

# *New Hampshire School Boards Association*



**N H S B A**  
NEW HAMPSHIRE  
SCHOOL BOARDS  
ASSOCIATION  
Incorporated 1946

## *2006 Legislative Summary*

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# **2006 LEGISLATIVE SUMMARY**

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# NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

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Executive Director

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Director of Governmental Affairs

June 2006

On behalf of the New Hampshire School Boards Association, we are pleased to provide this summary of the 2006 legislative session. This document is meant to serve as a synopsis of actions taken by the 2006 New Hampshire Legislature related to public education, not a comprehensive report. We offer this document as a working reference tool for member school boards of the New Hampshire School Boards Association, as well as legislators, in hopes that it will assist all of us in staying current in the ever-changing field of New Hampshire school law.

While adequacy/equity education funding dominated last year's session, 2006 was focused on choice and voucher issues, open enrollment, charter school funding and age of compulsory attendance in school. The House Education Committee alone had over 40 bills to resolve this year. Many of these bills were also related to special education issues, and House Education Committee Chair Stephen L'Heureux established an ad hoc committee to review the statutes. This work will continue in a study of HB 1532, a bill originally submitted to revise certain sections of RSA 186-C, the special education statute.

We would like to extend our appreciation to the many local School Board members and local school administrators who actively worked with their area legislators to assure that positions of NHSBA were communicated in an aggressive and timely manner, especially on the variety of issues discussed in this document. Working with NHSBA's Legislative Advocacy Network, local school board members closely involved with the issues were able to communicate school board positions and perspectives on various legislative proposals.

The New Hampshire School Boards Association also offers appreciation to members of both the Senate and House of Representatives for their continued support of public education during extremely difficult economic times. We offer a special "thank you" to members of the Education Committees in both the House and Senate for their dedication and commitment to the youth of our state.

This Summary is intended to highlight the major education-related bills of the 2006 legislative session. In many instances, the complexity of a new education law will demand an in-depth review; in other cases, the intent and implication of a particular piece of legislation may be quite clear. This document summarizes major new school laws. Language offered here is generic in nature and is not intended to cover specific circumstances. Prior to taking any action related to new laws, the complete text should be reviewed with local district legal counsel.

Please contact our office for any additional information on items that appear in this document or to request copies of any newly enacted piece of legislation.

Sincerely,

Theodore Comstock, Esq.  
Executive Director

Dean Michener  
Director of Governmental Affairs

**NEW HAMPSHIRE  
SCHOOL BOARDS  
ASSOCIATION**

**BOARD OF DIRECTORS**

Susan D. Allen, President  
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Dir. Governmental Affairs

New Hampshire School Boards Association

# RESOLUTIONS FOR 2006

Adopted by the 2005 NHSBA Delegate Assembly – November 5, 2005

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## School Funding:

### Choice – Charter Schools

1. *NHSBA* supports the utilization of public education funds solely for public school purposes as determined by the local school boards. (1991)
2. *NHSBA* urges the NH Legislature and Congress to oppose any efforts to subsidize elementary or secondary private, religious or home schools with public tax dollars. Specifically, *NHSBA* opposes the creation of vouchers, tax credits and tax subsidies that in any form are targeted to the tuition or expenses for non-public K-12 schools. Rather than diverting scarce tax dollars away from our public school classrooms, *NHSBA* urges the NH Legislature and Congress to support improvements in our public schools and meet current funding obligations and promises, benefiting the vast majority of America's children who are educated daily in our public schools. (2005)
3. *NHSBA* proposes that for any charter school authorized by the State Board of Education, state aid entitlements under RSA 198:42 should be paid directly to the charter school from state funds which are separate from local district grants.

### State Aid to Education

4. *NHSBA* opposes the dramatic and unpredictable changes in educational funding each year – often with solid information only coming to the school districts after the balloting or school district meetings are done.

*NHSBA* opposes any new educational funding legislation, passed and enacted by the Legislature, which takes effect any earlier than the next biennium. School boards cannot be expected to work with legislation passed after the budget cycle for the following year is completed. (2005)

5. *NHSBA* proposes that the state fully fund all state education aid formulas before the funding of any other state obligation. (1994)
6. *NHSBA* urges the Legislature to utilize the resources of the NH Department of Education, including the Department's statistical data, to define a curriculum that comprises an "adequate education" in the State of NH, and further to calculate the actual cost of an "adequate education," and to develop an Adequate Educational Funding distribution formula which is consistent with the spirit of the Claremont decisions. (2005)
7. *NHSBA* proposes that the state develop an equitable and sustainable tax plan dedicated solely to education for the purpose of fully funding a constitutionally adequate education for all students in the state. (2002)
8. *NHSBA* supports Building Aid at a level of no less than 55% for all School Districts in the State for bonds. (2000)
9. *NHSBA* supports reducing the threshold for determining the local share of a catastrophic aid special education placement to 2 times the state average elementary and secondary costs of general education. (1998)
10. *NHSBA* resolves that the New Hampshire Legislature solve the educational funding crisis in a fair and equitable manner throughout the state and that all education monies so raised be distributed to school districts for the purpose of educational funding. (2001)

