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On behalf of the New Hampshire School Boards Association, we are pleased to provide this Summary of the 2007 legislative session. This document is a synopsis of actions taken by the 2007 New Hampshire Legislature relative to public education.

Defining an adequate education was the major focus for this year's session, but the 2007 legislature also worked on many other significant issues, such as raising the age of compulsory school attendance. The House Education Committee alone had over 65 bills to resolve this year. Many of these bills were related to special education issues, and House Education Committee Chair Emma Rous established five separate subcommittees to review five bills making significant changes to the special education laws. Review of these bills will continue into the fall with committee votes on recommendations likely to occur in October or November.

We would like to extend our appreciation to the many local School Board members and local school administrators who actively worked with their area legislators to assure that positions of NHSBA were communicated in an effective and timely manner, especially on the issues highlighted in this document. Particularly noteworthy were the outstanding efforts of NHSBA's Legislative Advocacy Network, comprised of local School Board members joining together with a common purpose. These combined efforts ensured that NHSBA's "voice" was heard.

The New Hampshire School Boards Association also offers appreciation to members of both the Senate and House of Representatives for their continued support of public education. We offer a special "thank you" to members of the Education Committees in both the House and Senate for their dedication and commitment to the youth of our State.

We are particularly pleased to add a **new feature** to this Summary – a section following each enacted bill that summarizes the likely legal and policy impact of

the new law. We trust that you will find this useful as you consider the potential local impact of various sections of new laws.

Please contact our office for any additional information on items that appear in this document or to request copies of any newly enacted piece of legislation.

Sincerely,

Theodore E. Comstock, Esq.  
Executive Director

R. Dean Michener  
Director of Governmental Affairs

**This Summary is intended to highlight the major education-related bills of the 2007 legislative session and provide a synopsis of significant new school laws. Language offered here is generic in nature and is not intended to cover specific circumstances, nor to offer legal advice on specific application of the new laws. Prior to taking any action related to new laws, the complete text should be reviewed with local district legal counsel.**

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## Education Appropriations for 2008 and 2009

### **HB 1, HB 2, HB 25 – State Budget and Capital Budget**

The state budget (HB 1), trailer bill (HB 2) and capital budget (HB 25) contain appropriations and corresponding legislation to operate and fund programs for the next two years, FY '08 and FY '09. Building and catastrophic aids are fully funded at Department of Education estimates; tuition & transportation aid is significantly increased to accommodate an increase of eligible students attending regional vocational centers; and dropout prevention funding is more than tripled. In addition, state adequacy grants increase over \$100 million for the biennium, establishing grants for each year that are either the greater of the FY 2007 grant plus 5%, or 94.6596% of the anticipated FY 2008 grant based on Department of Education estimates last fall. Almost \$14 million is allocated for the state to continue its commitment to renovating the regional Career and Tech Ed Centers, with Exeter receiving \$6.375 million and Manchester \$7.425 million.

#### Major State Education Aid Appropriations:

<b>Education Aid</b>	<b>Current Year FY '07</b>	<b>FY '08</b>	<b>FY '09</b>
Building Aid	40,735,039	44,308,037	44,068,069
Reading Recovery	350,000	400,000	400,000
Dropout Prevent	350,000	1,050,000	1,750,000
Tuition & Transp.	5,417,685	6,625,564	8,055,689
Catastrophic Aid	32,190,000	33,968,831	34,287,167
Local Ed Improve	273,445	500,000	500,000
Adequate Educ.	835,718,000	890,360,565	890,360,565

The budget contains increased funding for three current charter schools (Cocheco Arts and Tech. Academy, Franklin Career Academy, and the Seacoast Charter School). It also puts a moratorium on state approved charter schools provided for in the pilot program (194-B:3-a), stipulating that no new charter school shall be approved by the State Board of Education between July 1, 2007 and June 30, 2009.

The Education Trust Fund remains intact, funding not only adequacy grants and low-income state property tax relief, but also the kindergarten per pupil grants for new programs in their first three years. Any fund balance remaining as of June 30, 2007, June 30, 2008 and June 30, 2009 must be transferred to the general fund as undesignated surplus.

## Major Education Legislation Enacted in 2007

### *Financial*

The 2007 legislative session will be remembered as yet another year devoted to an adequate education. Democrats took control of the House, Senate and Governor's office. In response to another Supreme Court "Claremont Ruling" (the Londonderry Case), the legislature met a June 30, 2007 deadline to define an Adequate Education (see HB 927). The 2008 session must establish a corresponding cost associated with the definition, and determine how districts will receive state funds to satisfy the state's legal obligations.

The major bills affecting education financially that ultimately were enacted include:

**HB 46** – Chapter 272 appropriates money for kindergarten grants. This bill funds \$1,200 per pupil for resident kindergarten pupils in five districts (Merrimack, Hampstead, Goffstown, Fremont and Timberlane). This funding continues the State's commitment to supporting new kindergarten programs until the students are included in the ADM-Residence count for state adequacy aid (3-year lag).

**Legal Impact on School Boards:**

School boards implementing new kindergarten programs should be able to rely on continued state funding for these students until they are included in the regular ADM-Residence count.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**HB 213** – Chapter 76 makes school nutrition funds available for charter and nonpublic schools. This bill allows charter schools, approved nonpublic schools, and residential facilities for children to apply for reimbursement for approved school meals, subject to available appropriations.

**Legal Impact on School Boards:**

School districts with approved charter schools may apply for reimbursement for all approved meals, pursuant to RSA 189:11-a, VII.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**HB 514** – Chapter 24 raises the minimum wage for hourly employees. Unless otherwise provided by statute, no employee may be paid at an hourly rate lower than that set forth in the federal minimum wage law, or

as follows, whichever is higher: on and after September 1, 2007, \$6.50; on and after September 1, 2008, \$7.25.

**Legal Impact on School Boards:**

As employers, districts will need to make sure they are meeting all state and federal minimum requirements for hourly pay.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy that specifically references the old minimum wage rate. It is recommended that you review any applicable policies and amend them accordingly.

**HB 653** – Chapter 268 makes changes to the determination of benefits, funding, and administration of the New Hampshire Retirement System (NHRS). This bill makes several needed corrections to the NHRS, all supported by NHSBA in our cooperative effort with a working group of public employers and employees. In addition to providing a one-time 2.25% COLA for 2007, other important changes include switching to the Entry Age Normal actuarial methodology and eliminating the drain of money from the pension fund itself to the special account. This will prevent the siphoning away of funds until the system is 85% funded and investment returns exceed 10.5%. There will be an immediate benefit to the system with \$25 million remaining in the pension fund and not being transferred to the special account. Employer contribution amounts can never go below the employee contribution amount. Also, the nonqualified service credit provision that allowed members of the system to purchase up to five years of service time was repealed. In addition, employers (school districts and municipalities) will now have one representative on the Board of Trustees.

**Legal Impact on School Boards:**

As public employers, school districts are responsible for paying the employer share of retirement obligations. Employee contribution rates are defined in statute: Group I pays 5% (includes employees and teachers). The NHRS Board of Trustees sets employer contribution rates for the biennium based upon valuations and forecasts. Last year's rates (6.81% and 5.70% for employees and teachers in Group I) represented more than a 40% increase in the FY '04 and '05 rates. Employer rates increased again this July to 8.74% and 8.93% respectively for employees and teachers for the next two fiscal years. This represents a 56% increase for teachers. Local district budgets are responsible for 65% of the rate for teachers (5.80%). The state pays the remaining 35% (3.13%). School districts pay 100% of the contribution rate for an employee. Local governmental entities are significantly impacted since current law requires employer rates to change, as necessary, to maintain the funded ratio of assets to liabilities. Restoring the funding ratio to 85+% will be important for the pension fund itself, and the new actuarial methodology should provide

more accurate forecasting and more stable employer rates that won't drastically increase each biennium.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy that specifically references the old New Hampshire Retirement System rates. It is recommend you review any applicable policies and amend them accordingly.

