

Adopted by the House on 3/27/2007 by Roll Call vote: 226-132
Text is from House Record No. 22, dated Friday, March 23, 2007

2007-0900h

Amendment to HB 927-FN

Proposed by the Majority of the Committee on Education - R

Amend the bill by replacing all after the enacting clause with the following:

-1 Statement of Purpose.

I. The general court embraces its duty to define a constitutionally adequate public education for every child in the state. The Encouragement of Literature clause of the New Hampshire constitution declares that knowledge and learning spread through a community are "essential to the preservation of a free government," and that "spreading the opportunities and advantages of education" is a means to preserving a free, democratic state. Beyond competencies in reading, writing, and arithmetic, a broad exposure to the social, economic, scientific, technological, and political realities of today's society is essential for New Hampshire students to compete, contribute and flourish in the twenty-first century.

II. The general court finds that a constitutionally adequate education in New Hampshire consists of the substantive education programs half-day kindergarten through twelfth grade that deliver the essential opportunities to acquire skills, competencies, and knowledge in the subject areas of English/language arts and reading, mathematics, science, social studies, the arts, world languages, technology, information and communication technologies, health and physical education. The general court finds that an adequate education should provide every child in New Hampshire with the opportunity to receive these substantive education programs in accordance with the specific criteria and high standards for these education programs that are set forth in the applicable school approval standards. The general court further finds that each child needs a range of services, educational supports, and instructional resources, including credentialed teachers, in order to receive the opportunity for the substantive educational programs that constitute an adequate education.

III. In September 2006, the New Hampshire supreme court ruled in Londonderry School District SAU #12 & a. v. State

of New Hampshire that the state had not met its duty to define a constitutionally adequate education for New Hampshire's public school students by not identifying the specific criteria and the substantive education program that delivers the opportunity for an adequate education.

IV. In responding to its responsibility to determine the specific criteria and substantive education program that delivers the opportunity for an adequate education, the general court analyzed the current education delivery system established jointly through the legislative and executive branches. Specifically, the general court reviewed the standards for public school approval and the state's curriculum frameworks. As part of its review, the general court determined which of the standards and curriculum frameworks provide the opportunity for an adequate education. In analyzing the school approval standards and curriculum frameworks, the general court recognized that they were developed with the widespread participation of educators, business people, government officials, community representatives, and parents. As a result of the quality of both the standards and the frameworks, the general court uses them as the basis for its determination of the specific criteria for an adequate education.

V. The general court reviewed and debated numerous bills attempting to determine the specific criteria of an adequate education. An integral part of this legislative process was the gathering of public input through forums throughout the state at which educators, government officials, and members of the public offered their opinions on draft legislation.

VI. The specific criteria for an adequate education, as enacted in this act, are formulated to permit common understanding, foster meaningful application, and allow for objective measurement and assessment.

VII. This act is not intended to stand in isolation from the other statutes and rules, including both state and federal, but instead is one part of a comprehensive system that provides for the delivery of the opportunity for a constitutionally adequate education in New Hampshire.

-2 New Section; Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2 the following new section:

193-E:2-a Substantive Educational Content of an Adequate Education.

I. The specific criteria and substantive educational program that delivers the opportunity for an adequate education shall be defined and identified as follows:

(a) The general court establishes within the school approval standards the essential opportunities for educational programs in the following areas:

- (1) English/language arts and reading.
- (2) Mathematics.
- (3) Science.
- (4) Social studies.
- (5) Arts education.
- (6) World languages.
- (7) Health education.
- (8) Physical education.

(9) Technology education, and information and communication technologies.

(b) The standards shall cover half-day kindergarten through twelfth grade and shall clearly set forth the opportunities to acquire skills, competencies, and knowledge expected to be possessed by students at the various grade levels, including the credit requirement necessary to earn a high school diploma.

(c) Public schools and public academies shall adhere to the standards identified in subparagraph (a).

(d)(1) The general court shall maintain procedures for updating, improving, or refining the standards identified in subparagraph (a), and shall ensure that the high quality of the standards is maintained.

(2) There is hereby established the joint legislative oversight committee on education adequacy which shall consist of 5 members of the house of

representatives, appointed by the speaker of the house of representatives, and 5 senators, appointed by the president of the senate. The committee shall review all proposed changes to the school approval standards and the curriculum frameworks which could impact the definition of an adequate education as set forth in this chapter. The committee shall notify the chairpersons of house and senate education committees of any proposed changes to the school approval standards or the curriculum frameworks, and shall provide recommendations regarding these changes to the joint legislative committee on administrative rules. The members of the committee shall receive mileage at the legislative rate while attending to the duties of the committee.

(e) This section shall not prohibit or limit the adoption of additional school approval standards other than those standards identified in subparagraph (a).

(f) The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining curriculum frameworks for each area of education identified in subparagraph (a). The curriculum frameworks shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by the academic standards for each area of education identified in subparagraph (a). The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and materials to be used.

(g) In this section, "school approval standards" shall mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

II. The general court shall use this definition of an adequate education to determine the cost of providing essential programs, considering educational needs and community resources. Because students' educational needs and the

resources required to provide the opportunity to meet those needs vary from student to student and school to school, the resources needed to provide an adequate education will also vary from school to school, requiring more resources in districts with greater challenges.

-3 Reference Changes. Amend the following RSA provisions by replacing "equitable" with "adequate": RSA 21-N:1, II(c); RSA 193:1, I(c); RSA 193-E:1, II; the section heading and introductory paragraph of RSA 193-E:2; the section heading of RSA 193-E:3; RSA 194-B:3, II(i); RSA 195:14, I(c); RSA 195:14, I(d)(2)-(3); RSA 195:14-a, I; RSA 198:41, II(b); RSA 198:41, III; the section heading of RSA 198:42; RSA 198:42, I-II; RSA 198:43; RSA 198:48; and RSA 198:48-a, VII-VIII.

-4 Effective Date. This act shall take effect upon its passage.