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NHSBA Legislative Update – February 3, 2017

Important Message Regarding School Building Aid:

The Senate Education Committee will be hearing testimony on SB 192 on Tuesday February 7, 2017 at 10:00am in Room 103 of the Legislative Office Building in Concord. This bill is 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 bill can be viewed here:

http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2017&id=807&txtFormat=html

NHSBA will be testifying in support of this bill, consistent with NHSBA Resolutions II:C (as amended in 2014) as well as a new Resolution submitted by the Keene School Board and adopted at the 2017 NHSBA Delegate Assembly. However, despite NHSBA's continued efforts on this matter, it is imperative that legislators and Governor Sununu hear directly from school boards about their building and facilities needs.

To that end, NHSBA is urging school board members and superintendents to attend the February 7, 2017 hearing. If your board cannot attend, NHSBA asks that you please contact your local legislators and the Governor's office directly. Please see the January 27, 2017 NHSBA Legislative Update for a template letter to use when contacting your legislators and the Governor's office, as well as contact information for their respective offices.

Legislative Update

SB 101: An act relative to enrollment eligibility for regional career and technical education programs. This bill changes the high school attendance requirement for enrolling in a career and technical education program from two years to one year. This bill was heard by the Senate Education Committee on January 31, 2017. Currently, a student must have completed two years of high school to enroll in a career and technical education center. This bill seeks to lower that requirement to one year. NHSBA did not testify but did sign in support of the bill.

HB 456: An act relative to petition articles in the warrant of a cooperative school district. This bill allows a petitioned article to establish a budget committee to be inserted into the warrant of a cooperative school district. This bill was heard by the House Municipal and County Committee on January 31, 2017. NHSBA testified in opposition to this bill. First, petitioned articles to establish a budget committee in cooperative school districts is already allowed under RSA 32:14 and RSA 195:12-a. Second, current law allows for a warrant article calling for the rescission of a budget committee to be placed on the warrant either by the public body (school board) or by petition. This bill would only allow such an article to be placed on the warrant via petition, removing school board authority to place such an article on the warrant.

HB 491: An act relative to default budgets. This bill requires a school board to disclose each major item, and its source, in the default budget at a public hearing. This bill was heard by the House Municipal and County Committee on January 31, 2017. NHSBA testified in opposition to this bill. NHSBA's opposition was based on vague language in the proposed bill requiring school boards to identify the "source of each major item to be included in the default budget" and the requirement that if such "items" were part of a separate warrant article at least year's annual meeting, the "title of the specific warrant article" be referenced. Further, language of the proposed bill seemed to reference or indicate that a default budget applied to districts that have traditional school district annual meetings, as opposed to SB2 districts.

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. This bill was heard by the Senate Education Committee on January 31, 2017. This bill is identical to HB577, which was heard by the House Education Committee on January 25, 2017.

NHSBA testified in opposition to this bill, primarily citing two NHSBA Perennial Resolutions:

I:A• NHSBA supports the utilization of public education funds solely for public school purposes as determined by the local school boards. (1991)

I:B• 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)

Additionally, NHSBA raised concerns relative to the constitutionality of expending public money for a private purpose, as well as concerns regarding a conflict between this bill and RSA 193-E (Adequate Education) and a conflict between the bill and RSA 198 (school money/adequacy payments).

NHSBA Action Item:

NHSBA encourages its members to contact their local representatives and urge opposition to this bill, for the reasons stated above and consistent with NHSBA testimony.

HB 495: An act relative to amendments to warrant articles. This bill prohibits the amendment of petitioned warrant articles. This bill was heard by the House Municipal and County Committee on January 31, 2017. Due to scheduling conflicts, NHSBA did not testify on this bill. However, NHSBA opposes this bill, believing that all warrant articles should be subject to the same process, deliberation, and if desired by the voters, amendment thereof.

HB 597: An act relative to calculating the cost of an opportunity for an adequate education and providing fiscal capacity disparity aid. This bill: (1) amends the adequate education grant amounts to municipalities for all categories of differentiated aid; (2) requires aid to municipalities based on fiscal capacity disparity which is calculated using a municipality's equalized valuation per pupil and median family income; and (3) amends the amount of the stabilization grant to be disbursed in the 2018-2019 biennium. This bill was heard by the House Education Committee on January 31, 2017.

NHSBA testified in support of this bill, recognizing that its impact would re-establish the 2008 Adequate Education aid formula, would increase differentiated aid, and would hold harmless school districts that did not qualify for stabilization grants. Rep. David Luneau, member of the Hopkinton School Board, co-sponsored this bill.

HB 564: An act relative to information available to members of school boards or budget committees. This bill requires that each member of a budget committee and each member of a school board in a school administrative unit are entitled to all necessary information to perform his or her duty. This bill was heard by the House Municipal and County Committee on January 31, 2017. Due to scheduling conflicts, NHSBA did not testify, but opposes this bill. NHSBA will be submitting written testimony to the Committee.

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 by the House Judiciary Committee on January 31, 2017. NHSBA testified in opposition to this bill.

Other Legislative Action from the Week of January 30, 2017:

HB 166: The New Hampshire House of Representatives passed HB 166 on a voice vote. This bill reduces statewide assessment testing from every year in grades 3 through 8 to two times in those grades.

HB 297: This bill sought to repeal the Education Tax Credit. The New Hampshire House of Representatives voted Inexpedient to Legislate by a vote of 206-157.

HB 276: This bill allows parents to opt-out their child(ren) from taking the statewide assessment test. The New Hampshire House of Representatives passed HB 276 by a vote of 203-155.

HB 223: This bill seeks to prohibit recipients of county or municipal funds from using such funds for lobbying. The House Municipal and County Committee voted Inexpedient to Legislate by a vote of 13-1.

HB 365: This bill is relative to awarding attorney's fees under the Right to Know law. The House Municipal and County Committee voted Ought to Pass by a vote of 10-8.

Upcoming Legislative Action the week of February 6, 2017:

The House Education Committee will be holding Executive Sessions on Tuesday February 7, 2017 and Wednesday February 8, 2017. The Committee will be voting on at least five bills directly impacting state aid to school districts and school board governance. NHSBA urges its members to contact both the House Education Committee as well as their local representatives.

The House Education Committee can be emailed here:

HouseEducationCommittee@leg.state.nh.us

To find your local representatives, click here:

<http://www.gencourt.state.nh.us/house/members/wml.aspx>

The bills of immediate importance are:

- **HB 597** – An act relative to calculating the cost of an opportunity for an adequate education and providing fiscal capacity disparity aid. NHSBA testified in support of this bill.
- **HB 356** – This bill increases the base per pupil cost of an adequate education. NHSBA supports this bill.
- **HB 525** – This bill removes the annual 4 percent reduction in stabilization grants made to certain municipalities and provides that the stabilization grant to a municipality in fiscal year 2018 shall be the same as in fiscal year 2017. NHSBA supports this bill.
- **HB 155** – This bill increases funding for pupils attending full-day kindergarten programs. NHSBA supports this bill.
- **HB 557** – This bill allows a school board to contract with a private school and/or a religious school to provide an education for children who reside in a district that does not have a public school at the child's grade level. NHSBA opposes this bill.

As always, please contact NHSBA for more information.