### Health Care

11. *NHSBA* supports a statewide effort to work with legislative bodies to address the spiraling costs associated with health care benefits borne by the school districts in New Hampshire. (2005)

### Local Control:

#### School District Autonomy

12. *NHSBA* supports legislation to lower the mandated 2/3-majority vote for passing a bond article to 60% for all school districts. (1997)
13. *NHSBA* supports the continued ability for Cooperative School Districts to adopt apportionment formulas based on locally determined factors. (2000)

14. *NHSBA* supports amending current law to allow school districts to establish a non-lapsing contingency fund to meet the cost of unanticipated expenses. (2001)

**PELRB**

15. *NHSBA* urges the Legislature to review the practices, decisions, and potential bias against public employers by the PELRB. (2000).

**School Safety:**

16. *NHSBA* supports legislation which excludes public schools from being designated as neutral ground for visitation purposes for children of parents undergoing a divorce procedure by legal or other administrative orders. (1998)
17. *NHSBA* supports efforts to enact legislation which would require notification to school districts of restraining orders related to a student's behavior. (1999)

**State Board of Education:**

18. *NHSBA* supports the concept and duties of the State Board of Education as established in RSA 21-N:10-11. In its capacity to review all programs, advise on goals and hear appeals, the State Board of Education should have the authority to appoint the Commissioner of Education as well as confirm the Deputy Commissioner and division directors nominated by the Commissioner of Education. (2005)
19. *NHSBA* supports the State Board of Education's focus on Attracting and Retaining Quality Educators in New Hampshire, as highlighted in its recommendations reported May 2001. *NHSBA* urges the State Board to continue this effort as well as monitoring all New Hampshire teacher-training programs to ensure that an adequate supply of new and highly qualified educators is available in New Hampshire. (1998)
20. *NHSBA* believes that all components of state testing (English Language Arts, Writing Prompt, Mathematics, Science, and Social Studies) should continue to be given annually at the end of the school year with appropriate and immediate steps being taken to ensure that these test results are received by school districts no later than the following July 1. Valid data to assess school performance relies on measuring individual student progress: NH should adopt gain score or value-added measures as the principal means for determining AYP. If NH does not adopt gains-

score or value-added measures as the principal means for determining AYP, then annual testing should take place at the beginning of the school year so that information may be used instructionally during the year. (1998)

21. *NHSBA* opposes the changes in student assessment at the state level which are resulting in fewer content and skill areas tested, especially the loss of the writing assessment. Basing assessment decisions on availability of funding rather than on what is best for the students of New Hampshire is not something that *NHSBA* can support. (2005)
22. *NHSBA* supports the inclusion of only students who have enrolled in a district continuously for the previous school year in the numbers calculated for AYP as defined by NCLB. (2005)
23. *NHSBA* proposes that the Department of Education develop and maintain a database of available grants and other funding mechanisms to assist local school districts in their grant writing efforts and funding of locally determined programs. (2002)
24. *NHSBA* urges the State Board of Education to conduct a statewide study of the “traditional” school calendar utilized by most public school districts in New Hampshire and to issue a summary report of its findings, conclusions and recommendations. (2003)
25. *NHSBA* urges the NH State Board of Education to adopt Standards of NH School Approval which emphasize qualitative standards rather than quantitative standards. (2003)
26. *NHSBA* proposes that the New Hampshire State Board of Education require that kindergarten be established as a minimum standard for New Hampshire public schools. (2003)
27. *NHSBA* urges the State to fully fund any minimum standards which requires districts to offer kindergarten. (2005)
28. *NHSBA* supports the development and implementation of poverty indicators for Title I eligibility, which best reflect the current distribution of children from low income families in the public schools across the State and maximizes the number of districts eligible for Title I funds. (2003)

29. *NHSBA* proposes that the State Department of Education develop evaluation and accountability criteria for the state's charter schools to ensure their financial stability as well as sound educational objectives.

### *Federal Legislation:*

#### IDEA

30. *NHSBA* urges the U.S. Congress to appropriate funds to pay 40% of the cost of implementing IDEA, and to fully fund any additional requirements in the area of special education and to provide financial impact statements. (1990)
31. Since its original enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has played a pivotal role to assure that students with disabilities receive the services they need for their success. *NHSBA* supports and applauds the efforts and goals encompassed by IDEA's mission.

