

New Hampshire School Boards Association Legislative Bulletin March 16, 2007



A Brief Review of Current State Legislative Issues

Retirement:

HB 653 Amendment. **HB 653** was originally introduced as a bill adding a municipal representative to the NH Retirement System Board of Trustees. Rep. Patricia McMahon (N. Sutton), a member of the Executive Departments and Administration Committee (ED&A) has proposed amending the bill entirely to reflect the recommendations of the working group on retirement (see Tuesday's Bulletin for a complete summary of the working group proposal at http://www.nhsba.org/legb_03_13_07.asp). A public hearing on the *amended* version of **HB 653** is scheduled for Monday, March 19 at 11:00.

ACTION ITEM: Please contact members of the House ED&A Committee, especially Rep. Anne-Marie Irwin, Chair, Rep. Laurie Harding, Vice Chair, and Rep. Patricia McMahon at

<http://gencourt.state.nh.us/ns/billstatus/commdetails.asp?txtcommcode=H07>.

Support for this amendment, with its compromise for both labor and management, is critical to address necessary changes in the retirement system. NHSBA was part of the management representation on the working group that developed the recommendations.

Special Education:

Several bills relating to special education remain in House Education, under review by a sub-committee. Decisions will happen quickly since voting by the full Education Committee is scheduled for next Tuesday, March 20. Each bill has significant concerns for school boards.

HB 677 puts in state statute the right for parents to collect expert witness fees, negating a June 2006, US Supreme Court ruling that IDEA does not allow a parent to recover such fees. HB 677 would expand state obligations beyond federal requirements, creating an unfunded mandate on school districts.

HB 678 has very punitive monitoring and corrective action procedures. It requires districts to pay for corrective actions, to board children as close as possible to the institution when placed out-of-district, pay for implant, replacement and maintenance of medical devices, and use district staff to provide

services to county prison inmates, all of which are additional costs on districts. **HB 679** replaces the term "educationally related services" in statute 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 amendments of 2004.

HB 765 would obligate public schools and public academies that accept non-resident tuition students to provide FAPE for those students, creating a new financial burden.

HB 766 amends sections relating to the juvenile justice statutes. The change is ambiguous in how it uses the term "disability" and also allows juvenile courts to overrule state hearing officer decisions.

Mapping for cochlear implants would become a district responsibility; IDEA currently excludes these costs. The 2004 reauthorization of IDEA also relaxed requirements regarding benchmarks for alternative assessments; these proposals seek to make them a required 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. Current law ties provision of services to district of residence; these proposals create a new financial burden for public schools and academies that accept nonresident students. The bottom line is that the proposals seek to expand state requirements beyond those established in federal law, raising unfunded 28-A questions.

ACTION ITEM: Concerns with these expanded requirements and additional costs should be directed to members of the House Education Committee, available at

<http://gencourt.state.nh.us/ns/billstatus/commdetails.asp?txtcommcode=H05>.

Collective Bargaining:

SB 88 passed in the Senate this week on a 17-7 vote. This bill reduces the minimum number of employees for a bargaining unit from 10 to 3, and requires the continuation of any pay plan in an agreement if a new agreement is not reached when the contract expires (statutory evergreen clause). The bill also adds, "matters directly related to safety considerations" as items to be bargained under the terms and conditions of employment, and removes "number of personnel" from managerial policy, making it subject to bargaining.

ACTION ITEM: Please contact your local representative and alert them to this bill. When sent to the House, it will likely be assigned to the Labor, Industrial and Rehabilitative Services Committee. Representatives should know that the bill tips the balance of power in negotiations and unilaterally implements pay raises without local voter approval. Also

remind your representative that the House already passed HB 89, creating a study committee on dispute resolution between local political subdivisions and public employees, specifically including the issue of evergreen clauses.

Adequate Education:

Sub-committee discussion has been based on consideration of several documents, including the State Minimum Standards for Public School Approval, curriculum frameworks, and grade-level expectations (NECAP test specifications). It is anticipated that the governor's proposal, **HB 927**, will be the bill that is used to incorporate committee recommendations on the specific criteria and substantive educational program that defines an adequate education. The full House Education Committee is expected to vote on this issue next Thursday, March 22.

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. HB678, or SB78 (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, NHSBA Director of Governmental Affairs, at 603-228-2061 or email deanm@nhsba.org.