21 years of age "inclusive" (up to the 22nd birthday)
- The change in this law will increase special education costs to local districts, as students who previously would have "aged out" by the beginning of the 2022-2023 school year, will now be eligible for additional programming and services, and potentially includes students who were exited in 2021-2022 who now may be eligible again for special education.
- HB 1513 does allow for local districts to submit additional costs for these students to the NH Department of Education for some level of reimbursement for costs incurred in the 2022-2023 school year, however, the funds must already have been expended and other funding sources depleted (such as IDEA grant funds, ARP funds, etc.)
- As special education is extremely individualized, any specific case concerns and the impact of HB 1513 & SB 394 should be discussed with district's private counsel.

HB 1624: Increasing Co-Curricular/Unified Programs for Students with Disabilities

This bill allows any school which does not already have a Unified co-curricular program (athletics or other co-curricular programs) to apply to the NH Department of Education for up to \$4000.00 to start such a program in their school.

This can be used for initial costs for equipment, uniforms, supplies, etc. These funds cannot be used for staffing or transportation, however.

Schools which already have a Unified program, can apply for any funds which may be left after disbursements are made to new programs, for the same types of items.

HB 1653: Military- Connected Students

- Beginning with the 2023-2024 school year and each school year thereafter, public schools in New Hampshire must provide certain support services, to military-connected students whose parent or guardian is a member of the armed forces being called to and while serving on active duty, or those students who have a military parent who was killed in the line of duty.
- These services include access to licensed counseling services (such as a school psychologist, school social worker).
- Districts must also provide information regarding existing federal and state military support services available and information on any other service, agency, or resource necessary to support or aid the student.
- The NH Department of Education will also coordinate with Military and Veteran services, to post on their websites, informational materials for use by school districts to inform parents and guardians of these supports available.

HB 1661: Regional Career and Technical Education Centers (CTE) Agreements

The initial intention of HB 1661 was to decrease the number of calendar conflicts between sending schools and CTE centers for students, as well as to increase the ability for students to meet local sending district competencies for credit through CTE courses in other schools.

Each regional career and technical education receiving and sending school entity within a New Hampshire career and technical education (CTE) region must have a regional career and technical education agreement (RCTEA) which must be renewed every 4 years and submitted to the commissioner for review and approval.

The NH Department of Education must adopt rules regarding the RCTEA's.

There may not be more than 10 instructional days following Labor Day through the last student day of the school calendar year on which one or more of the school calendars of the districts within the agreement are not aligned.

It is important to note that the requirements for regional career and technical education center agreements (RCTEA) under RSA188-E:1-a and RSA 188-E:5 shall not be implemented until rules of department of education pursuant to RSA 188-E:1-a, II are adopted and effective.

NH Department of Education will be providing districts with written Technical Assistance regarding this bill.

HB 1663: Requirements for Home Education Students

- Mandates that local school boards adopt a policy regulating participation in curricular courses and co-curricular programs for home educated students (previously, districts had the option to have such a policy.)
- When originally starting a home education program, parents must notify either the commissioner of education, the resident district superintendent, or the non-public school principal within 15 days.)
- clarifies that if parents choose to notify the resident district superintendent, the parents must also notify the superintendent if the child has moved from the district, or if the home education program has been terminated within 15 days of the end of the home education program
- Removes the requirement that a home educated student must meet a certain percentile rank on a state or national student achievement test and clarifies that any annual evaluation must simply document the child's demonstration of educational progress at a level commensurate with the child's age, ability, and/or disability.

SB 234: Student Identification Cards to list the National Suicide Prevention Lifeline Phone Number

Renamed SB 234 to now be known as the Jason Dickey Suicide Prevention Act.

Requires each school district that serves any students in grades 6 through 12 that issues student identification cards to include the name and telephone number for the National Suicide Prevention Lifeline.