As our Congress considers the reauthorization of IDEA, *NHSBA* believes attention should be directed at components of the program that are moving away from the original mission of educating children to a mission that involves a wider range of functions. *NHSBA* believes that for special education to achieve its potential in today's environment, several areas should receive attention. *NHSBA* proposes that federal reauthorization of IDEA address these specific priority concerns in the following areas:

- federal funding - Congress should fully fund the federal share of IDEA as a mandatory program;
- teacher recruitment and retention - federal law should create and encourage incentives for new teachers seeking special education certification;
- administration and paperwork - federal law should ease the current complex paper trail aimed at documenting compliance as well as allowing greater flexibility in the IEP process;
- due-process hearings - federal law should provide for adequate notice of issues and good-faith mediation
- related services - federal law should identify the financial role of other governmental units rather than fix all costs for related services on the narrow portion of the tax base that just serves education;
- private placements - federal law should focus on whether a substantive deprivation of educational opportunities exists in the public setting before consideration of private placement;
- safe learning environment - federal law should allow local school district personnel the flexibility and discretion to make appropriate discipline determinations that are in the best interests of all students when it comes to disciplining children with disabilities;

- over identification - federal law should clarify the definition of those disabilities that can result in over identification. (2002)

### **No Child Left Behind**

32. *NHSBA* supports and applauds the stated objectives of the federal No Child Left Behind Act. While welcoming the interest of the federal government in joining school boards in the effort to improve public education, *NHSBA* objects to several key provisions in NCLB that are unworkable, too costly and inconsistent with effective efforts to raise student achievement. Specifically, *NHSBA* supports amendments to NCLB and revisions to Department of Education regulations that will provide full funding as well as flexibility in order to address the barriers facing local educational agencies (LEAs) in the successful and effective implementation of NCLB, including:

- provide federal funding consistent with the levels authorized for education programs and the expanded information systems that are needed;
- permit alternative methodology for determining AYP targets and progress for students with disabilities, and for students with limited English proficiency;
- authorize alternative assessments for students with limited English proficiency and for students with disabilities beyond that of “significant cognitive disability”, and provide flexibility to states as to the number of students whose alternative assessments may be counted for AYP purposes;
- provide states flexibility to adopt gain score or value-added measures for determining AYP;
- provide for waivers and extensions for LEAs in meeting the qualification requirements for teachers and paraprofessionals;
- when public funds under Title II, Part A are provided by LEAs to private school children, teachers, and other educational personnel for educational services on an equitable basis and in a timely manner, those private schools should be held to the same accountability standards that apply to public schools;
- ensure that the current law and subsequent revisions recognize that education is primarily a state and local responsibility.

If the Congress and the Department of Education do not make the proposed revisions to NCLB and its regulations, then Congress should suspend implementation of the relevant aspects of the law until the changes are made. (2003)

**SUMMARY OF**  
**MAJOR EDUCATION-RELATED LEGISLATION**  
**PASSED DURING THE**  
**2006 LEGISLATIVE SESSION**

***Money and School Funding***

In general, second-year sessions cannot consider legislation substantially similar to any proposal that was killed in the first year. Funding issues, which are certainly tied to the overall budget that gets adopted in the first year, also are not usually considered in the second year. While adequacy/equity funding took a break, there were several important money bills for education, ranging from donor town status to supplemental building aid to reimbursement for school breakfasts.

The major bills affecting education aid that ultimately passed include:

- SB 308** Chapter 158, supplemental building aid for fy 2006, covers the \$900,000 shortfall this year. **NHSBA resolution #5 specifically addressed this issue**, but school districts remain approximately 8% short of entitlements for fy 2007, needing \$3.5 million to cover full funding of building aid next year.
- HB 76** Chapter 301, relative to the distribution of state aid to charter schools. **NHSBA specifically addressed the policy issue of this bill in resolutions 1 & 3.** The state is now required to pay education aid directly to those charter schools receiving authorization from the state pursuant to 194-B:3-a, thus bypassing local voter approval. The money necessary to fund these payments will come from the education trust fund. In addition, one-time 'seed grants' of \$100,000 for charter school start-up costs is now available. The seed grants are to be awarded on a first-come first-served basis for a total of \$400,000 in state money, which is funded from the education trust fund. In addition, the Department of Education is required to apply for any federal funding available to charter schools, using this money to support the \$100,000 seed grants.
- HB 100** Chapter 6, amending the calculation and reporting of the statewide enhanced education tax and impacting the determination of donor towns. This tax is set annually at a rate to raise \$363 million. For fy 2006, the rate

was \$2.84; for fy 2007, the rate will be \$2.52. The revenue raised from all sources (*including* equitable education grants but *excluding* the statewide education tax) is subtracted from the total school appropriation. If the resulting amount is less than the state tax assessment, the difference is owed to the state as the amount of 'donor' funds.

