

New Hampshire School Boards Association
Legislative Bulletin
April 4, 2008



A Weekly Update of Important Activity in the Legislature

Education Funding – Adequacy: SB 539

The House Education Committee held a lengthy public hearing this week and is scheduled to meet in executive session next Tuesday afternoon. Assuming the committee votes on a recommendation, the bill would then go to the full House for a vote, to be followed with further review by the Finance Committee and then another House vote. Previous NHSBA Bulletins ([March 14, 21, 28](#)) contain information on how calculations are determined, and a [spreadsheet](#) of the current proposal is also available on our website. Briefly, the current proposal determines the per pupil cost of adequacy which includes differentiated aid based on the number of pupils receiving special education services, or eligible for free/reduced price meals, or who are English language learners. Additional fiscal capacity disparity aid, above adequacy, is provided based on property wealth per pupil and median family income, as well as transition aid for certain districts, with limitations again based on property wealth and income wealth characteristics.

Education Funding – Kindergarten: SB 530

The House Education Committee also received public input on this bill providing aid to those districts not currently offering kindergarten. NHSBA resolutions support the requirement of kindergarten, but also call for the state to fully fund any new requirement that districts offer kindergarten. SB 530 requires the state to cover either 75% of the actual cost of construction of facilities, or 100% of the cost of design and construction of a “basic code compliant kindergarten facility”. In supporting the bill, the Dept. of Education explained the shortcomings of “basic code compliant” construction. The committee is scheduled to vote on the bill April 8.

Education Funding – Constitutional Amendment: CACR 34

The Finance Committee continues to struggle with the language and implications of this proposed amendment. A full committee work session is scheduled for the morning of Tuesday, April 15.

ACTION ITEM

Please contact members of the [House Finance Committee](#) and also talk with your local representatives now. Share with legislators your concerns over potential state aid losses and corresponding impact on school budgets. While NH may have a few outliers on wealth factors, most communities are not wealthy and rely on state aid. Historically, Foundation Aid was a “targeted” aid program, requiring over \$200 million in funding, yet usually \$30-\$50 million was appropriated, and at its best only \$60+ million, leaving “average” districts with little or no financial support.

Special Education – HB 766

The [Senate Education Committee](#) continues to review this bill that makes many important and worthwhile changes to our special education laws, incorporating revisions needed by the reauthorization of IDEA. However, the bill has certain provisions that exceed current federal and state law, imposing new mandates on school districts. These include: 1) a requirement for short-term objectives, ignoring the fact that statements of measurable annual goals are already required; 2) provision for awarding expert witness fees, again ignoring the fact that parents already have access to publicly funded independent evaluations; 3) deletes the current definition of “developmentally delayed child”, replacing it with unknown criteria to be established by the state board of education, thus allowing for an expansion in scope of services; 4) changing the determination for when extended school year services are provided, potentially resulting in more challenges and attempts to expand this service; and 5) changes the program monitoring & review process to include overly harsh penalties with possible new costs.

ACTION ITEM

Please share with the committee, as well as your own senator, these relatively few changes that are needed to improve the bill and make it more practical and feasible for implementation.

Retirement – HB 1645

This omnibus bill will undergo several review sessions before the Senate [Executive Departments and Administration Committee](#): the first public hearing is scheduled for April 9 to review what constitutes the retirement benefit and who pays for it. Future sessions will address the medical subsidy, governance structure and COLA provisions. HB 1645

incorporates needed changes to the Retirement System, most notably the transfer of \$250 million from the Special Account to the Pension Fund to help offset increases in employer contribution rates. It also acknowledges the complexity of a \$6 billion system and modifies the governance structure of the Board of Trustees. The overall number of Trustees is reduced from 14 to 12, incorporating people with subject matter expertise, and mitigating stakeholder impact by reducing their representation by one member in each category for both Groups, thus making Group I/II representatives less than a majority of the Board. (For further information on this bill, see NHSBA [testimony](#) and previous [Bulletins](#).)

ACTION ITEM

Please contact your senator and urge support for this bill that incorporates changes contained in the report of the Commission established last year to make recommendations to ensure the long-term viability of NHRS. Those include removing the automatic 8% increase in the medical subsidy benefit and transfer of \$250 million earmarked for health benefits from the Special Account into the pension fund. The \$250 million transfer is crucial to offset increases in employer contribution rates beyond the normal pension cost, mitigating the potential 28-a unfunded mandate resulting from adding the cost of the medical subsidy to the employer contribution rate.

Labor Relations – Teacher Nonrenewal: SB 374 and HB 1330

SB 374 is scheduled for public testimony before the [House Education Committee](#) next Tuesday, April 8, at 11:00. SB 374, as well as HB 1330, will change the nonrenewal process by removing current language making State Board review of non-renewals the exclusive remedy for an appeal. Both bills will allow non-renewal appeals to be arbitrated under the terms of a collective bargaining agreement or reviewed by the State Board. The standard for a State Board review remains unchanged at “clearly erroneous”. HB 1330 has been assigned to the [Senate Education Committee](#) but has not yet been scheduled for public testimony.

ACTION ITEM

Please contact your legislators and alert them to these bills. 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. Specific language was adopted in 2003 requiring written notice of unsatisfactory performance, opportunity to correct the deficiency, and proof that the teacher failed to correct the unsatisfactory performance. This language has been working and nobody has testified to any problems or controversy. The proposed change is unnecessary.

Labor Relations – Evergreen Clause: HB 1436

This bill, not yet scheduled for public testimony, has been assigned to the Senate [Commerce, Labor and Consumer Protection Committee](#). HB 1436 requires the continuation of the terms of a collective bargaining agreement if an impasse between public employers and employees is not resolved, specifically requiring the continuation of any pay plan until a new successor agreement is implemented. The bill will erode local control by implementing pay raises without legislative body approval.

ACTION ITEM

Please contact your senator and members of the committee, urging them to oppose this bill that tips the balance of negotiations and unilaterally implements 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.

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.