**HB 790** – Chapter 352 expands the definition of “dependent young adults” to those who are younger than 26 years of age for purposes of insurance coverage. This change will require health insurance plans to cover commercially insured dependent children under age 26, whether or not they are students. The new law affects both individual insurance policies and group insurance policies.

**Legal Impact on School Boards:**

The dependent age increase will allow additional family members to obtain insurance coverage under a family plan. This change will likely result in additional people receiving insurance coverage. The cost of the additional insurance coverage may be reflected in additional premiums paid as employees switch from individual or couple coverage to a family plan. The NH Department of Insurance has estimated the increase in total premiums received (in aggregate) by insurance carriers to cover the additional insured members is expected to be less than 1% of the current premium base for each year over the first three years this change is in place.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**HB 882** – Chapter 356 increases the cap on tort liability of governmental units. This new law increases the monetary limit for which school districts may be held liable in tort actions and similar lawsuits. Liability of a school district for legal actions involving bodily injury, personal injury or property damage suffered by one person is now capped at \$275,000 (up from \$150,000); liability for these injuries or damages suffered by multiple persons is now capped at \$925,000 (up from \$500,000).

**Legal Impact on School Boards:**

Local school districts may incur higher costs to procure liability insurance, if policies were not purchased in the past. Also, current liability policies may now be subject to higher premiums to protect against the increased levels of risk and potential loss.

**Impact on School Board Policies:**

NHSBA Sample Policy EIB has been amended in August 2007 to reflect the current language of this bill. School boards are advised to do the same.

**HB 927** – Chapter 270 provides the specific criteria and substantive educational program that defines an adequate education, the resources required to provide an adequate education, and the establishment of a timetable for costing an adequate education.

Beginning in the school year 2008-09, adequacy is defined in terms of the following substantive education programs: English/language arts and reading, mathematics, science, social studies, art, world languages, health, physical education and technology, for kindergarten through grade 12. Also required is the establishment of criteria to identify schools with greater educational challenges and needing additional aid. A joint legislative oversight committee will study models and formulae for determining the cost of an adequate education, the educational needs and resources needed to deliver an adequate education, and will review transition assistance for school districts that do not currently provide public kindergarten. The committee must report its findings and recommendations by February 1, 2008; the legislature must complete the determination of the cost by June 30, 2008.

**Legal Impact on School Boards:**

The new standards for adequacy cover kindergarten through twelfth grade (K-12). They establish opportunities to acquire skills and competencies, as well as the substantive knowledge expected to be possessed by students at the various grade levels. The standards also establish the credit requirement necessary to earn a high school diploma. Public schools and public academies must adhere to the standards that constitute the delivery of an adequate education. The Legislature will review, revise and update the standards at least every 10 years, but may do so more often if it chooses. Any subsequent changes made by the State Board of Education to these standards through rulemaking will not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the Legislature. The Board of Education must provide written notice to the Legislature and Chairpersons of the House and Senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy that specifically addresses educational adequacy. It is recommended that you review any applicable policies and amend them accordingly.

**SB 47** – Chapter 290 makes a supplemental appropriation for school building aid. The legislature continued its commitment to local districts for building aid by making an appropriation of \$2,252,356 to the Department of Education for the current year (2006-2007) shortfall in school building aid.

**Legal Impact on School Boards:**

School boards with approved building projects will be able to rely on the state's commitment to building aid, and receive the total eligible amount for the 2007 fiscal year.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**SB 101** – Chapter 232 provides vocational tuition and transportation aid for at-risk students attending regional technical centers. This expansion of the vocational education law permits "at risk" students to attend an alternative education program at a regional vocational education center and requires the Department of Education to pay tuition and transportation costs for such attendance.

**Legal Impact on School Boards:**

Expanded opportunities for providing alternative programs may now be utilized to create educational plans leading to a high school diploma or its equivalent. Vocational tuition and transportation aid will be provided for attendance at alternative programs offered at regional vocational education centers, or the associated high school.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy that addresses admission and transportation of students enrolled in vocational-technical programs. It is recommend you review any applicable policies and amend them accordingly.

## *Governance and Operations*

The 2007 legislative session contained many bills that have a significant impact on how local districts, school administrative units (SAUs) and towns operate. Major bills of interest to educators include:

**HB 37** – Chapter 319 affects school districts regarding volunteers and criminal background checks. This bill requires a school administrative unit, school district, or charter school to adopt a policy categorizing certain volunteers as “designated volunteers” who may be required to undergo a background investigation and a criminal history records check. Limited liability is provided to a school district when acting in good faith in accordance with policy. The bill also allows local law enforcement agencies to notify schools of the address of a registered criminal offender.

**Legal Impact on School Boards:**

School boards will have to review their policies and ensure they have adopted a policy on “designated volunteers” that may be required to undergo a background investigation. Boards should contact NHSBA and review the model policy offered for this requirement.

**Impact on School Board Policies:**

NHSBA Sample Policies GBCD and IJOC have been amended in August 2007 to reflect the current language of this bill. School boards are advised to do the same.

**HB 53** – Chapter 41 changes employment terms for school health personnel. This bill amends current law (RSA 200:31) by allowing school boards to employ either a licensed practical nurse (LPN) or a licensed nursing assistant (LNA). Such employee is required to work under the general supervision of a registered nurse (RN), rather than under “direct” supervision.

**Legal Impact on School Boards:**

School boards will now have more flexibility in the employment, oversight and supervision of LPNs and LNAs.

**Impact on School Board Policies:**

NHSBA Sample Policy JLC was amended in February 2007 to reflect the new language of the bill. Your school board is advised to do the same.

**HB 87** – Chapter 350 clarifies the exceptions to the compulsory school attendance statute. The enactment of SB 18 (raising the age of compulsory attendance from 16 to 18) required corresponding changes to other statutes.

**Legal Impact on School Boards:**

See SB 18.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy that references the age of 16. It is recommend you review any applicable policies and amend them accordingly. The NHSBA Coding is Policy JEA.

**HB 126** – Chapter 71 revises the definitions of standard school, elementary school, high school, and the number of days of school. Various sections of the statutes were amended to reflect the 2005 revision to the state’s Minimum Standards, specifically allowing for the *equivalent number of hours* when reference is made to number of school days.

**Legal Impact on School Boards:**

Provisions contained in this amendment correspond to the new state Minimum Standards, ensuring school districts the flexibility provided when the Standards were adopted in 2005.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. The language of this bill does not require NHSBA Sample Policy IC to be amended. However, your school board may have a policy that differs from NHSBA’s Sample. It is recommend you review any applicable policies and amend them accordingly, if necessary.

**HB 152** – Chapter 59 amends the time period for when minutes of public meetings must be made available. This change in statute requires that minutes of public meetings be available for public inspection within five (5) business days of the meeting. Previous law required minutes be available within 144 hours of the public meeting. The new requirement becomes effective July 31, 2007.