- HB 1157** Chapter 139 amends the definition of a "sending district" and financial responsibility for the purposes of children placed in homes for children, health care facilities, or state institutions. The current reference to determination of a change in sending district when custody is transferred subsequent to the original placement has been deleted.
- HB 1241** Chapter 198 extends the kindergarten construction aid program through the fiscal year ending June 30, 2008. (**NHSBA resolutions 5 and 26 specifically addressed this issue.**)
- HB 1249** Chapter 127 requires school districts participating in the National School Breakfast Program to maintain annual statistics on the number of breakfast meals served to pupils: \$100,000 is appropriated for fy 2007 to reimburse schools 3 cents for each breakfast meal served to a pupil.
- HB 1593** Chapter 131, relative to building aid, makes the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes, eligible for building aid.
- HB 1626** Chapter 258, originally a bill relative to appropriations for certain state departments, was amended in conference committee to include early learning opportunity initiatives first proposed in SB 306. The bill provides \$500,000 for a first-come, first-served quality early learning opportunity for child-care enrolled children in families whose income is less than 250% of poverty.
- HB 1648** Chapter 236 requires the departments of education and health and human services to provide educational or residential services, or both, to certain children in court-ordered residential placements. This amendment applies to a small population of children who are court involved in NH and have been placed by the Court in foster homes or other residential educational facilities; the parents have moved out-of-state and there is no LEA in NH assuming financial responsibility.

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### *School District Governance and Operations*

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The 2006 legislative session considered many bills that would have an impact on how local districts, SAUs and towns operate. Major bills of interest to educators include:

- SB 252** Chapter 268 defines "speech-language assistant" for purposes of speech language pathology practice and requires speech-language assistants to be

certified by the speech language pathology governing board, which would establish certain minimum qualifications for these assistants. An amendment was adopted exempting speech-language assistants employed by all public schools, and schools approved by the department of education, from these new requirements. This is in addition to the current exemption for speech-language specialists.

- HB 1113** Chapter 191 adds a definition of “public academy” to the definition of “high school”. The bill also amends 198:38, VII, relative to defining instruction in English for speakers of other languages, to make reference to receiving 5 or more “sessions” per week, instead of “hours”. A session is defined as not less than 40 minutes. Two new members are also added to the State Advisory Committee on the Education of Children/Students with Disabilities: one official who carries out activities under the McKinney-Vento Homeless Assistance Act, and one from the Dept. HHS responsible for foster care.
- HB 1128** Chapter 51 requires employers of teachers in the retirement system to maintain proof of the teacher’s certification and make such proof available to the retirement system. The bill also extends from Feb. 1 to May 31 the deadline for the legislature to approve COLAs for the following year.
- HB 1184** Chapter 12 makes a technical correction for official ballot (SB 2) districts. Bond approval in these districts requires a 3/5 vote, but if a balance remained in the account, it required a 2/3 vote to authorize use of that remaining balance. HB 1184 corrected this oversight, making it a 3/5 vote for the same margin of approval.
- HB 1189** Chapter 79 amends RSA 14:31, defining the general duties of the office of the legislative budget assistant, which oversees audits for the legislature. Duties include investigations, analyses, or research into the financial activities and condition or the financial management procedures, of any department, agency, commission, etc. HB 1189 adds political subdivisions or entities expending state funds to the list of bodies subject to these investigations. The authority to investigate, analyze, or research these non-state agencies is limited to 5 entities in a 5-year period.
- HB 1362** Chapter 69 allows school bus owners or operators to make audio and video recordings on a school bus. Audio recordings of students on school busses is permitted if the school board, after a public hearing, authorizes the recording and the parents and students are notified of the recording.
- HB 1497** Chapter 60 requires the school district superintendent to certify that the school board chairperson has received a copy of certain statistical reports. The bill originally called for fines on the superintendent when reports were late, but discussions with the department of education resulted in removing the requirement that a board chair also sign the certified copy of the reports. Reports affected are only statistical reports, such as the fall enrollments and attendance reports; not the year-end financial reports.

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## *Home School*

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**HB 406** Chapter 13 revises certain provisions of the home education statutes. The bill revises the oversight authority of the commissioner of the department of education and also revises certain curriculum, notice, and procedural provisions applying to home education programs, removing the requirement to file curriculum plans. Removed from current law defining home education programs is language requiring “planned and supervised instructional and related educational activities, including a curriculum”. Notification requirements have also been simplified, no longer requiring a list and description of subjects to be taught, or a curriculum plan to be followed.

