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2021 Proposed Resolutions

8. Submitted by the Merrimack Valley School Board on 5/25/2021

Resolution: The New Hampshire School Board Association shall establish and maintain a scholarship fund for Student Representatives who have served on their district's school board during their high school career.

Rationale: Student participation in our governance is a pinnacle of education here in New Hampshire. We pride ourselves on civic engagement and nurturing student voices in order to teach them how to participate in our government. In order to encourage more participation as well as recognize the hard work and effort of student representatives, the New Hampshire School Board Association should establish, develop and maintain a scholarship fund similar in monetary award and administrative nature to the existing scholarship fund for children of school board members. The students who serve on their local school boards are the most important voice for the future of public education here in New Hampshire, and they should be recognized for their hard work and scholarship.

NHSBA Board of Directors Recommendation: Not support as a Resolution, as NHSBA Resolutions are intended to direct NHSBA's legislative advocacy. However, the Board of Directors supports the establishment of a continuing scholarship fund for Student Representatives. NHSBA has had this request from a handful of school boards in recent years. If the Delegates vote in support of this proposal, NHSBA will establish this continuing scholarship program without the proposal being an official Resolution.

9. **Submitted by the Wilton-Lyndeborough Cooperative School Board on 7/2/2021**

Resolution: NHSBA will advise and confirm all SAU's are paying and segregating dues/payments to NHSBA in accordance with RSA 15:5.

Rationale: This is the law. SAU's should be in compliance with this RSA when making payments to NHSBA.

NHSBA Recommendation: As with Proposed Resolution #8, the Board of Directors believes this is not appropriate for a Resolution, as NHSBA Resolutions are intended to guide NHSBA's positions relative to legislative advocacy. However, the Board also believes this matter is worthy of explanatory discussion at the Delegate Assembly.

RSA 15:5 states:

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

Relative to Paragraph I, NHSBA maintains that the Association is not subject to Paragraph I, as NHSBA is not a "recipient of a grant or appropriation of state funds."

Relative to Paragraph II, whether this Paragraph applies to local school boards and the payment of dues to NHSBA is an open question. RSA 15:5 became law in 2006. A review of the legislative history yields no clarity. NHSBA is not aware of any instance since this statute became law when the bills' sponsors asserted that RSA 15:5 was intended to apply to organizations such as NHSBA. To NHSBA's knowledge, only one school board segregates funds for NHSBA dues, following advice of that board's local legal counsel.

Nothing precludes school boards from segregating funds for NHSBA dues. Consistent with limitations on NHSBA's legal services, NHSBA recommends that boards consult with their own local legal counsel for an interpretation of RSA 15:5, II. For the sake of argument, if we assume that Paragraph II does apply to school boards and their membership dues to NHSBA, local counsel, along with the superintendent and business administrator should be consulted as to how such funds should be segregated, if possible. Your school board's financial auditor should be consulted, as well. Local counsel should be involved to ascertain whether this statute would also apply to other professional organizations/associations, vendors, contractors, or other entities engaged in legislative advocacy.

10. **Submitted by the Keene School Board on 7/8/2021**

Resolution: NHSBA supports diversity, equity, and inclusion in all aspects in our schools, is committed to the concept that free and open dialogue around such concepts as racism and sexism is a vital component to education, and opposes any actions which limit this free exchange of ideas.

Rationale: So-called "divisive concepts" bills, and their associated language, attempt to restrict how teachers address topics such as race, gender, LGBTQ identity, ethnicity, and similar. An article published in The Hill on July 7 notes that historians generally agree "that these issues provide essential content to understand our history and that they are appropriate for school history classes." Regardless of wording, these legislative efforts are intended to limit the speech of our teachers. These are topics of vital concern to our students, and our teachers are trained in discussing these topics with historical context and with empathy. There is free speech at play here: we should be opposing government limitation of free speech anyway; but in this case the limitations also directly reduce the quality of education in our schools.

NHSBA Board of Directors Recommendation: Support.

Recent legislation prohibiting teaching the teaching of "divisive concepts" is contrary to existing NHSBA Resolutions as well as state and federal anti-discrimination rules and statutes.

