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NHSBA Legislative Update – June 2, 2017

SB 8: Otherwise known as the “Croydon” bill, SB 8, as amended by the House Education Committee, allows school boards to contract with private schools to provide educational services. On June 1, 2017, the New Hampshire House of Representatives voted OUGHT TO PASS WITH AMENDMENT by a vote of 210-147. As a result of various amendments, SB 8 now allows for the following:

1. A school board may contract with a private school to provide educational services for a single student or the entire student body if the school district does not have a public school and if the school board believes attendance at the private school is in the “best interest” of the student.
2. Attendance at a private school through such a tuition contract with a public school board is deemed to satisfy compulsory attendance requirements.
3. The private school is required to adhere to a certain level of student performance standards and students attending the private school do have to take an assessment test.
4. The state board of education is no longer required to approve tuition contracts between public schools or between public and private schools.

NHSBA has continued concerns with the current language of SB 8. Notably, SB 8 still does not require private schools to adhere to the same “adequate education” standards that public schools are required to fulfill. While SB 8 does require private schools to adhere to some level of accountability performance and assessment, SB 8:

- Does not require these private schools to abide by the “adequate education” provisions of RSA 193-E;
- Does not require private schools to adhere to the Minimum Standards for Public School Approval found in NHDOE Rule 306; and

- Does not require private schools to take the statewide assessment test that public schools are required to administer.

In essence, the SB 8 does not require private schools to adhere to the same accountability or assessment standards that public schools are required to fulfill. NHSBA believes this raises questions as to the constitutionality of SB 8, with respect to the Claremont series of NH Supreme Court cases.

Further, SB 8 does not require private schools that receive adequate education money to abide by the same level of transparency as public schools. Private schools are not required to hold budget hearings, are not required to abide by the Right to Know law, and are not required to disclose records and documents.

Because SB 8 was amended by the NH House after the NH Senate voted on it, the bill will go back to the NH Senate where it will have to enter a Committee of Conference or other manner of agreement/consent.

SB 191: On July 1, 2017, the NH House voted OUGHT TO PASS AS AMENDED by a vote 231-100 on SB 191, which seeks to provide full adequacy aid funding for school districts that offer full-day Kindergarten. School districts will receive a grant of \$1100 per Kindergarten pupil in the first year of the new funding program; and in subsequent years, will receive adequacy aid per RSA 198:4-a plus an additional grant of \$1100 per Kindergarten pupil. SB 191 proposes that funding for this program be derived from the implementation of “keno” gambling, with all such revenues from keno to be deposited in the education trust fund (RSA 198:39).

SB 191 will now have to go back to the Senate for approval, either via Committee of Conference or other manner of agreement/consent.

NHSBA Action Item:

Because the Senate Finance Committee has previously recommended state budgets without funding for full-day Kindergarten, NHSBA urges its members to contact their local Senators and continue to voice statewide school board support for SB 191 and full funding for full-day Kindergarten programs.

SB 43: An act relative to nonacademic surveys, questionnaires, or evaluations administered by a public school to its students. On July 1, 2017, the NH House voted OUGHT TO PASS AS AMENDED via voice vote. This bill, as amended, requires school boards to adopt a policy governing the administration of nonacademic surveys, questionnaires or evaluations. While NHSBA opposed SB 43 as introduced, the amended version is more palatable to school board governance and school district operations. NHSBA supports the amended provisions that define “nonacademic survey, questionnaire or evaluation” as it gives clearer guidance to school boards and administrators as to what surveys are covered or are applicable. Further, SB 43 now allows school boards to determine, via local policy, whether such surveys will be “opt-out” or “opt-in.”

SB 43 will now have to go back to the Senate for approval, either via Committee of Conference or other manner of agreement/consent.

Assuming SB 43 becomes law, NHSBA will be issuing a revised Sample Policy as part of its Fall 2017 Policy Update.

HB 170: HB 170 amends the Right to Know law and requires that if school boards/public bodies maintain an Internet website, the school board shall post minutes on the website in a consistent and reasonable manner, or provide notice on the website as to where minutes are available for inspection and copying. HB 170 also contains a similar requirement for meeting notices. On July 1, 2017, the NH Senate voted OUGHT TO PASS AS AMENDED via voice vote.

NHSBA initially opposed HB 170 as introduced. However, there was general consent for purpose behind the bill in both the House and Senate. As such, NHSBA worked closely with the NH Municipal Association in providing the Senate Judiciary Committee with alternative language to make the bill more workable for school boards/public bodies.