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## *Other*

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Obviously, many other bills passed during the 2006 legislative session. The state retirement system has been the focus of on-going attention, especially the special account and medical benefits. School districts need to be aware that employer rates will be increasing significantly. While not yet certified, the projected district share for teachers, beginning July 2007, is expected to be 5.80%, a 57% increase over the current district share of 3.70%. The following are bills of general interest to school board members and educators.

**HB 1351** Chapter 145 makes changes to the rulemaking process. The bill requires proposed legislation containing rulemaking to include an explanation of the intent for rules. It also allows standing policy committees of the house and senate to review preliminary objections to proposed rules. A legislative committee is created to study how to improve the rulemaking process. A report is due by November 1, 2006.

**HB 1633** Chapter 178 makes various changes to the New Hampshire retirement system concerning service of members, determination of benefits, and administration of RSA 100-A (NH Retirement System).

**HB 1634** Chapter 120, a bill requested by the NH Retirement System, makes various technical changes to the law governing the New Hampshire retirement system.

**HB 1692** Chapter 327 revises the statutes concerning sexual predators, and establishes a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children. RSA 651-B:7 (Registration of Criminal Offenders – Availability of Information to the Public) is a section of law pertaining to the list of individuals required to register, and provides law enforcement agencies immunity from civil and criminal liability for good faith conduct. Municipal and school officials, and municipalities and school districts,

were added to those receiving immunity from liability for good faith conduct, including any decision to provide or not provide affirmative notification to the public. The issue of establishing criteria for public notification of sexual offenders received much attention. HB 1149, establishing such criteria and amending the immunity provisions for release of information by public officials, was committed to Interim Study in the House Criminal Justice and Public Safety Committee. HB 1209, with language (1) requiring adoption of a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a background investigation and criminal history check, (2) allowing local law enforcement agencies to notify schools of registered criminal offenders, and (3) providing immunity when policy on designated volunteers is followed, was tabled in the Senate.

***Education Related Bills***  
***In Interim Study by the***  
***2006 Legislative Session***

**Note to Reader:**

*These Bills will be studied further  
next Fall by the Committee of assignment.  
Most work must be completed by November 1, 2006.*

Interim Study Bills have been sent back to committee for further study. They generally require a report to be filed in November 2006, and require a full committee vote before any consideration by the entire legislative body.

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***House Education Committee***

- SB 268** raising the age of required attendance of children in school from 16 to 18 and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts.
- HB 1532** making revisions to the special education statutes. This interim study committee will incorporate the efforts and work of the House Education Ad Hoc Committee on Special Education, which was formed by Chairman Stephen L'Heureux in response to the numerous bills introduced relevant to special education. The Ad Hoc Committee, chaired by Rep. Nancy Stiles (Hampton) has been meeting with interested parties and should complete it's work by early September.

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***House Finance Committee***

- HB 1384** requires a school district to prepare, for informational purposes only, a separate special education budget to be provided to the school district legislative body. The special education budget shall include all line item cost detail and descriptions used to prepare the general education budget, including salaries and associated employee benefit costs, overhead cost allocations based on percentage of space used, and special education pupil population.

**HB 1601** changes the formula used to determine liability for catastrophic aid expenses by lowering the threshold for state aid eligibility from 3.5 to 3.0 times the *district* cost/pupil, and capping the local district maximum expenditure at 8.0, instead of 10.0, times the *district* cost/pupil. **NHSBA resolutions 5 & 9 address this issue of reducing local expenditure requirements for catastrophic aid eligibility.** Also included in the bill is \$186,000 to support the Laurent Clerc Adacemy in providing elementary and secondary education for deaf and hard of hearing students.

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*House Criminal Justice & Public Safety Committee*

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**HB 1149** establishes criteria for public notification that a sexual offender is residing in the community, amends the immunity provisions for release of information by public officials, and establishes a committee to study the creation of a classification system for sexual offenders. HB 1209, with language allowing local law enforcement agencies to notify schools of registered criminal offenders, was tabled in the Senate due to concern over how best to give school officials immunity from civil or criminal liability for the lawful use of any information received from law enforcement officials.

*Education Related*  
*Legislative Studies*  
*Authorized by the*  
*2006 Legislative Session*

A legislative study of the rule-making process was authorized this session, with a report due next fall. Also due next fall is a report from a study committee created last year on procurement methods for public works projects.

**HB 1351** (Chapter 145) was adopted, making changes to the rulemaking process and allowing standing policy committees of the house and senate to review preliminary objections to proposed rules. A legislative study committee of 5 House members and 5 Senate members was created to study how to improve the rulemaking process: a report is due by November 1, 2006.