**Legal Impact on School Boards:**

School boards will have to revise their policies on when minutes are available to the public. Under these changes, a business day means the hours of 8 a.m. to 5 p.m., Monday through Friday, excluding national and state holidays.

**Impact on School Board Policies:**

NHSBA Sample Policy BEDG was amended in August 2007 to reflect the new language of the bill. Your school board is advised to do the same.

**HB 167** – Chapter 3 adds new areas of assessment required under the statewide improvement and assessment program. This provision adds civics and

economics to the required areas of assessment in the statewide improvement and assessment program, and specifies that the assessment shall be conducted in grades 3 through 8 and one grade in high school.

**Legal Impact on School Boards:**

All public school students in grades 3 through 8 must now participate in the following assessments each year: reading and language arts, mathematics, science, history, geography, civics, and economics.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy that addresses the statewide improvement and assessment program for elementary students. It is recommend your board review any applicable policies and amend them accordingly.

**HB 205** – Chapter 295 provides for new procedures for certain court-ordered out-of-district placements. This change in statute requires the court to notify a school district anytime the court is considering an out-of-district placement to give the school district an opportunity to send a representative to the placement hearing.

**Legal Impact on School Boards:**

When a court considers a placement that requires educational services outside the child's home school district, the court must now notify the school district and give the district the opportunity to send a representative to the hearing. In cases where immediate court action is required to protect the health or safety of the child or of the community, the court may act without providing for an appearance by the school district, but must make reasonable efforts to solicit and consider input from the school district before making a placement decision.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**HB 226** – Chapter 164 allows trustees to invest funds in obligations with principal and interest fully guaranteed by the United States government. It also requires the trustees to adopt an investment policy for capital reserve funds and to file the policy with the attorney general.

**Legal Impact on School Boards:**

To the extent that trustees of trust funds are overseeing school district trust funds and capital reserve funds, the trustees should be aware that they must formally adopt an investment policy and file a copy with the attorney general.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. However, your school board may have a policy on trust funds and investments. It is recommended that your school board review any applicable policies and amend them accordingly.

**HB 446** – Chapter 139 revises the definition of violence in a safe school zone. This amendment adds “criminal threatening” to the definition of an act of theft, destruction, or violence within the safe school zones statute.

**Legal Impact on School Boards:**

Criminal threatening is now included as an area covered under the safe school zones act, subject to disciplinary proceedings as well as suspension or expulsion.

**Legal Impact on School Boards:**

This bill has no impact on any NHSBA Sample Policies. The language of this bill does not require NHSBA Sample Policy ADD to be amended. However, your school board may have a policy that differs from NHSBA’s Sample. It is recommend you review any applicable policies and amend them accordingly, if necessary.

**HB 556** – Chapter 92 requires school emergency response plans. By June 30, 2009, every public and nonpublic school must develop a site-specific school emergency response plan. The plan shall provide that at least two of the currently required fire evacuation drills be emergency response drills, address hazards such as acts of violence, natural disasters, materials releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities.

**Legal Impact on School Boards:**

School boards must coordinate response plans with local emergency authorities and with the emergency operations plan in the municipality in which the school is located. Schools must review their plan at least annually, and update the plan as necessary.

**Impact on School Board Policies:**

NHSBA Sample Policies EBC and EBCA have been amended in August 2007 to reflect the new language of the bill. Your school board is advised to do the same.

**HB 701** – Chapter 99 defines a school district in the case of unincorporated towns or unorganized places. Notwithstanding any other provision of law to the contrary, in the case of unincorporated towns or unorganized places in a county, the county shall constitute the district.

**Legal Impact on School Boards:**

This bill clarifies administrative oversight for unincorporated places.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**HB 822** – Chapter 333 allows for increased attendance at regional vocational schools. This change in law requires regional vocational schools to accept students, on a space available basis, who have attended two years of high school, regardless of the number of credits earned. It also allows students to enroll in regional vocational schools when the Department of Education determines it would be in their best interest.

**Legal Impact on School Boards:**

School districts may now enroll in vocational programs students who have not earned two full years of high school credits, if enrollment may better suit the pupil's academic and personal needs. The student must have attended high school for two years and successfully completed any vocational program prerequisites. The prerequisites may be waived by the regional vocational center.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. The language of the bill does not require NHSBA Sample Policy JF be amended. However, your school board may have a policy that differs from NHSBA's Sample. It is recommend you review any applicable policies and amend them accordingly, if necessary.

**SB 18** – Chapter 242 raises the age of compulsory attendance for children in school from 16 years to 18 years. The new law provides a procedure for a pupil who is at least 16 years old to obtain an attendance waiver from school. The waiver is contingent upon the student having an approved alternative learning plan leading to a diploma or GED certificate.

SB 18 reflected a specific policy issue addressed in NHSBA Resolution #18. With the expansion of dropout funding in the budget (see Education Appropriations), NHSBA lobbied on behalf of this bill and helped support its passage in the House and Senate. The new law will take effect July 1, 2009.

**Legal Impact on School Boards:**

Districts may still establish policies and regulations concerning habitual truants and children between the ages of 6 and 18 years who are not attending school or who are not participating in an alternative learning plan (RSA 193:1, I(g)). Districts may also compel the attendance of such children at school.

Alternative learning plans should include age-appropriate academic rigor

and flexibility to incorporate the pupil's interests and manner of learning. These plans may include extended learning opportunities, independent studies, private instruction, performing groups, internships, community service, apprenticeships, and online courses. Alternative learning plans shall be developed in consultation with the pupil, a school guidance counselor, the school principal and at least one parent or guardian of the pupil. Authority to approve alternative learning plans rests with the school district superintendent.

If the superintendent does not approve the alternative learning plan, the parent or guardian of the pupil may appeal such decision to the local school board. A parent or guardian may appeal the decision of the local school board to the State Board of Education.

**Impact on School Board Policies:**

This bill has no impact on any NHSBA Sample Policies. The language does not require NHSBA Sample Policy JEA be amended. However, your school board may have a policy that differs from NHSBA's Sample. It is recommend you review any applicable policies and amend them accordingly, if necessary.

**SB 78** – Chapter 309 impacts the placement of twins or other multiples in the same classroom. Parents of twins or multiples in elementary school may request that the children be placed in the same classroom or in separate classrooms. The request shall be granted unless the principal determines that a different placement is in the best interest of the child or other children in the school. The principal shall meet with the parents and give careful consideration to the reasons for their request before making any determination regarding classroom placement.

**Legal Impact on School Boards:**

School boards are not permitted to adopt a policy that automatically separates or places together twins or other multiples.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

**SB 216** – Chapter 368 impacts the certification of employee organizations to represent public employees. This bill allows a bargaining unit to request certification of their representative through a petition accompanied by the signatures of a majority of the bargaining unit members. Secret ballot elections, which ensure against group pressure from either management or labor, will no longer be required.

**Legal Impact on School Boards:**

School districts may find employee groups submitting "written majority authorization," i.e. writings signed and dated by employees in the form of

authorization cards, petitions, or other such written evidence allowed by the PELRB, in which a majority of employees in an appropriate bargaining unit designate an employee organization as their representative for the purpose of collective bargaining. Employee signatures must be dated within the 6 months preceding the date on which the writings are offered.

**Impact on School Board Policies:**

This bill has no impact on school board policies.

