

**New Hampshire School Boards Association
Legislative Bulletin
February 23, 2007**



This week at the New Hampshire State House

The House passed an amended version of **HB 89** this week. This bill in its original form allowed strikes by teachers. The Labor Committee amended the bill to call for the creation of a study committee examining alternative methods of dispute resolution, specifically including binding arbitration and the use of evergreen clauses. **HB 89** now moves to the Senate for consideration.

The House also passed, on a 202-150 roll call vote, **HB 143**. The bill requires damages in a lawsuit to be allocated among those defendants who remain in the case at the time of the verdict. This creates an undue pressure for settlements when a defendant, who may be minimally liable, could inherit the full financial responsibility for an award if the remaining defendants settle prior to a verdict. It is possible that a defendant with a majority of the responsibility, e.g. 90% at fault, could settle prior to a verdict; the remaining defendant, with only 10% fault, would then be liable for the entire award, less any money paid the plaintiff by the settlement, despite being minimally responsible for the injury. This could have a significant impact on local school districts and their insurance premiums. The bill now goes to the Senate.

In the Senate, **SB 72** was passed, deleting references to “minimum” in the context of the minimum standards for public school approval. The Senate had a committee recommendation to amend **SB 78**, but took no action on the bill, instead laying it on the table. As introduced, this bill allowed a parent or guardian of twins or other multiples to specify the classroom placement for their children. The Senate Education Committee recommended an amended version. The amendment allows parents to request a meeting with the principal to discuss the classroom placement of their children; the principal shall consider the parent’s recommendation, and then make a decision based on the best interest of all the children in the school. No action was taken on the proposed amendment because an alternative amendment was offered; the bill remains on the table for possible consideration at a future time.

Compulsory Attendance Bill: The Senate Education Committee hearing on **SB 18**, Governor Lynch’s initiative concerning dropouts and raising the age of compulsory attendance from age 16 to 18, was crowded with both supporters and opponents of the proposal. NHSBA President Susan Allen (Gilford School Board) offered testimony in support of the bill and its allowance of alternative learning plans to obtain either a high school diploma or its equivalent. President Allen shared NHSBA’s resolution on this issue, adopted at last November’s Delegate Assembly (see NHSBA resolutions http://www.nhsba.org/about_resolutions.asp), and welcomed the funding initiatives contained within the Governor’s budget proposal. The full text of the testimony can be viewed at http://www.nhsba.org/legislative_bulletins.asp. Also in Senate Education, NHSBA supported a related bill, **SB 101**, permitting at-risk students to attend an alternative education program at a regional vocational education

center and requiring the Department of Education to pay tuition and transportation costs for such attendance.

Committee Recommendations on Bills:

Vouchers: Two separate bills on vouchers/tax credits for non-public schools that NHSBA opposed both received committee recommendations of Inexpedient to Legislate (ITL). **HB 422**, an unconstitutional proposal to allow local communities to grant property tax abatements to homeowners whose children are enrolled in schools other than the local public schools, was recommended ITL on a 17-0 vote by the Municipal & County Govt. Committee. **HB 693**, which would establish a school choice certificate program, was recommended ITL on an 8-4 vote in the House Education Committee. These recommendations now go to the full House for consideration, possibly on March 7th.

More House Education Committee Recommendations:

Adequate Education: The House Education Committee voted to retain several bills that relate to defining an adequate education. The intent is to hold all education adequacy bills for review and recommendation by a sub-committee. Several bills currently in committee were retained for this purpose:

CACR 14, providing that state aid to public schools cannot decrease unless the number of students decreases;

HB 778, defining a preeminent scholastic educational foundation and repealing the statewide enhanced education tax and the distribution of adequate education grants;

HB 789, providing supplemental education grants for certain school districts;

HB 870, revising the method for calculating and disbursing adequate education grant amounts and distributing supplemental per pupil aid for certain pupils;

HB 904, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants.

At the sponsor's request, **HB 870**, relative to the calculation and disbursement of adequate education grants, was recommended Inexpedient to Legislate.