The committee is charged to solicit input on and consider:

(a) The development of a process to record a clear statement of legislative intent on every bill sent out of a house or senate committee with a favorable report; such process may involve requiring a purpose clause to be included in every bill in the form of either chapter law or statute, requiring a statement of intent to be included in every bill filed, requiring a statement of intent to be included in each house committee report, or requiring all house hearings and executive sessions to be recorded.

(b) The development of a formal process for ensuring that the joint legislative committee on administrative rules receives input from the appropriate policy committees on proposed rules; such process may involve the establishment of a rules review subcommittee within each policy committee of the house and senate and/or participation by a policy committee member prior to the agency public comment period.

(c) Adopting methods to provide for an expedited rulemaking process to adopt rule changes with minimal impact, including the adoption or revision of forms used by agencies.

(d) Expanding the membership of the joint legislative committee on administrative rules and establishing subcommittees of the committee.

(e) Developing an RSA 541-A training program for members newly appointed to the joint legislative committee on administrative rules and an educational program on rules for all house members.

(f) Methods for ensuring uniformity in granting rulemaking authority and avoiding overbroad rulemaking authority provisions. Such methods may involve the development of guidelines for policy committees or bill drafters to follow.

(g) Revising RSA 541-A relative to fiscal impact statement requirements.

(h) The processes for rulemaking employed by the agencies that are exempt from the provisions of RSA 541-A, and the effectiveness of this approach towards rulemaking.

(i) Revisions to the drafting and procedure manual.

(j) Revising RSA 541-A to permit the electronic filing of documents at various stages of the rulemaking process.

(k) Such other related issues as the committee deems appropriate.

The committee shall report its findings, any recommendations for proposed legislation, and any specific recommendations for implementing procedures designed to improve rulemaking that do not require statutory changes. The report is due on or before November 1, 2006.

**HB 157** (Chapter 132) *from 2005* established a committee to study procurement methods for public works projects by state and local government agencies. The committee consists of two representatives and two senators. It is charged with studying contracting practices for public works projects by state agencies, municipalities, counties, school districts, and all other political subdivisions. The goal is to recommend public procurement policies that promote the best economic and work quality value from public construction and infrastructure investment. The committee is to base its recommendation on consideration of the following: labor law enforcement, workplace safety compliance, workers' compensation compliance, access to workforce and apprenticeship training, in-state job creation and community economic development, communities' uncompensated care burdens and other social welfare costs, and such additional criteria as the committee deems appropriate. A report of findings and any recommendations for proposed legislation is due November 1, 2006.

*Education Related Bills*

*Defeated During the*

*2006 Legislative Session*

*Bills Killed During Legislative Process*

These bills were intentionally killed by the legislature when either the House or Senate adopted a motion of ITL (Inexpedient to Legislate). One bill, HB 1707, was “postponed indefinitely”, meaning it could not be acted on during the session unless two-thirds vote in favor. Another bill, SB 376, was killed when a committee of conference was unable to come to agreement on language. Finally, many bills, especially in the Senate, were tabled. Super-majority votes are required to remove bills from the table, and deadlines for consideration of bills have passed, making it extremely unlikely that a tabled bill could be considered. When the next annual session begins in January, any bill remaining on the table dies and disappears. All tabled bills in the House were officially ‘killed’ by a motion of ITL on the last session day.

**Vouchers, Choice and Open Enrollment: NHSBA resolutions 1 & 2 specifically address voucher and choice issues, opposing the use of public money for private school purposes. NHSBA’s Legislative Advocacy Network helped derail these proposals that all attempted to divert public funds to non-public schools.**

**SB 131** This bill would have authorized the state to establish, and appropriate \$2 million to, a “21st century scholars fund”, a non-profit, public and private partnership with a 12-member board (legislators and appointees), that would provide educational scholarships to children in grades 1-12. \$3,500 scholarships would have been paid to families with household incomes at or below 200% of federal poverty; \$2,500 scholarships to families with incomes between 201% and 250% of federal poverty. Scholarship payments were to be made out to the parents of the pupil and sent to the school of choice for endorsement by the parent to the school. The bill allowed \$100,000 in interest and dividend tax credits for individual contributions to the fund, and \$400,000 in business enterprise tax credits for businesses contributing to the fund.

**HB 606** This funding bill contained provision for an education alternatives fund to be used to provide scholarships and loans for pupils attending nonpublic schools or institutions as well as provide loans to individuals or entities

interested in establishing new or innovative methods of providing educational services.

