

**New Hampshire School Boards Association  
Legislative Bulletin  
March 7, 2008**



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*A Weekly Update of Important Activity in the Legislature*

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***Important Upcoming HOUSE Votes on Labor Laws  
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 – ACTION ITEM***

HB 1330 removes current language that makes State Board review of non-renewals the exclusive remedy for an appeal and allows non-renewals to be arbitrated. It also changes the standard for a State Board review to “unjust or unreasonable”, allowing a hearing officer to substitute his or her own subjective judgment for that of the local school board. 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 overrides local decisions.

***Collective Bargaining – ACTION ITEM***

HB 1436 implements statutory evergreen clauses, bypassing local legislative body approval of cost items. It 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. It ignores current requirements for local policies and emergency response plans that are developed and coordinated with local fire, police and town officials to ensure a safe environment; these are reviewed annually and updated as necessary. These bills 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.

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***Cost of an Adequate Education – SB 539***

The amendment provides fiscal capacity disparity aid in addition to the cost of an adequate education. The per pupil cost of adequacy 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/ADM-A; 24%-36%, \$1,725/ADM-A; 36%-48%, \$2,588/ADM-A; more than 48%, \$3,450/ADM-A. Fiscal capacity disparity aid, above the cost of adequacy, is provided for communities in the lowest quartile of property wealth/pupil if the town is ALSO below average in median family income. Municipalities in the lower half of the lowest quartile receive \$2,000/ADM-Residence; those in the upper half of the lowest quartile receive \$1,250/ADM-R. The bill is scheduled on the Senate floor next Thursday, March 13. Assuming it passes, it will go to Senate Finance for further review, with another Senate vote on March 20, crossover day, the last day to act on a bill before it moves to the other body (House).

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***Retirement – HB 1465***

The joint subcommittee of House Finance and Executive Departments and Administration continues to work on this omnibus bill proposing needed changes to the Retirement System. The bill recognizes the complexity of a \$6 billion system and modifies the governance structure by adding people with subject matter expertise. It also addresses, in part, the medical subsidy issue by transferring \$250 million from the Special Account to the Pension Fund. This helps offset employer funding increases incurred as a result of the new policy to charge employers for the medical subsidy. Additional actuary information will be provided to the working subcommittee, which must then make a recommendation for consideration by the entire Finance and ED&A Committees next Thursday, March 13. The bill must then go before the full House for a vote no later than March 20, crossover day, the last day to act on a bill before it moves to the other body (Senate). Support for this bi-partisan bill is needed to help achieve necessary reforms to NHRS and restore its fiscal

integrity. We urge you to discuss these issues with your local representatives and ask them to support HB 1645.

**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).