

**New Hampshire School Boards Association
Legislative Bulletin
February 29, 2008**



A Weekly Update of Important Activity in the Legislature

***Significant Changes to Labor Laws Scheduled for NH House Vote on Wednesday, March 12th
Proposed Changes Circumvent Local Control and Tip the Balance of Negotiations***

Call your Representatives and Tell Them to VOTE NO on HBs 1330, 1436 and 1469

Teacher Non-renewal

HB 1330 removes current language that makes State Board review of non-renewals the exclusive remedy for an appeal, allowing non-renewal appeals to be arbitrated under the terms of a collective bargaining agreement. If appealed to the State Board, the standard for review is changed to “unjust or unreasonable”, allowing a hearing officer to substitute his or her own subjective judgment for that of the local school board. Current language that school boards are not *required* to provide remedial assistance to correct deficiencies is also 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 will also vote on two bills that dramatically change the collective bargaining laws. HB 1436 implements statutory evergreen clauses, bypassing local legislative body approval of cost items. This bill will require the continuation of any pay plan included in a contract until a new agreement is settled. Another bill, HB 1469, specifically adds, “matters directly related to safety considerations” to be bargained under the terms and conditions of employment. The overall safety of 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.

Education Funding – SB 539

On Tuesday, March 4 at 8:30, the Senate Education Committee will hold a public hearing on SB 539, relative to the cost of an adequate education and providing fiscal capacity disparity aid. The per pupil cost for an adequate education is set at \$3,450, plus differentiated aid based on numbers of pupils receiving special education services (\$3,610 for a self-contained program, \$1,789 for other programs) or who are English language learners (\$675). Differentiated aid based on students eligible for free or reduced-price meals is determined by the proportion they represent of the school’s ADM-Attendance. If the proportion of Free/Reduced is less than 12%, no additional aid; 12%-24%, \$863/pupil; 24%-36%, \$1,725/pupil; 36%-48%, \$2,588/pupil; more than 48%, \$3,450/pupil. Fiscal capacity disparity aid, above the cost of adequacy, is also provided based on relative wealth and need. More details will be provided in next week’s Bulletin.

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.