NHSBA Resolution V:K• states: *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)*

Also, while not entirely on point, NHSBA Resolution V:M• states: *NHSBA supports local boards and their responsibility for establishing the structure, accountability, advocacy and delivery of instruction within their local district. This includes statutory changes that affirm this managerial policy confided exclusively to public employers. Specifically, governing bodies have the right to determine standards for evaluation, compensation, selection, layoff and retention, discipline, assignment and transfer, and other traditionally accepted managerial rights so as to continue public control of governmental functions. (2013)*

At the January 2021 Delegate Assembly, the body adopted the following Resolution:

NHSBA supports equity and inclusion in all aspects of education. NHSBA supports adherence to all anti-discrimination laws, rules and statutes ensuring that no student is excluded or discriminated against on the basis of sex, gender identity, race, religious creed, color, marital status, physical or mental disability, national origin, economic status, familial status, sexual orientation, health condition, or native language. (2021)

RSA 189:1-a, II states: "Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon

available information about the knowledge and skills pupils will need in the future.” NHSBA drafted this provision, which became law in 2013.

RSA 193:38 states: “No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin.” RSA 193:39 requires school boards to “develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin.” RSA 186:11 requires the state board of education to “Ensure that there shall be no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, race, creed, color, marital status, national origin, or economic status of the benefits of educational programs or activities.”

In order to comply with these requirements, and consistent with this proposed Resolution, it is important for school districts to encourage and allow for open dialogue and the free exchange of ideas relative to such matters. Further, the NHSBA Board of Directors supports the spirit and intent of statutes and rules that maintain local control over curriculum.

11. **Submitted by the Merrimack Valley School Board on 7/9/2021**

Resolution: The New Hampshire School Boards Association calls upon the New Hampshire Legislature to fund a Post-Graduation Transition Program for each school district to provide a continuum of guidance for graduate transition from high school to vocation, college and career.

Rationale: Some recent high school graduates discover that portions of their educational history need refreshing or strengthening in order for them to achieve their career goals. There are limited resources post-graduation to support struggling recent graduates in filling educational voids in order to seek employment or advanced education. This creates an opportunity for public schools to fulfill this need in the recent graduate community and another way for schools to support their distinct communities. The graduate's high school is a place where the graduate is comfortable and likely to return for help if it could be offered. High schools have in place a school counseling center for current students. At this time, these school counseling offices have a focus on supporting current students and do not have the time or resources to assist recent graduates. The addition of a Post-Graduation Transition Program would provide tools and personnel to work with students following graduation to increase their successful attainment of career goals.

NHSBA Recommendation: Not support. While the Board of Directors believes such a program has merit and is needed, the Board also believes that NHSBA Resolutions relative to school funding should primarily be focused on full adequacy aid funding, full special education funding, and full building aid funding. Additionally, the Board of Directors believes public schools should primarily focus on students within our buildings, and not above and beyond the K-12 setting. The Board also believes that there are other mechanisms school districts can implement to achieve the stated purpose of this program, such as adding these matters to local curriculum. NHSBA has multiple Resolutions speaking to full funding for public schools. The Board believes this proposal is too narrowly focused, but would also come under the umbrella of existing NHSBA school funding Resolutions.

12. **Submitted by the Hanover and Dresden School Boards on 7/9/2021**

Resolution: Whereas NHSBA supports equity and inclusion in all aspects of education (Continuing resolution #5) and;

Whereas 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 (NHSBA Policies and Beliefs V:K) and;

Whereas NHSBA supports state and federal legislation that affirms the responsibility for education resides with the states, which have delegated to local school boards the power and authority to adopt policies, establish priorities, and provide accountability to direct the operation of the schools, including the school system's mission and goals, organization, budget, program, curriculum and services, all essential to the daily operation of schools, consistent with state laws and regulations (NHSBA Policies and Beliefs V:N)

Be it resolved that the NHSBA oppose legislation such as, but not limited to, HB 544 or HB 2 of 2021, containing language that promotes an unconstitutional restriction on free speech that could thereby deny New Hampshire public school students of all races and genders the opportunity to think critically, openly and inclusively about subjects such as racism, systemic racism and sexism.

Rationale: (see language of resolution)

NHSBA Board of Directors Recommendation: Not Support. The NHSBA Board of Directors believes that the proposed Resolution is too narrowly focused on a single bill, rather than a broad-based policy statement. Further, the NHSBA Board of Directors believes that its support of the Keene Resolution (#10) encompasses this proposal.