Also pertains to institutions of higher education

As local school districts provide cards, it will be important to communicate this new requirement to those staff which oversee the ordering of the cards, those who work with school photography companies who are contracted to print the ID cards, and to communicate with students the access to this information on the card

It may also be helpful for students to understand the process and confidentiality should they or another person call the Suicide Prevention Lifeline and what services and resources can be accessed through its use

It is important for districts to determine whether to list the original phone number of the Suicide Prevention Lifeline, or the new 988 hotline, which is intended to help anyone experiencing a mental health crisis.

SB 238: Memorandum of Understanding between Sending Districts and Public Charter Schools for Special Education

This bill is meant to clarify procedures and practices for provision of these services between the LEA and staff at the public charter schools.

Many charter schools have students from many different school districts and this MOU is meant to provide more predictability for both resident districts and charter schools.

Individual student services, location of services, staffing, etc. will still be determined as part of the IEP team process, which is the responsibility of the local resident school district and is highly individualized for each student.

NH Department of Education will be providing a model Memorandum of Understanding for districts and public charter schools to use for consistency and as a guide.

SB 352: Substitute Teacher Criminal History Records Check

- This bill allows the local school boards to hire a substitute, without having to physically obtain a separate criminal history check for each district within the same SAU.
- NH Department of Education will be providing districts with written Technical Assistance regarding this bill
- Criminal history records check for substitute teachers within the same SAU shall be valid for three (3) years.
- School Boards can decide to maintain policies to require separate background checks within the same SAU, however, it is no longer mandatory for substitutes under this new legislation.

SB 381: Office of the Special Education Advocate

Establishes the independent office of the advocate for special education, to be appointed by the governor and council

Serves as an advocate, coordinator, and point of contact for those parents, guardians, and care takers of students with disabilities in dealing with school districts' compliance with disability laws.

It is important to note that this bill specifically removes "education" as a whole, from the Office of the Child Advocate, implying that all student concerns not related to special education, will need to be directed to the NH Department of Education, while special education concerns will be directed to this new Office of the Special Education Advocate

SB 410: Public Comment Requirement

- Adds RSA 189:74, to require school boards to provide the opportunity for public comment periods at board meetings for no less than 30minutes.
- Allows school boards to: (1) request that persons register in advance of the meeting, but may not require pre-registration as a condition of participating; (2) reasonably restrict public comments that disclose student or teacher personally-identifiable information, or other confidential or privileged information; (3) deny participation in public comment virtually (e.g. via Zoom); and (4) to establish other reasonable standards, provided such standards are imposed equally for all speakers.
- emergency meetings or meetings with the sole purpose of entering a nonpublic session do not require a public comment period.
- SB 410 adds RSA 21-N:10,which states that the State Board of Education shall provide the opportunity for public comment at meetings of the state board.



SB 420: Extraordinary Need Grants

Establishes an extraordinary need grant for school in addition to regular adequate education grants and relief grants to be calculated by the commissioner each year.

To access these grant funds, local districts must provide a plan to the department of education outlining how the district intends to use grant award funds to improve the educational achievement and growth of students.

Once submitted and grant monies disbursed, the school district must submit an annual grant accountability progress report that includes evidence of satisfactory program implementation and progress toward grant accountability improvement targets to the Department of Education.

Formula used to determine grant amounts are based on the number of FRL in your district

HB 1178: Prohibiting the State from Enforcing any Federal Statute, Regulation, or Presidential Executive Order that Restricts or Regulates the Right of the People to Keep and Bear Arms

This bill will potentially affect emergency responses of local police departments in situations regarding persons on school grounds carrying a firearm

It is imperative that local school district administration meet with their local police to understand potential response

Determine how to incorporate these responses into their school emergency response plans, prior to the start of the school year

In early Summer 2022, the Attorney General's office released initial guidance and announced it was preparing a final guidance document relative to the application of HB 1178- Final guidance has not yet been released.

Questions/Clarifications?



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