



## New Hampshire School Boards Association

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### **NHSBA 2020 Delegate Assembly – Proposed Resolutions**

#### **6. Submitted by the Raymond School Board**

**Resolution:** To increase the appropriation amount in existing resolution IIC from \$50 million to \$100 million. The revised resolution would read “NHSBA supports the appropriation of at least \$100 million each fiscal year to fully fund, per RSA 198:15-a, IV, the state’s Building Aid Program. This program has effectively created local and state partnerships in financing school building improvements that benefit all students of New Hampshire, and which would be considered a significant part fulfilling the State’s constitutional duty to provide an adequate education for all children.”

**Rationale:** The existing \$50 million is not sufficient to meet the significant improvement needs to provide an adequate education.

**NHSBA Board of Directors Recommendation: Support alternative language:** NHSBA supports reinstituting full school building aid funding to state-funded levels equal to or greater than state appropriations prior to the 2011 school building aid moratorium.

**Rationale:** Rather than including a specific monetary amount, the Resolution should call for reinstatement of full building aid. In 2011, lawmakers placed a moratorium on school building aid funding, halting all future building projects statewide until 2013, except for emergency funding that is authorized by lawmakers on a case-by-case basis. The moratorium was never lifted and is still in place to this day. The NH Department of Education estimates that about \$650 million worth of school construction or renovation projects are on the current waiting list.

**NHSBA Board of Directors Recommendation: Support alternative language.**

## **7. Submitted by the Contoocook Valley School Board**

**Resolution:** The Contoocook Valley School Board requests NHSBA add this continuing resolution: that RSA 198:40-a, "The Cost of An Opportunity for an Adequate Education," be modified to require the state to fully reimburse the cost of basic transportation to every school district.

**Rationale:** This request is based on the following RSA requirements of public school districts in New Hampshire: \* RSA 193:1, that requires every child 6-18 years attend a public school in their resident district, or the school assigned by their resident district; \*RSA 189:6, that requires the local school district to furnish transportation to all pupils in grades 1-8 who live more than two miles from their assigned school; \*Additionally RSA 189:6-b allows school districts to further transport students from schools to before and after school programs; \*Additionally RSA 189:6-c allows school districts to transport students in mixed use school buses, with specific requirements, when needed, including children with disabilities to school activities both during and outside the normal school day; \*Additionally RSA 189:8 adds these limitations and additions on distance that a student must walk to reach the school bus stop, including 'inaccessible' residences; \*And additionally, RSA 189:9 requires the school district to transport private school students, up to twelfth grade, within any town or district, the same method as the public school students. Finally, the Cheshire County Superior Court Judge David Ruoff, this June 2019, ruled that the NH Constitution requires the state to fully reimburse school districts for transportation. The difference in the cost of transportation between rural and urban districts is another source of inequity in the NH funding of school districts.

**NHSBA Board of Directors Recommendation: Support as submitted, such that Resolution II:D will read:**

NHSBA supports a continual review of all costs associated with providing the opportunity for an adequate education, including costs associated with facilities, transportation and increasing the state commitment to reflect actual costs incurred. Any additional revenue raised by the state to meet this obligation shall be dedicated solely for the purpose of fully funding a constitutionally adequate education for all students in the state. (First Adopted in 2000 – Revised in 2014)

**NHSBA Board of Directors Recommendation: Support clarifying language.**

**Rationale:** The NHSBA Board of Directors agrees with the rationale as presented by the Contoocook Valley School Board.

## **8. Submitted by the Monadnock Regional School Board**

**Resolution:** 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) ADD: This resolution should not be interpreted to obligate the NHSBA to challenge the renewal or re-authorization of mandates that uphold existing rights for students receiving special education services.

**Rationale:** In the 2017 reauthorization cycle for The NH Standards for the Education of Children with Disabilities (formerly N.H. Rules for Education of Children with Disabilities), the NHSBA testified in support of HB 620, a bill that would have removed rights and protections for children with disabilities. When asked why, NHSBA's attorney responded "NHSBA bases its testimony on any number of bills primarily on our Resolutions, which are adopted each year at our annual Delegate Assembly. Because NHSBA has Resolutions that relate directly to this bill, I felt it necessary for NHSBA to testify regarding this bill." This resolution was cited as one of two that drove the NHSBA to testify. Our board would like to clarify that this resolution should not obligate the NHSBA to testify in such matters. Our board believes that the state should fund the existing and future mandates, as the resolution states, but feels it is not appropriate for our board or an organization representing our board to support measures that would remove existing rights and protections of children with disabilities."