Members named by Chair Emma Rous to the sub-committee to review adequate education bills are: James Dunn (D, Keene), James O'Neil (D, Merrimack), Scott Merrick (D, Lancaster), Kim Casey (D, E. Kingston), Charles Yeaton (D, Epsom), David Hess (R, Hooksett), Sharon Carson (R, Londonderry), and Nancy Stiles (R, Hampton).

Other recommendations adopted by House Education Committee:

HB 37, notification requirements for criminal offenders: Ought to Pass as Amended (OTP/A). The amended version of the bill requires school districts to adopt a policy designating certain categories of volunteers who may be required to undergo a criminal history records check. Immunity from civil or criminal liability is provided when the district has followed adopted policy procedures. The bill also *allows* local law enforcement agencies to notify the superintendent of an SAU, and any principal, of criminal offenders expected to reside within the district.

HB 661, establishing an executive planning commission on special education: Ought to Pass (OTP). This bill creates a planning commission consisting of the governor, commissioners of education, health and human services, and regional technical

colleges, and the chancellor of the university system, to develop a plan for an improved comprehensive, systemic, and sustained approach to providing special education services. 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.

HB 669, providing grants of \$1,200 per kindergarten pupil and removing the repeal date on the kindergarten construction aid program: Ought to Pass as Amended (OTP/A). This bill puts into statute the provision for per pupil kindergarten grants for new kindergarten programs until such time as the pupils are counted in the ADM of the district for adequate education grants. The bill also extends the kindergarten construction aid program by removing the repeal date currently set for June 2008. A separate bill to extend kindergarten construction aid, **HB 651**, was recommended Inexpedient to Legislate (ITL) since it is no longer necessary.

HB 752, increasing per pupil charter school grants: Ought to Pass as Amended (OTP/A). This bill provides a modest increase in adequacy/equity grants to those charter schools that bypass local voter approval and receive authorization instead directly from the state. Beginning next year, the per pupil aid is set at \$4,000, with annual increases thereafter based on the northeast region consumer price index.

Upcoming Activity in the New Hampshire Legislature

The legislature takes a break and will be off next week, with no hearings scheduled.

Budget: Deliberations and details on the state budget will continue the following week with state agencies making presentations to meetings of the Finance Committee. The Department of Education is currently scheduled to appear before the committee on Thursday, March 8.

Adequate Education: The Joint Legislative Task Force on Defining "Adequacy" in Education continues to hold forums to gather public input on the definition of educational adequacy.

Remaining forums are scheduled for 6:30 – 8:00 pm on:

Monday, March 5, Dover City Hall Auditorium

Monday, March 12, Claremont Maple Avenue Elementary School

The House of Representatives has added an additional Education Forum to listen to input on defining an adequate education. Representative Emma Rous, Chair of the House Education Committee, invites constituents to attend and offer their opinions.

This session is scheduled for next Tuesday, February 27, at the Conway Elementary School cafeteria (160 Main St., Conway), from 6:30 – 8:00 pm.

The Task Force is charged with making recommendations for legislation to define a "constitutionally adequate education." The forums feature professional facilitation, a brief presentation on the state of the law, and a structured public comment period. In addition, NH Public Television will videotape each forum and make them available on its website via streaming video. Written public comment can also be submitted

through the taskforce's e-mail address: adequacy@leg.state.nh.us . NHSBA encourages your attendance at any of the forums and suggests reviewing the Association's position statement on guiding principles to consider in defining an adequate education (see NHSBA Statement on Adequacy at <http://www.nhsba.org/focuson.asp>).

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. HB422, or SB47 (no spaces!), and make sure the Session Year is 2007.

Make sure your local representatives know where their school board stands on important legislative proposals. Keep your legislators informed and aware.

Remember that you, through NHSBA, are the only locally elected officials that "speak" exclusively for public education in NH. Need some help? Learn how you can be involved in NHSBA'S Legislative Advocacy Network and make your board's voice heard.

Call NHSBA (800-272-0653) or (603-228-2061) today and be part of the team. For more information or details, or for information on specific legislation, please call Dean Michener at 603-228-2061.

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