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NHSBA Legislative Update – February 17, 2017

SB 102: An act relative to eligibility of school district employees for Family and Medical Leave Act. This bill provides family and medical leave to certain school district employees who are not otherwise eligible for leave under the federal Family and Medical Leave Act. This bill was heard by the Senate Education Committee on February 14, 2017. This bill would lower the required number of hours a school district employee would have to work to become eligible for leave under the federal Family and Medical Leave Act (FMLA). Currently, federal law requires that an employee work 1250 hours within a twelve-month period to become eligible for FMLA. This bill would lower the work requirement to 900 hours within a twelve-month period. Supporters of the bill testified that many paraprofessionals work the maximum number of hours allowable under their respective contracts but still don't reach the hours required to take FMLA.

NHSBA testified in opposition to this bill, stating that any sort of leave provisions are best addressed through collective bargaining, and not a change to state law.

The Senate Education Committee voted INEXPEDIENT TO LEGISLATE by a vote of 3-2.

HB 620: An act relative to compliance with state and federal education mandates. This bill prohibits the state board of education from proposing rules that require a school district to comply with a federally mandated curriculum, method of instruction, or statewide assessment program which is not fully paid by state or federal funds or authorized by statute. The bill also repeals a statute relating to rules which exceed state or federal minimum requirements. This bill was heard by the House Education Committee on February 14, 2017.

An amendment to this bill was offered, to which NHSBA testified in support, primarily with respect to the provision stating that the state board of education shall not propose any rule that exceeds state or federal minimum requirements unless the rule is authorized by statute.

NHSBA's support for this bill is based on two NHSBA Resolutions:

II:O• Should the special education mandates of the state of New Hampshire exceed the federal special education requirements, then the state of NH should fully fund those mandates that exceed federal requirements to the local school districts. (2009)

V:K• NHSBA opposes any branch of New Hampshire government adopting or supporting curriculum standards that usurp state's rights and de-emphasize and limit local control of curriculum and local school board oversight. (2011)

Action Taken by Various House Committees This Past Week:

HB 490: An act relative to certain citizens having standing to sue school boards. This bill asserts that any taxpayer shall have legal standing to sue the school board of the school district in which he or she resides. This bill was heard in executive session by the House Judiciary Committee on February 14, 2017. NHSBA previously testified in opposition to this bill. The House Judiciary Committee voted INEXPEDIENT TO LEGISLATE by a vote of 15-0.

HB 174: An act limiting jurisdiction of the superior courts over certain adequate education statutes and adequate education grants. This bill was heard in executive session by the House Judiciary Committee on February 14, 2017. NHSBA previously testified in opposition to this bill. The House Judiciary Committee voted INEXPEDIENT TO LEGISLATE by a vote of 11-4.

CACR 7: A constitutional amendment providing that the general court (NH Legislature) shall have the authority to define standards for education, establish standards for accountability, and mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. This proposed constitutional amendment was heard in executive session by the House Education Committee on February 14, 2017. NHSBA previously testified in opposition to this bill. The House Education Committee voted to RETAIN this CACR by a vote of 14-2.

HB 304: An act relative to implementation of academic standards by a local school board and relative to review of academic standards under consideration by the state board of education. This bill was heard in executive session by the House Education Committee on February 14, 2017. An amendment was offered that would primarily: (1) require the state board of education to adopt rules that allow school boards to determine and approve local academic standards that meet or exceed state academic standards, as defined in RSA 193-E:2-a; and (2) would prohibit the NHDOE from requiring school districts to implement common core state standards. The House Education Committee voted OUGHT TO PASS WITH AMENDMENT by a vote of 16-2.

HB 207: An act prohibiting the implementation of common core in public elementary and secondary schools. This bill prohibits the NHDOE and state board of education from requiring any school or school district to implement the common core standards. This bill was heard in executive session by the House Education Committee on February 14, 2017. The House Education Committee voted to RETAIN this bill by a vote of 16-0. The Committee chose to retain this bill because some of its components were incorporated into the amended version of HB 304.