**NHSBA Board of Directors Recommendation: Support as submitted, such that Resolution II:O will read:**

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. *This resolution should not be interpreted to obligate the NHSBA to challenge the renewal or re-authorization of mandates that uphold existing rights for students receiving special education services.*

**NHSBA Board of Directors Rationale:** HB 620 (2017), as introduced, stated in part: "The state board shall not propose 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. The state board shall not propose a rule pursuant to RSA 541-A that exceeds state or federal minimum requirements unless the rule is authorized by statute." Because many NHDOE special education rules exceed the requirements under federal special education law, NHSBA testified in support of HB 620, based on the current iteration of this Resolution. The NHSBA Board of Directors believes that supporting existing rights of students of students with disabilities is imperative in ensuring adequate and equitable educational opportunities.

**9. Submitted by the Manchester School Board**

**Resolution:** That the New Hampshire School Board Association opposes any legislation that has a fiscal impact to local communities without the appropriate state funding.

**Rationale:** Creates undue fiscal burden on the local communities.

**NHSBA Board of Directors Recommendation: Support alternative language:** NHSBA calls upon the New Hampshire Legislature to fully fund any legislation that creates or has a fiscal impact on local school districts.

**NHSBA Board of Directors Rationale:** The NHSBA Board of Directors believe the proposed resolution, as submitted, may create conflicting considerations when NHSBA is taking positions on proposed legislation. The Board of Directors believes that the NH Legislature should fully fund any new requirements placed on local school districts and believes the alternative language accomplishes this goal.

**10. Jointly Submitted by the Oyster River, Nottingham, & Dover School Boards**

**Resolution:** The NHSBA supports legislation to restrict possession of firearms on school property, limiting possession to certified police officers only.

**Rationale:** NH is one of only three states that does not prohibit gun owners from bringing firearms onto school property. Under NH state law, anyone who legally owns a gun can carry that weapon onto school grounds and into schools. Local boards or town councils cannot act to restrict them. The proliferation of firearms within schools presents a danger to students and school personnel. Current initiatives which “harden” entrances to schools, to which the state has contributed millions of dollars, are futile if there are no legal restrictions for bringing firearms onto school property in the first place.

**NHSBA Board of Directors Recommendation: Support alternative language:** NHSBA supports legislation to restrict possession of firearms on school property to authorized law enforcement personnel only.

**NHSBA Board of Directors Rationale:** The Board of Directors recognizes that NHSBA Membership is split on the issue of guns and firearms on school grounds. Similar proposed resolutions have been defeated at the Delegate Assembly in 2017 and 2019. The NHSBA Board of Directors notes that approximately 47 other states already have law limiting guns and firearms on school grounds, in one form or another. Further, the NHSBA Board of Directors also wishes to convey to membership that NHSBA is not a single-issue body, and this proposed resolution is only one of dozens of Resolutions NHSBA has relative to school board governance, legislative priorities, school funding, and other areas of school board interest.

**11. Submitted by the Keene School Board**

**Resolution:** The New Hampshire School Board Association supports legislation that makes clear the authority of local school districts to restrict firearms on school property, excepting authorized police and security personnel.

**Rationale:** The Federal Gun Free School Zone Act appears to allow this local control, but recent state legislation and state attorney general actions have led to confusion, inconsistency, and a weakening of the federal act. School districts have a responsibility to provide environments “free of hazardous conditions,” under NH DOE rule 302.02. Given the recent heightened emphasis in school safety at both the state and local levels it is vital that state law is again aligned with federal law, and clear authority is given to districts to maintain gun-free schools.

**NHSBA Board of Directors Recommendation:** Not support.

**NHSBA Board of Directors Rationale:** The NHSBA Board of Directors believes that allowing each individual school district or school board to determine for itself whether or not to restrict firearms on school property would lead to confusion among law enforcement and community members. Additionally, the NHSBA Board of Directors believes this matter is addressed through the Board of Director’s recommended support of Resolution #10.