## *Federal Resolutions*

Two legislative resolutions were adopted in the 2007 session. Both resolutions relate to long-standing NHSBA Resolutions, and the Association worked with sponsors and legislative committees to promote passage of the bills. Both the Senate and House passed these senate concurrent resolutions. They are not sent to the Governor for signature, and therefore do not have the effect of a law; rather, they represent the formal expression of the opinion and wishes of the legislature. Copies of both resolutions will be sent to the U.S. Senate and House.

**SCR 2** – This senate concurrent resolution urges the United States Congress to amend the No Child Left Behind Act (NLCB). The NH House and Senate urges the Congress of the United States to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures’ task force recommendations, to allow each state department of education the flexibility to monitor, supervise, and evaluate each school’s effectiveness in documenting the physical, personal, social, and academic growth of each child. The NH Legislature also urges Congress to request a Government Accountability Office evaluation of the costs to states and local school districts of complying with the No Child Left Behind Act requirements and of achieving the 100% proficiency goals of the No Child Left Behind Act.

**Legal Impact on School Boards:**

NHSBA Resolutions 35 and 36 have represented constant reminders of the need to amend NCLB. Major improvements are needed in the areas of achieving 100% proficiency, growth models that acknowledge individual progress, and more alignment with state accountability systems. School boards around the country have now passed resolutions urging their members of Congress to co-sponsor H.R. 648, the NSBA-supported bill that includes more than 40 recommendations for improving the No Child Left Behind Act. If your board has not already considered such a resolution, consider one now and send a copy to your member of Congress, NSBA, and NHSBA. For more information, contact NHSBA.

**SCR 4** – This senate concurrent resolution calls on the President and the Congress to fully fund the federal government’s share of special education services under IDEA. The NH House and Senate urges the President and the Congress to fund 40% of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve.

**Legal Impact on School Boards:**

NHSBA Resolutions 33 and 34 have represented constant reminders of the need for the federal government to appropriate funds to pay 40% of the

cost of implementing IDEA. Shortfalls in the funding of this program have resulted in school districts assuming more than half of the federal government's financial obligations.

## *Legislative Studies*

Five legislative study bills were enacted this session that are of interest to school board members.

**HB 89** – Chapter 28 establishes a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

The legislative committee (three senators and three representatives) is charged to study:

- I. The current status of labor relations, driving forces behind collective bargaining disputes, and relevant statistics;
- II. Alternative methods of dispute resolution, including binding arbitration;
- III. Evergreen clauses; and
- IV. Other states' policies on dispute resolution.

The committee is to report its findings and recommendations by November 1, 2007.

**Legal Impact on School Boards:**

School boards need to monitor the work of this study committee, especially if recommendations are made concerning binding arbitration and/or requiring evergreen clauses, both of which would have a significant financial impact on local budgets.

**HB 517** – Chapter 297 establishes a commission to investigate cost drivers in providing health care.

This nineteen-member commission is charged to study:

- I. Cost shifting associated with federal and state reimbursements;
- II. Cost shifting associated with providing care for the uninsured;
- III. Costs associated with medical malpractice insurance rates;
- IV. Regional issues that may affect costs of providing health care;
- V. Hospital new construction costs and overhead costs for the past 5 years;
- VI. Hospital new services and overhead costs for the past 5 years; and
- VII. Other areas that may affect the cost of providing health care.

The commission is to report its findings and recommendations by November 1, 2007.

**Legal Impact on School Boards:**

School boards need to monitor the work of this study committee, especially if it identifies any strategies for alleviating the costs associated with providing health insurance.

**HB 661** – Chapter 328 establishes an executive planning commission on special education. This bill creates a planning commission to develop a plan for an improved comprehensive, systemic, and sustained approach to providing special education services. Members of the commission will consist of the governor, commissioners of education, health and human services, and regional technical colleges, and the chancellor of the university system. Specific areas of focus for the commission include technical assistance, pre-service and in-service professional development and improved coordination among personnel, strategies to address personnel shortages, dissemination of best practices and methods to assist schools.

A plan and any recommendations must be submitted to the legislature by December 1, 2008.

***Legal Impact on School Boards:***

School boards need to monitor the work of this study committee, especially if it identifies any strategies for promoting better, and delivering more efficient, services for special education.

**HB 876** – Chapter 355 establishes a commission to make recommendations to ensure the long-term viability of the New Hampshire Retirement System (NHRS).

This 21-member commission shall:

- I. Study the history of funding, benefits, and investment results of the NHRS;
- II. Review the structure and governance of the NHRS;
- III. Analyze the current financial status of the retirement system, and the challenges facing the system in the future;
- IV. Assess the changes to general accounting standards and their potential effect on the retirement system;
- V. Make recommendations for ensuring the long-term viability of the retirement system, including an appropriate funding methodology;
- VI. Design a sustainable and affordable cost of living increase for plan participants that may be adopted by the legislature as part of the retirement system;
- VII. Study the limitation on maximum benefit amounts;
- VIII. Study the issue of equity in contribution rates between employers and employees;
- IX. Study other matters deemed necessary by the commission; and
- X. Seek technical assistance as necessary from the NHRS and from other independent financial, investment, actuarial, and retirement experts. The commission may employ support staff for the purposes of its duties.

The commission is to report its findings and recommendations by December 1, 2007.

**Legal Impact on School Boards:**

School boards need to monitor the work of this study committee, how it coordinates with the changes enacted in HB 653, and any proposals that impact the funding of NHRS. **NHSBA will be a part of the commission established under this bill and will voice school employer viewpoints and concerns.**

**HB 914** – Chapter 257 establishes a committee to study issues related to cooperative school districts.

This 5-member legislative study committee shall:

- I. Study the procedure for withdrawal from a cooperative school district including any needed changes to the procedure for withdrawal from a cooperative school district;
  - II. Study the procedure for amending a cooperative school district's articles of agreement, specifically to reflect demographic changes in the towns comprising the cooperative school district;
  - III. Evaluate existing procedures for the division of assets, disposition of property and other equity interests of the withdrawing school district, and any other financial interest which a school district seeking withdrawal may have in the remaining cooperative school district, and recommend revisions to such procedures as necessary; and
  - IV. Study the feasibility of permitting the formation of cooperative school districts which would expire within a specified period of time.
- The committee may consult with department of education personnel or any other individual or organization with information or expertise relevant to the committee's objectives.

The committee is to report its findings, and any recommendations for proposed legislation, on or before November 1, 2007.

**Legal Impact on School Boards:**

Cooperative school boards need to monitor the work of this study committee, and offer commentary on those particular areas that have been either troublesome, or worked well, for the school district. Particular attention should be paid to issues associated with the withdrawal of pre-existing districts.

## Major Education Legislation Retained, Rereferred or Tabled in 2007

<i>Financial</i>
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Many bills are complex and sometimes committees find it impossible to make a recommendation by the deadline. When further study and review of a bill is desired, the bill is retained: all bills retained in committee must be acted on next year. No new bill can be drafted next year if it is the same, or essentially the same, as a bill retained in committee. In general, work on a retained bill will be completed in the fall and the committee will take action on the bill sometime in October or November, making a recommendation that will then go through the legislative process when the session starts in January. Several bills related to defining adequacy, all considered during the process of amending/adopting HB 927, will likely be killed when committees return to work.

School board members should note these bills, and monitor their progress when the 2008 session begins.

