



New Hampshire School Boards Association
2010 Delegate Assembly
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Preview of the 2010 Legislative Session

I. Bills Relating to Labor & Employment

HB 1411: All educational support personnel who have been employed for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if such person is not to be rehired, provided that no notification shall occur later than the Friday following the second Tuesday in May.

Educational support personnel shall be eligible to receive unemployment compensation benefits as of the end of the school year in which the decision against rehiring is made, or earlier as may be provided by law.

Legal Effect: Support staff personnel (teacher's aides, food service staff, clerical and administrative staff, etc.) would be given the same non-renewal rights as teachers. Additionally, these employees would have a right to unemployment compensation upon their termination.

HB 1412: School districts, school administrative units, public academies, and chartered public schools shall provide all employees with due process protections as part of any disciplinary action and shall not discipline any employee without just cause.

Legal Effect: All employees would be entitled to some sort of hearing before discipline could be imposed. Existing school board policies would become non-effective and school administrator judgment would be suspended until due process was met.

II. Bills Relating to Air Quality in School Buildings

HB 1265: The school board of each school district shall develop and implement a policy governing air quality issues in schools. The policy shall include procedures for monitoring and addressing potential air-quality-related problems inside school buildings and on outside school property near school buildings. The policy shall address methods of minimizing or eliminating emissions from buses, cars, delivery vehicles, maintenance vehicles, and other motorized vehicles used for transportation on school property taking into account the state anti-idling and clean air zone policies established by the department of environmental services.

Legal Effect: School boards would be required to adopt new policies relative to addressing air quality issues.

HB 1289: The school principal, or designee shall annually investigate the air quality of any schoolhouse or building used for school purposes using a check list provided by the department of education. The completed check list shall be filed after the annual inspection with the department of education, the local school board, and the local health officer. Checklists shall remain on file for 5 years. Checklists shall be reviewed during the 5 year school approval process and shall be a factor in the approval process for a public school.

Legal Effect: As part of the 5-year school approval process, school districts would now be required to submit a check list certifying annual inspection of school building air quality.

HB 1391: The department of education shall ensure that every public school in New Hampshire possesses a copy of the United States Environmental Protection Agency Tools for Schools program and shall encourage public schools to implement the program to help provide and maintain good indoor air quality in public school buildings.

Legal Effect: None.

III. Bill Relating to Student Truancy

HB 154 School board policies on truancy shall include but not be limited to:

(a) A definition of “excused absence” and a process for considering exceptions not otherwise excused.

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

Legal Effect: NHSBA Sample Policy JH would be amended. School boards would be required to notify parents that the district’s current policy is being amended and provide for parental participation in the development of the new policy. NHSBA will likely recommend school boards place this item on the agenda for a meeting and solicit public or written comments.

Policies would also have to include processes for early intervention of truancy issues.

NHSBA will issue a new sample policy in the Fall 2010 Policy Update.

IV. Bills Relating to Student Bullying

HB 1523: This bill revises the statute on pupil safety and violence prevention (RSA 193-F) in its entirety to include harassment, intimidation, bullying, and cyberbullying.

The general court hereby finds that all pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities must be to protect our children from physical, emotional, and psychological violence by dealing with harassment, intimidation, bullying, and cyberbullying in our public schools in order to prevent the creation of a hostile educational environment.

Legal Effect: The proposed bill broadens the definition of bullying to include physical harm, substantial emotional distress, interference with a student's education, and intimidation.

The bill also includes numerous provisions to be included in the school board policy, essentially removing any local control by boards to draft and implement their own bullying policies.

The board would be required to involve students, parents, community representatives, and law enforcement officials in the development of its policy.

Though NHSBA certainly supports efforts to curb student bullying, we remain concerned that the definitions in the new bill are overly broad, such that any type of "misconduct" could be interpreted as "bullying" under the new definition.

NHSBA will be working closely with Legislative committees to better define and clarify these definitions in support of language that better reaches the goal of stemming student bullying and harassment.

V. Bills Relating to the Right to Know Law

HB1284 Draft minutes of all meetings shall be promptly recorded and shall be posted in 2 public locations, one of which is always available for public viewing, and one of which may be the public body's website if one exists, within 5 business days after the meeting, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception.

Legal Effect: Requires draft minutes to be available within five days of the meeting. Would also require school boards to take the affirmative step and post minutes in two public locations, as opposed to simply making them available upon request. One such location could be the school district's website.

HB 425 This bill rewrites RSA 91-A:8 in its entirety, the section of the Right to Know Law that details remedies for Right to Know Law violations.

Legal Effects:

- (1) A public body shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter.
- (2) The court may award attorney's fees to a public body or employee, for having to defend against a person's lawsuit under the provisions of this chapter, when the court finds that the lawsuit is frivolous or in bad faith.
- (3) The court shall invalidate an action of a public body taken at a meeting held in violation of the provisions of this chapter, unless the court makes a specific finding that the circumstances do not justify such invalidation.
- (4) If the court finds that an officer, employee, or other official of a public body or public agency has violated this chapter in bad faith, the court may impose against such person a civil penalty of not more than \$1,000.
- (5) The court may require any officer or employee to undergo appropriate remedial training.