- HB 664** This bill would have removed the residency requirements for school attendance and made all elementary and secondary schools open enrollment schools.
- HB 1502** This bill would have required that any surplus remaining in the education trust fund at the end of a biennium be used in the next biennial budget to fund school choice programs, including charter schools.
- HB 1685** This bill would have established a special needs scholarship program permitting an eligible child with educational disabilities to attend a private school in his or her resident district or another school district.
- HB 1707** This bill would have made school choice certificates available to parents/guardians of pupils attending nonpublic school for up to 80% of the state aid per pupil in the pupil's resident district (the district kept the remaining 20%). Eligibility was restricted to parents whose income is less than 300% of the federal poverty guideline. The total number of choice certificates was phased in, beginning with 2,000 in the first year, 4,000 in year 2, etc. up to 16,000 in the eighth year, for parents of children entering grades 1-12.

### **Money and School Funding**

- SB 307** This bill would have removed the provision requiring proration of catastrophic aid funds when the appropriation is insufficient and required the state to appropriate additional funds sufficient to meet the amount of catastrophic aid needed by school districts. **The bill, reflecting a specific resolution of NHSBA (resolution #5), once again failed to receive legislative support.**
- SB 315** This bill would have repealed the statewide property tax for education.
- SB 376** This bill, as passed by the senate, would have repealed the provisions that dedicate certain portions of several state taxes (business profits and enterprise taxes, tobacco tax, meals and rooms tax, real estate transfer tax and the statewide utility property tax) to the Education Trust Fund. Those monies, now earmarked for schools, would have become available to meet any state budget need, breaking a promise when the fund was created that certain state revenues would be dedicated for education purposes. The House rejected this raid on education funds and amended the bill with language preserving the monies dedicated to the fund. A committee of conference was unable to come to agreement and the bill died.

- HB 606** This bill was one of last year’s education funding bills retained by the House Education Committee. These bills were all killed early in the session.
- HB 650** This bill was another funding bill from last year, specifically focused on providing targeted aid to districts.
- HB 1170** This bill required all state aid for public education, and any other funds raised in a municipality to fund public education, be used exclusively to fund public education and not be transferred or diverted to any other purpose.
- HB 1178** This bill would have revised the criteria for an adequate public education, making reference to “sufficient” knowledge, skills, training, etc.
- HB 1412** This bill would have required all state aid to education to be withheld if a town failed to timely submit to the commissioner of the department of education a copy of the annual town report.
- HB 1617** This bill would have required that the Franklin school district receive no education grant funds for one year.
- HB 1651** This bill would have repealed the statewide property tax for education.
- HB 1693** This bill would have required the commissioner of the department of revenue administration to set the adequate education property tax rate at a rate one cent below the rate at which no excess statewide adequate education property tax is created for any municipality, thus eliminating donor towns. The bill also appropriated an additional \$200 million for adequate education grants by establishing video lottery gaming.
- HB 1695** This bill defined an adequate education, and it’s corresponding cost, based on school district expenditures as itemized in the DoE-25. The bill also revised the distribution formula for grant money to school districts and charter schools, and provided for increased homeowner property tax relief.

### **School District Governance and Operations**

- SCR 7** This senate concurrent resolution would have urged the United States Congress to amend the No Child Left Behind Act, **addressing many concerns highlighted in NHSBA resolution #32.**
- SB 22** This bill would have provided an exemption from the highly qualified teacher, and any other teacher certification, requirements imposed by the No Child Left Behind Act of 2001 for any person certified as a teacher by the department of education prior to January 8, 2002. It was tabled amidst efforts to amend the bill to contain language originally offered in SCR 7

expressing concerns with NCLB and urging Congress to amend the law.

- SB 361** This bill would have allowed a school district to establish a non-lapsing fund of up to 2 percent of the prior year's annual budget expenses to meet general operating or unanticipated expenses. **NHSBA will continue working with the sponsor on this issue, supported by resolution #14.**
- HB 39** This bill would have set forth criteria for instruction and course materials on sex education in public schools.
- HB 258** This bill would have allowed negotiations with an *individual* teacher over terms that exceed the collective bargaining agreement.
- HB 278** This bill would have revised the voting process for adopting the alternative budget procedure for a school administrative unit.
- HB 292** This bill would have established procedures for a town to withdraw from a cooperative school district.
- HB 356** This bill would have required that the budget proposed by a committee appointed pursuant to a joint maintenance agreement (JMA) be presented unchanged to the component districts.
- HB 646** This bill stipulated that, through September 1, 2007, no teacher or paraprofessional be dismissed or non-renewed solely for failure to meet the highly qualified criteria under the No Child Left Behind Act, if such teacher or paraprofessional possessed a valid license or certification issued by the department of education.
- HB 1124** This bill would have required the wording for appropriation questions to be in "yes-no" form, specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required.
- HB 1187** This bill required a non-municipal budget act school board to disclose the cost of direct support of education as a percentage of the total education budget.
- HB 1195** In SB 2 districts, this bill excluded salary and compensation increases from a default budget unless the increases were required by a collective bargaining agreement that was in effect during the preceding fiscal year.
- HB 1196** This bill would have made cost items from labor negotiations be special warrant articles that are voted on separately from the budget at town meetings and official ballot town meetings.
- HB 1257** This bill would have required public officials to avoid conflicts of interest, specifically prohibiting their participation in any matter in which they, or their spouse or dependents, had a private interest that may directly or indirectly affect or influence the performance of their duties.