The major bills affecting education that have a potential financial impact and were retained in committee include:

### *Constitutional Amendments – School Financing*

**CACR 6** – This constitutional amendment provides that the state may meet its funding obligations by providing aid only to those communities that, in the reasonable judgment of the legislature, are in need of such aid.  
*The House Finance Committee has retained the bill.*

**CACR 14** – This constitutional amendment provides that total state aid to public education cannot decrease unless there is a decrease in the number of students attending the public school system.  
*The House Education Committee has retained the bill.*

**CACR 19** – This constitutional amendment provides that the legislature shall define standards for public education, determine the level of state funding, establish standards of accountability, and allocate funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that every school district receives a reasonable share of the state funds on a per pupil basis.  
*This bill was laid on the table in the Senate.*

**CACR 20** – This constitutional amendment provides that the local political subdivision shall provide public education, determine curriculum and the amount of funding thereof, and the legislature may make reasonable determinations as to public education, provide supplemental funding, and

determine the amount and allocation of such state funds.  
*This bill was rereferred to the Senate Judiciary Committee.*

### ***Legislative Bills – School Financing***

**HB 145** – This bill establishes an education funding study committee. The intent is to have information available on potential sources of new revenue, specifically a sales tax, income tax, property tax and casino tax.  
*The House Ways & Means Committee has retained the bill.*

**HB 352** – This bill permits school districts to establish a trust fund to accept private funds to enhance public education.  
*The House Education Committee has retained the bill.*

**HB 578** – This bill outlines the components of an adequate education and provides for funding based on average teacher salaries and established teacher-pupil ratios. The bill also establishes an adequacy board to collect teacher salary information to determine adequate education funding.  
*The House Education Committee has retained the bill.*

**HB 642** – This bill requires school districts and the Commissioner of the Department of Education to submit annual reports relative to funding received and expended under the No Child Left Behind Act and creates a committee to study the establishment of a state education accountability program.  
*The House Education Committee has retained the bill.*

**HB 752** – This bill increases the tuition amount to \$4,000 for charter school pupils for 2007-08.  
*The House Finance Committee has retained the bill.*

**HB 778** – This bill defines preeminent scholastic educational foundation as a response to adequacy, repeals the statewide-enhanced education tax and the distribution of adequate education grants.  
*The House Education Committee has retained the bill.*

**HB 779** – This bill changes the allocation of funds into the special account of the retirement system, adds a cost of living adjustment to the employer contribution rate, and changes the funding of supplemental allowances.  
*The House Exec. Dept. & Admin. Committee has retained the bill.*

**HB 789** – This bill provides supplemental education grants to eligible school districts and makes an appropriation to the supplemental education grant fund.  
*The House Education Committee has retained the bill.*

**HB 886** – This bill requires the statewide education property tax rate to be one cent below the rate at which no excess tax would be created for any municipality (donor town). It would establish video lottery gaming to

provide an additional \$400,000,000 for adequate education grants, setting aside \$5,000,000 per year in a treatment and prevention fund for abusers of alcohol, drugs, and gambling.

*The House Ways & Means Committee has retained the bill.*

**HB 888** – This bill provides that the state shall fund certain educational costs related to instruction including classroom teachers, classroom textbooks and materials, professional development, building aid, technical resources, and the state’s share of special education costs.

*The House Education Committee has retained the bill.*

**HB 904** – This bill defines an adequate education, the method for determining the cost of an adequate education, and establishes a formula for distributing adequate education grant money to school districts and charter schools.

*The House Education Committee has retained the bill.*

**HB 912** – This bill imposes an education property tax at \$7.50 per \$1,000 of taxable value but provides an exemption for the first \$200,000 of assessed value of a homestead. It also establishes a new formula for the determination of adequate education grants.

*The House Ways & Means Committee has retained the bill.*

## *Special Education*

The House Education Committee retained five bills that seek to establish new requirements in the special education statutes (RSA 186-C). A subcommittee has been established to review each bill, with recommendations to be made in October for subsequent full committee action. As introduced, these bills contain language that is of major concern to school board members.

While containing some technical corrections and language to bring state law into compliance with the new IDEA 2004 standards, as introduced they also contain provisions with significant impact on school districts. For example, mapping for cochlear implants would become a district responsibility; IDEA does not include these costs. The IDEA 2004 also eased requirements regarding benchmarks for alternative assessments; the proposed bills seek to require them as part of the IEP. Children in county correction facilities currently receive services at no cost to the local district; these proposals would require local districts to provide services. Additionally, many changes in these proposals seek to expand state requirements beyond those established in federal law, raising unfunded 28-A questions.

**HB 677** – This bill revises special education procedures for dispute resolution and due process hearings. The bill puts in statute the right for parents to collect expert witness fees. In June 2006, the US Supreme Court ruled that IDEA does not specifically require a parent to recover such fees, but that states may adopt their own laws regarding such fees.

*Subcommittee: Representatives Shaw (Chair), Hess, Ingbretson, Jean*

**HB 678** – This bill revises the special education program approval and monitoring process and contains punitive monitoring and corrective action procedures. It requires districts to pay for corrective actions; to board or house children as close as possible to the institution when placed out-of-district; to pay for implant, replacement and maintenance of medical devices; and to use district staff to provide services to county prison inmates. All of these requirements will bear additional costs on districts.

*Subcommittee: Representatives O'Neil (Chair), Dunn, Reeve, Stiles*

**HB 679** – This bill revises the procedures for delivery of special education services by school districts and other agencies. It replaces the term “educationally related services” with the term “related services”. Using the term “educationally related services” in NH law currently clarifies that a child does not qualify for such services unless they are *educationally* necessary. The bill also exceeds federal law by requiring that each child’s IEP include short-term objectives and benchmarks; this requirement was removed by the IDEA 2004.

*Subcommittee: Representatives Day (Chair), Carson, Remick, Shaw*

**HB 765** - This bill makes various changes to the procedures for determining special education costs, rate setting, and payment liability. It would obligate public schools and public academies that accept non-resident tuition students to provide FAPE for those students, creating a new financial burden for host districts.

*Subcommittee: Representatives Merrick (Chair), Crane, Price, Rous*

**HB 766** - This bill makes numerous changes in the statutes relating to RSA 186-C on special education. The change is ambiguous in how it uses the term "disability" and also allows juvenile courts to overrule State Department of Education hearing officer decisions.

*Subcommittee: Representatives Yeaton (Chair), Casey, Clarke, McRae*

## *Governance and Operations*

Retained bills that have a potential impact on how local districts, SAUs and towns operate include:

**HB 304** – This bill provides that a public school district may object to a guardianship request on the grounds that the sole or primary motive for the guardianship request is to facilitate the minor’s participation in athletic activities. The public school district responsible for educating a minor who is granted guardianship in such cases may assess tuition to the petitioner.

*The bill passed the House and in the Senate was rereferred to the Education Committee.*

**HB 330** – This bill establishes a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state.

*The House Education Committee has retained the bill.*

**HB 919** – This bill provides that public and private schools devote approximately equal instructional time to United States and New Hampshire history. It also provides that pupils may visit historical sites and museums, and perform class projects involving the renovation of local or state historical sites as part of the New Hampshire history requirement.

*The House Education Committee has retained the bill.*

**SB 88** – This collective bargaining bill adds safety considerations to terms and conditions of employment, continues the terms of a collective bargaining agreement until a new agreement is executed (mandatory evergreen clause) and reduces to 5 the number of employees required for certification as a bargaining unit. **NHSBA opposed this legislation and cooperated with local officials in efforts to keep the bill on the table.** However, this issue is expected to return again next year.

