

New Hampshire School Boards Association

Proposed Resolutions for 2018

For Consideration by the 2018 NHSBA Delegate Assembly – January 20, 2018

Proposed Resolutions Submitted by Member School Boards

**Proposals include NHSBA Board of Directors
Recommendations to the NHSBA Delegate Assembly**

Each proposed resolution submitted by a member school board shows:

- The proposed resolution as submitted by the member school board;
- The rationale as submitted by the member school board;
- A brief description by NHSBA of the current situation;
- A brief statement by NHSBA on the impact of the proposed resolution;
- A brief review and analysis by NHSBA of the proposed resolution;
- A recommendation by the NHSBA Board of Directors. Possible Board of Directors recommendations are: Adopt the proposal as submitted, Not Adopt the proposal, or Adopt Alternative Amended Language as proposed by the NHSBA Board of Directors.

11. Resolution Submitted by the Wilton-Lyndeborough Cooperative School Board

Statement of Purpose:

It is the intent of the NHSBA to advocate the legislature to honor veterans of the armed forces by providing preference in initial appointments to public sector jobs in New Hampshire. Veterans' preference is intended to honor those citizens who have served their country in active duty by providing veterans a more favorable competitive position for government employment and acknowledging the larger sacrifices of disabled veterans. Eligible veterans are provided advantages in public employment in New Hampshire, including preference for initial employment and retention in the event of layoffs. Veterans' preference requires public employers to provide additional consideration for eligible veterans when all hiring parameters are equal, but it does not guarantee the veteran a job.

Stated Rationale:

The sacrifices and dedication of any person who chooses to serve their country need to be honored and recognized. Veterans should be encouraged to go through the steps to gain training for the various positions school districts may offer. The passion for their area of discipline they choose is important but the experiences they would bring to the school community are also very valuable. It is the intent of this resolution to encourage school districts and other public entities to consider military service as they review candidates. In education, as in any field, we are looking for the best candidates to become members of our school community. When all factors for hiring consideration are equal, the service record for a veteran can and should be the deciding factor for which a candidate is offered the position.

NHSBA Response:

Current Law:

Upon research, NHSBA believes the following laws apply with regard to veterans' hiring preferences: Preference shall be given in appointing employees of the State Liquor Commission (see RSA 176:10), in selecting members of the State Office of Veterans Services (see RSA 115:1), in appointing the Director of the State Office of Veterans Services (see RSA 115:4), in appointing the Commandant and employees of the New Hampshire Veterans Home (see RSA 119:6), and veterans or their un remarried widows and spouses of disabled veterans in public departments and/or public works of state and local units (see RSA 283:4, RSA 283:9).

Reemployment of veterans by towns and other political subdivisions upon application being made within 90 days after the veteran is discharged from active military service. (See RSA 97:1, RSA 97:2, RSA 97:3).

Resolution Impact/Analysis:

While the NHSBA Board of Directors respects and supports the purpose and intent of the proposed resolution, the Board feels that criteria for local hiring decisions are best made at the local school board level. Local school boards are free to take into consideration a candidate's status as a veteran if that local board so chooses. However, the NHSBA Board of Directors does not believe this should be a state-wide resolution or policy of NHSBA.

✓ **Adoption NOT recommended by NHSBA Board of Directors.**

12. **Resolution Submitted by the Goshen School Board**

Proposed Resolution:

The Goshen School Board supports modifying RSA 193:12 to add the following: Any person who provides false information for establishing residency for school attendance purposes, or any person who assists in doing so, may be required to remit full restitution to the school district or districts that have financial or fiscal liability as a result of the false information.

Stated Rationale:

The Goshen School District is a district without a school. We tuition all students to receiving schools. If the Goshen School District pays a tuition to a receiving school district, the money should be returned to the Goshen School District if restitution is paid for false information related to residency for school attendance purposes.

NHSBA Response:

Current Law:

Currently, a school district's only recourse when an individual provides false information for establishing residency for school attendance purposes is to file a civil action in superior court.

Resolution Impact/Analysis:

This proposal slightly amends current Continuing Resolution #2 (2016) to clarify that the person who falsifies information for establishing residency should submit restitution to the school district or districts that incur financial liability. The current Resolution states that the offending person(s) must remit restitution to the school district which the student attends. The current Resolution does not properly capture or include school districts that tuition students to other districts. This Resolution clarifies that oversight.

✓ **Adoption recommended by NHSBA Board of Directors.**

13. **Resolution Submitted by the Hampstead School Board**

Proposed Resolution Seeking Proposed Changes:

659:44 Electioneering at the Polling Place. – No election officer *as defined in RSA 652:14*, shall electioneer while in the performance of his *or her* official duties *at the Polling Place*. For the purposes of this section, "electioneer" shall mean to act in any way specifically designed to influence the vote of a voter on any question or office. Any person who violates this provision shall be guilty of a misdemeanor.