- HB 1306** This bill would have required a student accused of making a threat to do harm to undergo evaluation by a mental health care professional or be reported to the juvenile justice system.
- HB 1310** This bill would have allowed public school teachers to go on strike.
- HB 1314** This bill would have required the state board to establish a model adult roles and responsibilities curriculum to be distributed to school districts.
- HB 1368** This bill would have required instruction in proverbs as part of the elementary school curriculum.
- HB 1391** In SB 2 districts, this bill would have required a default budget to be reduced by unspent funds and defined certain items used in the default budget. This bill also stipulated how salary and benefit accounts would be shown in a default budget and prohibited new employees from being added unless specifically mandated by statute.
- HB 1392** This bill would have required the school board member in a cooperative school district budget committee to serve as a non-voting liaison between the cooperative school board and the budget committee. The bill also increased from 5 to 21 days the deadline for filling a vacancy in a cooperative school district budget committee.
- HB 1445** In SB 2 districts, this bill would have permitted a vote of “none of the above” on budgetary matters.
- HB 1489** This bill would have required every public and nonpublic school to develop and implement a site-specific emergency response plan based on, and conforming to, the Incident Command System of the National Incident Management System.
- HB 1496** This bill would have established a right to work act providing for freedom of choice on whether to join a labor union.
- HB 1518** This bill would have required that a quorum of individual board members sitting on the joint board of a school administrative unit (SAU) be present for those board members to be entitled to their full number of votes.
- HB 1525** This bill would have implemented a procedure requiring a superintendent to review the safety of a school bus stop location.
- HB 1635** This bill would have provided a procedure for the direct recall of municipal and school district officials.
- HB 1640** This bill would have required a school board, prior to executing any contract for goods or services, to disclose to the legislative body the anticipated cost of such contract.

**HB 1694** This bill would have capped any increase in a municipal or school district budget at the average of the consumer price index for the previous 4 years. Passage of additional warrant articles could exceed the cap only if approved by a 60 percent majority.

**Special Education:** The Education Committee had several bills relevant to special education. Chairman Stephen L'Heureux established an ad hoc committee to comprehensively look at all special education issues. The chair of this ad hoc committee will report its findings to the interim study committee on *HB 1532*.

**HB 1136** This bill would have established a commission to study the care needs of medically-fragile students in the school system.

**HB 1159** This bill would have implemented procedures for courts to follow when making out-of-district placements.

**HB 1308** This bill would have established a commission to study revising the New Hampshire special education statutes and recommend changes to the special education rules necessitated by such revisions.

**HB 1378** This bill would have established a committee to study the financial implications on local school districts when special education students attend charter schools.

**HB 1428** This bill would have added duties to the advisory committee on the education of children/students with disabilities.

**HB 1432** This bill would have established a commission to evaluate special education responsibilities and funding.

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### *Bills Laid on the Table*

In addition to those bills specifically voted down (ITL) or otherwise killed, the House and Senate laid several bills on the table. Tabled bills in the House were voted ITL on the last session day. The possibility of any action on a tabled bill in the Senate is remote. If the Senate convenes again, it is possible that a bill could be removed from the table for consideration. However, this requires a super-majority vote, and if the bill is amended, it would still have to be considered by the House, requiring super majority votes to allow for deadline extensions. When the next annual session begins in January, any bill remaining on the table dies and disappears.

**CACR 43** This was another attempt to amend the constitution with language stating that the legislature determine and define the content, extent, and funding of education. Lacking the required 15 votes for passage, it was tabled in the senate.

- SB 247** This was another bill (see HB 1496) attempting to establish a right to work act providing for freedom of choice on whether to join a labor union.
- HB 626** This bill attempted to clarify RSA 91-A (right-to-know law) and make it less ambiguous, more readable, and address changes in technology, specifically electronic communications. The bill was tabled in the Senate.
- HB 1209** This bill contained language (1) requiring adoption of a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a background investigation and criminal history check, (2) allowing local law enforcement agencies to notify schools of registered criminal offenders, and (3) providing immunity when policy on designated volunteers is followed. It was tabled in the Senate due to concern over how best to give school officials immunity from civil or criminal liability for the lawful use of any information received from law enforcement officials.
- HB 1539** This bill would have established a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.