HB 556: An act requiring schools to post the state telephone numbers to report child abuse. This bill requires each school and chartered public school to post a sign containing information on how to report child abuse or neglect to the division of children, youth, and families. This bill was heard in executive session by the House Education Committee on February 14, 2017. The Committee voted OUGHT TO PASS WITH AMENDMENT by a vote of 18-0.

Action taken by the New Hampshire Senate This Past Week:

SB 45: This bill requires a course in civics for high school graduation. The Senate Education Committee voted OUGHT TO PASS WITH AMENDMENT by a vote of 5-0. This bill provides that a one-half year civics course shall be required for high school graduation. The Committee amended the bill to clarify the intent behind it and recognizes the vital importance of civics education for our society.

SB 8: An act relative to school attendance in towns with no public schools. This bill allows a school district to assign a child to another public school in another school district or to an approved private school if there is no public school for the child's grade in the child's resident district. The bill also allows a school board to make a contract with a private school to provide for the education of a child who resides in a district which does not have a public school at the child's grade level. The Senate Education Committee voted OUGHT TO PASS by a vote of 3-2.

SB 43: An act relative to non-academic surveys administered by a public school to its students. This bill provides that no student shall be required to volunteer or submit to a non-academic survey or questionnaire without written consent of a parent or legal guardian. The bill also creates an exception to this requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The Senate Education Committee voted OUGHT TO PASS by a vote of 3-2.

SB 44: An act prohibiting the state from requiring implementation of common core standards. This bill prohibits the department of education and the state board of education from requiring the implementation of the common core standards in any school or school district in NH. The Senate Education Committee voted OUGHT TO PASS by a vote of 3-2.

SB 105: An act relative to emergency school building aid. This bill amends the suspension of school building aid provisions in HB 2-FN-A-LOCAL of the 2015 legislative session to allow aid for the needed replacement of school building heating and hot water systems. The Senate Education Committee voted OUGHT TO PASS by a vote of 5-0.

SB 191: An act relative to the definition of average daily membership in attendance. This bill specifies the manner in which kindergarten pupils are counted in a school district's average daily membership in attendance. The Senate Education Committee voted OUGHT TO PASS by a vote of 5-0.

SB 192: An act relative to state contributions to public school renovations. This bill specifies the amount of school building aid and alternative school building aid grants to be distributed in each fiscal year of the biennium ending June 30, 2019, and provides that there shall be no moratorium on school building aid for the biennium ending June 30, 2019. The Senate Education Committee voted INEXPEDIENT TO LEGISLATE by a vote of 3-2.

Action Taken by the New Hampshire House of Representatives This Past Week:

HB 356: An act establishing a committee to study education funding and the cost of an opportunity for an adequate education. Recommendation of OUGHT TO PASS WITH AMENDMENT from the House Education Committee. This bill is now referred to House Finance Committee for further action.

HB 354: An act making an appropriation to the department of education to provide additional adequate education grant payments to certain municipalities. Recommendation of OUGHT TO PASS WITH AMENDMENT from the House Education Committee. This bill is now referred to the House Finance Committee for further action.

HB 597: An act relative to calculating the cost of an opportunity for an adequate education and providing fiscal capacity disparity aid. Recommendation of INEXPEDIENT TO LEGISLATE from the House Education Committee. The NH House of Representatives voted 186 to 165 to adopt the House Education Committee recommendation.

HB 647: An act establishing education freedom savings accounts for children with disabilities. This bill creates another voucher system and diverts state adequacy aid away from local school districts. Recommendation of OUGHT TO PASS from the House Education Committee. The NH House of Representatives voted 186 to 164 to adopt the House Education Committee recommendation. This bill is now referred to the House Finance Committee for further action.

HB 413: An act relative to payment by the state of a portion of retirement system contributions of political subdivision employers. This bill provides that the state shall pay 15 percent of contributions of retirement system employers other than the state for group I teachers and group II members. Recommendation of OUGHT TO PASS by 10-9 vote of the House Executive Departments and Administration Committee. The NH House of Representatives voted 267 to 83 to adopt the House Education Committee recommendation. The bill is now referred to the House Finance Committee for further action.