*The bill passed the Senate and was laid on the table in the House.*

## Major Education Legislation Defeated in 2007

<i>Financial</i>
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These bills were intentionally killed by the legislature when either the House or Senate adopted a motion of ITL (Inexpedient to Legislate). One bill, the Governor's proposed constitutional amendment, was "postponed indefinitely." No bill or resolution may be introduced if it is substantially similar to any legislation that was indefinitely postponed or voted Inexpedient to Legislate in the first year (2007), unless approved by the Rules Committee or a two-thirds vote. Bills that have been tabled do not have such a prohibition on consideration of the subject matter. HB 143, a significant policy issue for school boards based on its method of apportioning fault in liability cases, was vetoed by the Governor.

**CACR 18** – This constitutional amendment supported by the Governor provides that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than 50% of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education.  
*The bill passed the Senate but was indefinitely postponed in the House.*

**HCR 1** – This House resolution declares that the directives of the judicial branch in the Claremont cases are not binding on the legislative and executive branches.  
*Inexpedient to Legislate.*

**HB 60** – This bill revises the criteria for an adequate public education and replaces the word "equitable" with "adequate" in reference to education.  
*Inexpedient to Legislate.*

**HB 68** – This bill replaces references to "equitable education" with "adequate education."  
*Inexpedient to Legislate.*

**HB 143** – This bill defined "party" as only those entities remaining in a lawsuit when determining the apportionment of fault. It would have created the potential for "deep pocket" defendants, such as school districts, who may be minimally at fault in a lawsuit, to assume more than their proportionate financial liability for large damage awards. While the bill passed both the House and Senate, it was strongly opposed by NHSBA and ultimately the Governor.  
*Vetoed by the Governor.*

**HB 178** – This bill allows a withdrawing district to retain its share of the equity in any cooperative school district facilities.

*Inexpedient to legislate.*

**HB 238** – This bill establishes a committee to study granting limited civil liability to teachers.

*Inexpedient to legislate.*

**HB 346** – This bill establishes an option under the New Hampshire Retirement System for members to participate and contribute in a defined contribution plan.

*Inexpedient to legislate.*

**HB 451** – This bill began as a revision to the Catastrophic Aid formula minimum and maximum amounts for reimbursement, but was subsequently amended to require that pupil-specific aid received by a school district from non-state sources be deducted from the total eligible cost for a special education pupil. It passed the House but was killed in the Senate.

*Inexpedient to legislate.*

**HB 479** – This bill attempts to define and clarify certain terms regarding “default budget” for districts using the official ballot (SB 2) form of meeting.

*Inexpedient to legislate.*

**HB 521** – This bill establishes a definition for an adequate education.

*Inexpedient to legislate.*

**HB 558** – This bill repeals the education trust fund and provides that all sources of revenue formerly dedicated to the education trust fund shall remain in the general fund.

*Inexpedient to legislate.*

**HB 562** – This bill removes extra or special duty pay from the definition of earnable compensation used in the calculation of retirement system benefits.

*Inexpedient to legislate.*

**HB 569** – This bill increases the retirement age for group II retirement system members who begin employment on or after July 1, 2007.

*Inexpedient to legislate.*

**HB 601** – This bill requires the Department of Health and Human Services to be liable in full for that portion of a child’s special education and related services resulting from a child’s medical condition.

*Inexpedient to legislate.*

**HB 651** – This bill extends the application of the school building aid grant program to kindergarten construction projects.

*Inexpedient to legislate.*

**HB 669** – This bill provides grants of \$1,200 per kindergarten pupil and removes the repeal date on the kindergarten construction aid program. (See HB 2)  
*Inexpedient to legislate.*

**HB 698** – This bill inserts a reference to the minimum standards for public school approval into the policy and purpose section of the adequate public education chapter.  
*Inexpedient to legislate.*

**HB 758** – This bill establishes a new state retirement plan for new employees that is structured as a defined contribution plan.  
*Inexpedient to legislate.*

**HB 801** – This bill establishes a committee to study the feasibility of the state assuming responsibility for fully funding special education costs for children receiving special education services.  
*Inexpedient to legislate.*

**HB 870** – This bill revises the method for calculating and disbursing adequate education grant amounts and distributes supplemental per pupil aid for certain pupils.  
*Inexpedient to legislate.*

## *Governance and Operations*

Defeated bills relevant to how local districts, SAUs and towns operate include:

**HB 82** – This bill clarifies communications outside a meeting for the purposes of the Right to Know Law (RSA 91-A).  
*Inexpedient to legislate.*

**HB 114** – The bill amends the statement of purpose in the statewide education improvement and assessment program (NHEIAP).  
*Inexpedient to legislate.*

**HB 131** – This bill removes the Commissioner of the Department of Education from the home education approval and review process.  
*Inexpedient to legislate.*

**HB 160** – This bill would have the Governor appoint the executive director of the PELRB rather than allowing the board to appoint an executive director.  
*Inexpedient to legislate.*

**HB 164** – This bill requires each school board or cooperative school board to adopt and implement a policy prohibiting school personnel from recommending the use of psychotropic medications for any child.  
*Inexpedient to legislate.*

**HB 302** – This bill requires the school board of any district to give written notice to the department of transportation of the new construction or expansion of a public school at least a year before the construction or expansion is completed.  
*Inexpedient to legislate.*

**HB 324** – This bill requires superintendents to evaluate the use of artificial trans fats and saturated fats in foods prepared and served to pupils; the State Board of Education shall adopt a policy governing the use of artificial trans fats and saturated fats in school foods.  
*Inexpedient to legislate.*

**HB 333** – This bill requires driver education to include operation of manual transmission vehicles.  
*Inexpedient to legislate.*

**HB 340** – This bill prohibits sexual offenders and offenders against children from living within 1,000 feet of any school, child care facility, playground, park, child-oriented organization, or any place where minors regularly congregate.  
*Inexpedient to legislate.*

**HB 377** – This bill clarifies the manner in which the Right to Know Law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business. The bill failed due to disagreement over language concerning communications outside a meeting.

*Conference committee unable to reach agreement.*

**HB 381** – This bill permits certain New Hampshire individuals to satisfy the driver education requirement by completing a nonequivalent driver education course in Vermont.

*Inexpedient to legislate.*

**HB 559** – This bill requires all school buses manufactured after January 1, 2008 to be equipped with seat belts.

*Inexpedient to legislate.*

**HB 639** – This bill provides that a school district shall not attempt to withdraw from a cooperative school district more than once every 5 years.

*Inexpedient to legislate.*

**HB 819** – This bill establishes a Right to Work Act that provides for freedom of choice on whether to form, join, or assist a labor organization or to refrain from such activity.

*Inexpedient to legislate.*

**HB 854** – This bill clarifies certain remedies available for violations of the Right to Know Law.

*Inexpedient to legislate.*

**SB 57** – This bill provides that a one-half year course in civics shall be required for high school graduation.

*Inexpedient to legislate.*

**SB 72** – This bill deletes references to “minimum” in the context of the minimum standards for public school approval.

*Inexpedient to legislate.*

## *Charter Schools / Choice*

Defeated bills relevant to charter schools and school choice / voucher plans include:

**HB 95** – This bill is a Department of Education request to include charter school students in the ADM-Residence of the district in which they legally reside, while excluding them from the count used for purposes of adequate education aid. The Senate added an amendment to establish a tuition voucher program for NH National Guard members, similar to a House bill already retained by the finance committee.