659:44-a Electioneering by Public Employees. –

I. No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties.

II. No public employee shall use government property or equipment, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering.

III. For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any *question or* office.

IV. Any person who violates this section shall be guilty of a misdemeanor.

V. This provision shall not alter or interfere with the rights of any public employee from engaging in activities protected under RSA 98-E.

Stated Rationale:

To clarify the NH laws (659:44 & 659:44-a) that refer to electioneering as to eliminate faulty interpretations that contradict the intent of the law as well as eliminating interpretations that conflict with civil rights and personal freedoms including but not limited to the Government Speech Doctrine and the First Amendment.

NHSBA Response:

Current law:

Current statutes (RSA 659:44 and RSA 659:44-a) are significantly vague with respect to the definition of "electioneering" and with respect to when "electioneering" occurs. The New Hampshire Attorney General has taken a very restrictive and limiting view as to when local political bodies can advocate for their own initiatives, for warrant articles, and for other matters.

✓ **Adoption NOT recommended by NHSBA Board of Directors.**

Alternative Resolution Proposed by NHSBA Board of Directors:

NHSBA supports amending pertinent electioneering statutes to clarify: (1) the definition of "election" official"; (2) that electioneering by election officials may not occur at the polling place; and (3) that a public body may affirmatively promote positions established by formal actions of that body.

Rationale for Proposed Alternative Resolution:

NHSBA supports amending pertinent "electioneering" statutes to clarify when a school board (or other political body) can advocate for its own initiatives and warrant articles. School boards have the right and authority to advance certain policies and programs. Co-extensive with that right should be the right of political bodies to advocate on behalf of their own initiatives.

√ Adoption of proposed alternative recommended by NHSBA Board of Directors.

14. Resolution Submitted by the Keene School Board

Proposed Resolution:

NHSBA supports modifying RSA 193-C:6 to require that the State Department of Education publish the results of the statewide assessment within 30 days of the receipt of the assessment results. The NHSBA supports modifying RSA 193-C:6 to prohibit embargoes of assessment results by the State Department of Education, local districts, or other agencies.

Stated Rationale:

Assessment results are public information that is critical to the work of local school districts and school boards. Assessment results are important information for parents, taxpayers, and individuals who are in the process or relocating to a community in New Hampshire. The NHSBA believes that embargoes of public information violate the spirit if not the requirements of RSA 91-A. (This proposal expands the NHSBA Statement of Belief VII:A adopted in 1998 and revised in 2016.)

NHSBA Response:

Current Law:

Statewide assessment results and data are typically released at the end of October or the beginning of November. The NHDOE is typically in possession of preliminary data for individual students during the summer. A July 26, 2016 NHDOE memorandum states "It is at the district/school discretion when score reports are released to parents and in what format, either electronic or print, that best meets the needs of all your families. The public release of the Smarter Balanced aggregated results will take place after all accountability rules have been applied to final data files."

The RSA 91-A concerns raised by the Keene School Board have merit. RSA 91-A:5, IX does exempt from disclosure "Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body." The question in this case would be what constitutes the "public body." Further, numerous case law indicates that any document that is within the possession, custody or control of the public body is a public record, even if the record has not been disclosed or circulated to a quorum of the public body/school board.

Resolution Impact/Analysis:

This proposed resolution is identical to Continuing Resolution #9 (2016), also submitted by the Keene School Board. While the NHSBA Board of Directors appreciates the Keene School Board's commitment to this matter, it is unnecessary to re-visit this proposal.

✓ Adoption NOT recommended by NHSBA Board of Directors.

15. **Resolution Submitted by the Keene School Board**

Proposed Resolution:

NHSBA supports requiring the State Department of Education to create and maintain a single data sharing system that provides for easy and timely sharing of data between the Department and all local districts for all student, staffing, financial, assessment, and any other required data including special education data.

Stated Rationale:

The State Department of Education requires local districts to report significant volumes of data, but the Department's multiple databases and reporting systems are not compatible with those used by most local districts, making the collection, collation, and submission of required data needlessly time consuming for local districts. A unified data system would reduce time required to collect and submit data as well as improve the accuracy and usefulness of the information.

NHSBA Response

Current Law:

New Hampshire law does not require the New Hampshire Department of Education nor local school boards/districts to utilize a single data-sharing system that provides for easy sharing of data between the Department and local school districts.

Resolution Impact/Analysis:

Research indicates that some states are moving towards a single data-sharing system. Currently, different school districts use different platforms that are not always compatible with the NHDOE system. Use of a single system would also allow for better "real-time" data.

However, the NHSBA Board of Directors has concerns that such a proposal would be cost prohibitive. Further, there may be cyber-security risks if the NHDOE collected and stored all student data in a single, central location.

✓ **Adoption NOT recommended by NHSBA Board of Directors.**