

**New Hampshire School Boards Association  
Legislative Bulletin  
February 22, 2008**

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***A Weekly Update of Important Activity in the Legislature***

***Retirement***

A looming problem, with significant financial impact to local school districts, persists with the Retirement System. Current interpretation and practice by the state regarding funding for retiree medical subsidies results in significant increases in school district contributions. The rate for teachers is projected to increase by 50% next year. Nearly 40% is due to a new requirement that districts fund the medical subsidy, a benefit previously not paid for by employers. HB 1645 is a comprehensive bill proposing many needed changes to the Retirement System (see NHSBA testimony at [http://www.nhsba.org/legislative\\_bulletins.asp](http://www.nhsba.org/legislative_bulletins.asp)). A sub-committee working on the bill has endorsed changes to the governance structure of NHRS (Board of Trustees) as well as attempting to address the medical subsidy issue by transferring \$250 million from the Special Account to the Pension Fund. This transfer would help offset increases in employer rates incurred as a result of the new policy to charge public employers for the medical subsidy. Support for this bi-partisan bill is needed to help achieve necessary reforms to NHRS and restore its fiscal integrity.

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***Education Funding Constitutional Amendment***

The Senate, on a 19-5 vote, passed CACR 34, a proposed constitutional amendment allowing the state to meet its educational funding obligation by “distributing state funds for public education in the manner that it reasonably determines to alleviate local disparities.” The proposal does not address the spirit and meaning of the Claremont rulings and actually limits the rights of many children, eliminating their entitlement. It would allow the state to annually choose a funding level that is “reasonable” to allocate, ignoring many of our state’s communities and children. Much attention has been given to providing state aid to “wealthy” towns, but the simple fact is that the bulk of our communities are not rich. Different measures of wealth simply result in different rankings and positions on a continuum. Many of our middle-wealth districts have experienced the uncertainty that results from not knowing one year to the next whether they “fall off” the funding list due to state allocations and/or subtle changes in property wealth. The reality is that most districts need, and depend on, state funding to help implement the educational programs offered within their schools. That is why school board members at NHSBA’s Delegate Assembly in January adopted a resolution opposing “any constitutional amendment that vacates the spirit and intent of the Claremont and Londonderry lawsuits and attempts in anyway to limit or redirect funding in a manner that is contrary to the NH Supreme Court’s ruling and present interpretation of the NH Constitution.” CACR 34 now goes to the House for consideration.

**ACTION ITEM**

Please contact your local representatives and explain to them that they need to oppose this proposal when it comes before the NH House.

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***Committee Recommendations on Labor Bills Scheduled for March 5<sup>th</sup> House Vote***

***Teacher Non-renewal***

The House Education Committee voted 11-8 to recommend passage of HB 1330. The bill removes current language that makes State Board review of non-renewals the exclusive remedy for an appeal: non-renewal appeals could be arbitrated under the terms of a collective bargaining agreement or reviewed by the State Board. The standard for a State Board review is changed to “unjust or unreasonable”. Current language that school boards are not *required* to provide remedial assistance to correct deficiencies is deleted, leaving it ambiguous and ensuring litigation over this issue for all performance based non-renewals.

**ACTION ITEM**

Please contact your local representative and urge defeat of this bill. Allowing multiple opportunities for appeals will make non-renewals expensive and costly. The process has been working, with very few teachers actually non-renewed under the provisions in 189:14-a. Changing the standard for state board review eliminates local control and allows a hearing officer to substitute his or her own subjective judgment for that of the local school board.

### **Collective Bargaining**

The House Labor Committee voted 8-6 to recommend passage of HB 1436 and 9-4 for passage of HB 1469. HB 1436 implements statutory evergreen clauses, bypassing local legislative body approval of cost items. The bill requires the continuation of any pay plan included in a contract until a new agreement is settled. HB 1469 specifically adds, "matters directly related to safety considerations" to be bargained under the terms and conditions of employment. The overall safety of our students, staff and schools in general is a major concern to all school boards and their administrators. Local policies and emergency response plans are developed and coordinated with local fire, police and town officials to ensure a safe environment, and must be reviewed annually and updated as necessary: this is already required and not something to be negotiated.

### **ACTION ITEM**

Please contact your local representatives and urge defeat of these bills that tip the balance of negotiations and unilaterally implement pay raises without local voter approval. HB 1436 fosters a more adversarial bargaining process leading to more impasses, with no incentive for labor to bargain a new contract when automatic pay increases are guaranteed. HB 1469 will result in new "safety" issues to be bargained, with creative interpretations likely to appear in contract proposals.

**Please review the ACTION ITEMS above and contact your local representatives, senators, and committee members TODAY to voice your concerns regarding legislative proposals. Remember that you, through NHSBA, are the only locally elected officials that "speak" exclusively for public education in NH.**

For the complete text of any bill, go to <http://www.gencourt.state.nh.us/ns/billstatus/quickbill.html> and enter the bill number, e.g. HB1469, SB362 or CACR21 (no spaces!), and make sure the Session Year is 2008.

For more information on specific legislation, please call Dean Michener, NHSBA Director of Governmental Affairs at 603-228-2061, or email: [deanm@nhsba.org](mailto:deanm@nhsba.org).