*Conference committee unable to reach agreement.*

**HB 147** – This bill provides that for the purpose of calculating charter school funding, kindergarten pupils shall count as no more than 1/2 day attendance per calendar year.

*Inexpedient to legislate.*

**HB 422** – This bill authorizes the governing body of a town or city to grant property tax abatements to persons whose children are enrolled in schools other than the local public schools.

*Inexpedient to legislate.*

**HB 693** – This bill establishes a school choice certificate program that makes available a certain number of school choice certificates to be used at participating nonpublic schools.

*Inexpedient to legislate.*

## NHSBA Positions on Critical Legislation in 2007

### *Critical Bills Supported by NHSBA*

**SB 18** – Compulsory attendance raised to age 18 (see p. 11).

Consistent with NHSBA Resolution #18, the Association actively supported this bill and worked with sponsors, the Governor's office, and the Department of Education to promote its passage. Additional funding contained in the budget (see Education Appropriations, p. 1) and SB 101 (see p. 6) specifically addressed financial concerns associated with this policy change.

**HB 653** – Revisions/changes to the NH Retirement System (see p. 3).

NHSBA played a major role in an employee/employer "working group." This group reviewed and recognized significant problems associated with the state's retirement system, specifically the very low funding ratio of assets to liabilities. Employer contribution rates have been rising significantly, and projections were for rates to double if no changes were made. Passage of HB 653 was critical in addressing the funding ratio and achieving more stability in future employer rates.

**HB 927** – Defining an adequate education (see p. 5).

Consistent with NHSBA Resolutions (#'s 4, 6, 7, 10), the Association provided legislative committees with comprehensive information on how to appropriately address defining adequacy (see NHSBA Hot Topics – Educational Adequacy at [www.nhsba.org/focuson.asp](http://www.nhsba.org/focuson.asp)). This information was a starting point to help focus the discussion of how best to ascertain the components, and corresponding cost, of providing an adequate education. Components suggested by NHSBA were as follows: (1) ensure that students graduate from the public school system with the academic and vocational skills and attitudes necessary to enable all students to become positive contributors to our economic, political, learning, cultural and social environments; (2) enable all students to become proficient with integrating high technology into their lives; (3) emphasize educational programming and learning resources that allow all students to function in all aspects of written and verbal communications, mathematics, sciences (including physical, political, and behavioral), and (4) provide a structurally sound and physically safe environment conducive to educational productivity.

**SCR 2 and SCR 4** – Federal Legislation: NCLB and IDEA (see p. 14).

Consistent with NHSBA Resolutions (#'s 33 – 36), the Association strongly supported these New Hampshire Legislative Resolutions calling for revisions to NCLB and full funding of IDEA. These policy positions of our State Legislature will now be delivered officially to Congress, making

all U.S. Senators and Representatives aware of New Hampshire's concerns.

### *Critical Bills Opposed by NHSBA*

**CACR 18** – Revising state commitment to education and targeting aid (see p.25).

Consistent with NHSBA Resolutions (#'s 5, 6, 7, 10) and support of the current state obligation to underwrite the cost of an adequate education for each educable child, the Association opposed all constitutional amendment proposals that would allow the state to diminish its financial commitment to districts or ignore obligations to some children.

**HB 422 and HB 693** – School choice vouchers (see p. 30).

Consistent with NHSBA Resolutions (#'s 1, 2), the Association opposed these efforts to provide property tax abatements, or state funded vouchers, for attendance at private nonpublic schools.

**SB 88** – Bargaining changes and evergreen clauses (see p. 24).

NHSBA actively opposed this proposal to require bargaining of safety considerations, reduce to 5 the number of employees required for certification as a bargaining unit, and mandate the continuation of any pay plan until a new agreement is in place. This proposal would have tipped the balance of negotiations and unilaterally implemented pay raises without local voter approval.

**HB 143** – Apportionment of damages in lawsuits (see p. 25).

NHSBA opposed this bill that would require damages in a lawsuit to be allocated only among those defendants remaining in a case at the time of verdict. It would create the potential for "deep pocket" defendants (school districts), who may be minimally liable, to inherit the full financial obligation for an award when other defendants settle prior to a verdict. NHSBA was joined by many other organizations, including the NH Municipal Association, in opposing this bill.

# New Hampshire School Boards Association

## Resolutions for 2007

Adopted by the 2006 NHSBA Delegate Assembly – November 4, 2006

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### School Funding:

#### Choice – Charter Schools

1. **NHSBA** supports the utilization of public education funds solely for public school purposes as determined by the local school boards. (1991)
2. **NHSBA** urges the NH Legislature and Congress to oppose any efforts to subsidize elementary or secondary private, religious or home schools with public tax dollars. Specifically, NHSBA opposes the creation of vouchers, tax credits and tax subsidies that in any form are targeted to the tuition or expenses for non-public K-12 schools. Rather than diverting scarce tax dollars away from our public school classrooms, **NHSBA** urges the NH Legislature and Congress to support improvements in our public schools and meet current funding obligations and promises, benefiting the vast majority of America's children who are educated daily in our public schools. (2005)
3. **NHSBA** proposes that for any charter school authorized by the State Board of Education, state aid entitlements under RSA 198:42 should be paid directly to the charter school from state funds which are separate from local district grants. (2006)

#### State Aid to Education

4. **NHSBA** opposes the dramatic and unpredictable changes in educational funding each year – often with solid information only coming to the school districts after the balloting or school district meetings are done.

The **NHSBA** opposes any new educational funding legislation, passed and enacted by the Legislature, which takes effect any earlier than the next biennium. School boards cannot be expected to work with legislation passed after the budget cycle for the following year is completed. (2005)

5. *NHSBA* proposes that the state fully fund all state education aid formulas before the funding of any other state obligation. (1994)
6. *NHSBA* urges the Legislature to utilize the resources of the NH Department of Education, including the Department's statistical data, to define a curriculum that comprises an "adequate education" in the State of NH, and further to calculate the actual cost of an "adequate education," and to develop an Adequate Educational Funding distribution formula which is consistent with the spirit of the Claremont decisions. (2005)
7. *NHSBA* proposes that the state develop an equitable and sustainable tax plan dedicated solely to education for the purpose of fully funding a constitutionally adequate education for all students in the state. (2002)
8. *NHSBA* supports Building Aid at a level of no less than 55% for all School Districts in the State for bonds. (2000)
9. *NHSBA* supports reducing the threshold for determining the local share of a catastrophic aid special education placement to 2 times the state average elementary and secondary costs of general education. (1998)
10. *NHSBA* resolves that the New Hampshire Legislature solve the educational funding crisis in a fair and equitable manner throughout the state and that all education monies so raised be distributed to school districts for the purpose of educational funding. (2001)

### **Health Care**

11. *NHSBA* supports a statewide effort to work with legislative bodies to address the spiraling costs associated with health care benefits borne by the school districts in New Hampshire. (2005)

### **Local Control:**

#### **School District Autonomy**

12. *NHSBA* supports legislation to lower the mandated 2/3-majority vote for passing a bond article to 60% for all school districts. (1997)

13. *NHSBA* supports the continued ability for Cooperative School Districts to adopt apportionment formulas based on locally determined factors. (2000)
14. *NHSBA* supports amending current law to allow school districts to establish a non-lapsing contingency fund to meet the cost of unanticipated expenses. (2001)
15. *NHSBA* supports legislation that allows local governing bodies to indicate their recommendation on any warrant article, in addition to those recommendation requirements already specified in the municipal budget law, RSA 32. (2006)
16. *NHSBA* opposes legislation that would directly or indirectly divert state costs or responsibilities to local school districts, resulting in increased local expenditures. (2006)

**PELRB**

17. *NHSBA* urges the Legislature to review the practices, decisions, and potential bias against public employers by the PELRB. (2000).

