

**New Hampshire School Boards Association**  
**Legislative Bulletin**  
**May 23, 2008**

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*A Weekly Update of Important Activity in the Legislature*

***The following bills have Conference Committees attempting to resolve differences by May 30.***

**HB 1645 – Retirement:** The House and Senate versions both contain a \$250 million transfer from the Special Account to the corpus of the annuity fund, to off-set immediate increases in rates next year, as well as limiting increases in the medical subsidy. But the Senate version increases liabilities associated with the retirement fund and removes language aimed at long-term cost savings in benefits. We need to call for “hold harmless” language in the bill, ensuring that if projected estimates are less than actual costs, local taxpayers are protected from funding the medical subsidy, a benefit never intended to be an expense for employers. The Senate version also leaves the current governance structure (Board of Trustees) unchanged. The House version acknowledges the complexity of a \$6 billion system and adds two new trustee positions with financial and investment expertise while eliminating duplicate representation for Group I and II members, reducing their number from 8 to 4.

**ACTION ITEM – SUPPORT THE HOUSE VERSION OF HB 1645**

Please contact [your local representatives](#) and explain that passage of a balanced version of HB 1645 is critical. In addition to addressing the needs of our public employees and retirees, consideration of local property taxpayer burdens is also necessary. The Special Account was always intended to be the source of funding for the medical subsidy and the current bill needs an amendment to hold taxpayers harmless for any increase in employer rates due to this benefit. In addition, the bill should include a change in governance that acknowledges the complexity of a \$6 billion system: support the House recommendation of two new trustee positions with financial and investment expertise and the elimination of duplicate representation for Group I and II members, reducing their number from 8 to 4.

**HB 1642 – Charter School Funding:** The House version provided \$1.5 million from the Education Trust Fund for supplemental grants to charter schools for the 2008-09 school year. The Senate version was amended to \$1 per pupil due to budget constraints. We need to remain diligent in not allowing local school districts to be the source of revenue for these supplemental grants for state-approved charter schools.

**ACTION ITEM – OPPOSE EFFORTS TO MAKE SCHOOL DISTRICTS FUND CHARTER SCHOOLS**

Please contact [your local representatives](#) and remind them that state approved charter schools by-passed the local voter approval process. Legislators should not approve any funding scheme that attempts to charge local school districts for those pupils choosing to attend a state approved charter school.

**SB 530 – Kindergarten:** Both the House and Senate versions of this bill provide for the state paying for up to 3 years of temporary leased portable classrooms, and covering 75% of the actual cost of construction or 100% of “basic, code compliant” construction. The House version allows districts to contract with private programs before having to create their own public kindergarten program: districts may contract with a private entity to provide a kindergarten program for a period not to exceed 4 years.

**HB 765 – Financial responsibility for Special Education:** The House and Senate will likely agree to a technical correction to this bill, which establishes a committee to study the financial liability for placement of a child with a disability. A report is due on or before November 1, 2008.

***The following bills were resolved this week in House/Senate action.***

***Labor Relations – Evergreen Clause: HB 1436***

The House concurred with the Senate version of this bill that continues the terms of “any pay plan” in a contract after its expiration, when a new contract has not been settled. The adopted language specifically excludes cost of living increases. The language now reads, “For collective bargaining agreements entered into after the effective date of this section, if the impasse is not resolved at the time of the expiration of the parties' agreement, the terms of the collective bargaining agreement shall continue in force and effect, including but not limited to the continuation of any pay plan included in the agreement, until a new agreement shall be executed. Provided, however, that for the purposes of this paragraph, the terms shall not include cost of living increases and nothing in this paragraph shall require payments of cost

of living increases during the time period between contracts.”

#### **ACTION ITEM – OPPOSE HB 1436**

Please call or write Governor Lynch (State House, 25 Capitol Street, Concord, NH 03301 - [or email](#)) and urge his veto of HB 1436. (See [NHSBA testimony](#).) School districts should not be forced to pay raises without local voter approval; it undermines the power and authority of our locally based system of governance.

#### **Labor Relations – Teacher Nonrenewal: HB 1330 and SB 374**

These two bills both proposed similar changes to the teacher nonrenewal process. SB 374 was killed, but agreement was reached on HB 1330. It removes current language making State Board review of teacher nonrenewals the exclusive remedy for an appeal, allowing nonrenewal appeals to be arbitrated under the terms of a collective bargaining agreement or reviewed by the State Board. The bill leaves intact current language that stipulates there is no REQUIREMENT for a district to provide remediation, thus making it clear that remediation assistance is not mandated.

#### **Health Curriculum Requirements: SB 359**

Agreement was reached on this bill that updates the health education curriculum to include instruction on the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system. The bill also requires school districts to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on religious objections, provided such policy includes a provision for alternative learning sufficient to enable the child to meet state requirements for health education.

#### **Home Education: SB 337**

Agreement was reached on this bill that amends the notification requirements for commencing or continuing a home education program, adds legislative members to the home education advisory council, and establishes a commission to examine New Hampshire’s home education statutes. Parents commencing a home education program must give notice within 5 days of commencing the program; if continuing a program, notice must be given by the first school day as determined by the child’s resident school district calendar.

#### **Affordable Housing: SB 342**

Agreement was reached on this bill that requires municipalities that exercise the power to adopt land use ordinances to provide opportunities for the development of workforce housing, and also establishes a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing. School Boards need to consider this when anticipating future enrollments and building capacities.

#### **Regional Vocational Education Funding: HB 1563**

Agreement was reached on this bill authorizing public academies that serve as regional vocational education centers to be eligible for state funding for construction or renovation.

#### **Pre-engineering Technology Curriculum: HB 1282**

Agreement was reached on this bill that requires the department of education to facilitate the development and implementation of a pre-engineering technology curriculum for public school students in grades 6-12.

#### **Pre-School Incentive Fund: HB 1299**

Agreement was reached on this bill that establishes a commission to study the feasibility of creating a preschool incentive fund program. A report is due on or before November 1, 2008.

#### **Laptop Computers for 7<sup>th</sup> Graders: HB 330**

Agreement was reached on this bill that establishes a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state. A report is due on or before November 1, 2008.

### ***Special Education: HB 679 and HB 766***

The House and Senate came to agreement on these two bills that represent a product of the five separate special education bills introduced last year. HB 679 contains provisions primarily addressing neglected and delinquent children, and HB 766 specifically updates the special education statute (186-C).

**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/bill\\_status/quick\\_search.html](http://www.gencourt.state.nh.us/bill_status/quick_search.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).