**School Attendance:**

18. *NHSBA* supports legislation raising the age of compulsory attendance in school for children who have not graduated from age 16 to age 18. Such change in statute shall also require the establishment of programs to support students at risk, including dropout prevention programs and other alternative options that allow students to continue a program of study to complete their high school education. (2006)

**School Safety:**

19. *NHSBA* supports legislation which excludes public schools from being designated as neutral ground for visitation purposes for children of parents undergoing a divorce procedure by legal or other administrative orders. (1998)

20. *NHSBA* supports efforts to enact legislation which would require notification to school districts of restraining orders related to a student's behavior. (1999)

**State Board of Education:**

21. *NHSBA* supports the concept and duties of the State Board of Education as established in RSA 21-N:10-11. In its capacity to review all programs, advise on goals and hear appeals, the State Board of Education should have the authority to appoint the Commissioner of Education as well as confirm the Deputy Commissioner and division directors nominated by the Commissioner of Education. (2005)
22. *NHSBA* supports the State Board of Education's focus on Attracting and Retaining Quality Educators in New Hampshire, as highlighted in its recommendations reported May 2001. *NHSBA* urges the State Board to continue this effort as well as monitoring all New Hampshire teacher-training programs to ensure that an adequate supply of new and highly qualified educators is available in New Hampshire. (1998)
23. *NHSBA* believes that all components of state testing (English Language Arts, Writing Prompt, Mathematics, Science, and Social Studies) should continue to be given annually at the end of the school year with appropriate and immediate steps being taken to ensure that these test results are received by school districts no later than the following July 1. Valid data to assess school performance relies on measuring individual student progress: NH should adopt gain score or value-added measures as the principal means for determining AYP. If NH does not adopt gains-score or value-added measures as the principal means for determining AYP, then annual testing should take place at the beginning of the school year so that information may be used instructionally during the year. (1998)
24. *NHSBA* opposes the changes in student assessment at the state level which are resulting in fewer content and skill areas tested, especially the loss of the writing assessment. Basing assessment decisions on availability of funding rather than on what is best for the students of New Hampshire is not something that *NHSBA* can support. (2005)
25. *NHSBA* supports the inclusion of only students who have enrolled in a district continuously for the previous school year in the numbers calculated for AYP as defined by NCLB. (2005)

26. *NHSBA* proposes that the Department of Education develop and maintain a database of available grants and other funding mechanisms to assist local school districts in their grant writing efforts and funding of locally determined programs. (2002)
27. *NHSBA* urges the State Board of Education to conduct a statewide study of the “traditional” school calendar utilized by most public school districts in New Hampshire and to issue a summary report of its findings, conclusions and recommendations. (2003)
28. *NHSBA* urges the NH State Board of Education to adopt Standards of NH School Approval which emphasize qualitative standards rather than quantitative standards. (2003)
29. *NHSBA* proposes that the New Hampshire State Board of Education require that kindergarten be established as a minimum standard for New Hampshire public schools. (2003)
30. *NHSBA* urges the State to fully fund any minimum standards which require districts to offer kindergarten. (2005)
31. *NHSBA* supports the development and implementation of poverty indicators for Title I eligibility, which best reflect the current distribution of children from low income families in the public schools across the State and maximizes the number of districts eligible for Title I funds. (2003)
32. *NHSBA* proposes that the State Department of Education develop evaluation and accountability criteria for the state’s charter schools to ensure their financial stability as well as sound educational objectives. (2006)

### **Federal Legislation:**

#### **IDEA**

33. *NHSBA* urges the U.S. Congress to appropriate funds to pay 40% of the cost of implementing IDEA, and to fully fund any additional requirements in the area of special education and to provide financial impact statements. (1990)

34. Since its original enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has played a pivotal role to assure that students with disabilities receive the services they need for their success. *NHSBA* supports and applauds the efforts and goals encompassed by IDEA's mission.

As our Congress considers the reauthorization of IDEA, *NHSBA* believes attention should be directed at components of the program that are moving away from the original mission of educating children to a mission that involves a wider range of functions. *NHSBA* believes that for special education to achieve its potential in today's environment, several areas should receive attention. *NHSBA* proposes that federal reauthorization of IDEA address these specific priority concerns in the following areas:

- federal funding - Congress should fully fund the federal share of IDEA as a mandatory program;
- teacher recruitment and retention - federal law should create and encourage incentives for new teachers seeking special education certification;
- administration and paperwork - federal law should ease the current complex paper trail aimed at documenting compliance as well as allowing greater flexibility in the IEP process;
- due-process hearings - federal law should provide for adequate notice of issues and good-faith mediation
- related services - federal law should identify the financial role of other governmental units rather than fix all costs for related services on the narrow portion of the tax base that just serves education;
- private placements - federal law should focus on whether a substantive deprivation of educational opportunities exists in the public setting before consideration of private placement;
- safe learning environment - federal law should allow local school district personnel the flexibility and discretion to make appropriate discipline determinations that are in the best interests of all students when it comes to disciplining children with disabilities;
- over identification - federal law should clarify the definition of those disabilities that can result in over identification. (2002)

### **No Child Left Behind**

35. The New Hampshire School Boards Association (*NHSBA*) supports and applauds the stated objectives of the federal No Child Left Behind Act. While welcoming the interest of the federal government in joining school boards in the effort to improve public education, *NHSBA* objects to several key provisions in NCLB that are unworkable, too costly and inconsistent with effective efforts to raise student achievement. Specifically, *NHSBA* supports amendments to NCLB and revisions to Department of Education regulations that will provide full funding as well as flexibility in order to address the barriers facing local educational agencies (LEAs) in the successful and effective implementation of NCLB, including:

- provide federal funding consistent with the levels authorized for education programs and the expanded information systems that are needed;
- permit alternative methodology for determining AYP targets and progress for students with disabilities, and for students with limited English proficiency;
- authorize alternative assessments for students with limited English proficiency and for students with disabilities beyond that of “significant cognitive disability”, and provide flexibility to states as to the number of students whose alternative assessments may be counted for AYP purposes;
- provide states flexibility to adopt gain score or value-added measures for determining AYP;
- provide for waivers and extensions for LEAs in meeting the qualification requirements for teachers and paraprofessionals;
- when public funds under Title II, Part A are provided by LEAs to private school children, teachers, and other educational personnel for educational services on an equitable basis and in a timely manner, those private schools should be held to the same accountability standards that apply to public schools;
- ensure that the current law and subsequent revisions recognize that education is primarily a state and local responsibility.

If the Congress and the Department of Education do not make the proposed revisions to NCLB and its regulations, then Congress should suspend implementation of the relevant aspects of the law until the changes are made. (2003)

**36. NHSBA** recognizes and applauds the positive impact that NCLB can have on measuring and monitoring the progress of minority cohorts. However, the use of disaggregated data to measure AYP in smaller districts is more likely to lead to a school being falsely labeled as “In Need of Improvement”. This is of particular concern when a small number of low-performing students represent several different populations and therefore, lower the perceived ability of several different minority groups. (2006)

