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2024 NHSBA Delegate Assembly
Saturday October 19, 2024
10:30am
Grappone Conference Center

PROPOSED RESOLUTIONS

13. Submitted by the Hanover & Dresden School Boards

Proposed Resolution:

Whereas all children deserve to be safe in New Hampshire schools; and

Whereas public education strives to encourage tolerance, acceptance, inquiry, and curiosity; and

Whereas all children deserve the opportunity to participate in school based extracurricular activities, including sports teams; and

Whereas several school districts in New Hampshire have already adopted inclusive transgender student policies; and

Whereas the state of New Hampshire has previously enacted anti-discrimination laws in 2018 protecting transgender people from discrimination in housing, employment, public accommodations and schools;

Therefore be it resolved that the NHSBA supports and advocates for statewide legislation and local school board policy that affirms the rights of all students to participate in education including school sponsored curricular and co-curricular activities, free of discrimination on the basis of gender identity.

Rationale:

The rights of public school students are currently at risk because of some of the legislation under consideration in Concord, and this resolution is both critical and timely.

NHSBA Response:

The NHSBA Board of Directors believes that this Proposed Resolution is similar to Resolution VI:F, which was adopted in 2021. VI:F currently reads:

VI:F• 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. (January 2021)

Alternative Resolution Recommended by NHSBA Board of Directors:

VI:F• NHSBA supports equity and inclusion in all aspects of education, **including curricular programs, extra-curricular programs and co-curricular programs**. 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. (January 2021)

NHSBA Rationale: NHSBA Resolution VI:F already speaks to NHSBA’s support for equity, inclusion and anti-discrimination laws. This Resolution also includes all classes protected under state law. The NHSBA Board of Directors believes the Alternative Resolution reaches the stated goal of the proposed resolution without singling- out one of the protected classes.

14. Submitted by the Wilton-Lyndeborough Cooperative School Board

Proposed Resolution:

The New Hampshire School Board Association will ensure that NHSBA member dues are not being used for lobbying purposes consistent with RSA 15:5.

Rationale:

The resolution simply seeks to follow the statute. If member school boards do not segregate funds when paying NHSBA membership dues, thus co-mingling state and non-state funds, then those membership dues cannot be used for lobbying purposes as stated in RSA 15:5.

NHSBA Response:

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

First: The Board of Directors believes the objective of the proposal is not appropriate for a Resolution. NHSBA Resolutions are intended to guide NHSBA's positions relative to legislative advocacy, while this resolution would seek to direct the internal operation of NHSBA relative to its membership.

Second: The resolution would require NHSBA to somehow monitor or audit the accounts and expenditures of its member districts.

Third: The premise is based upon an open question statutory interpretation.

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, RSA 15:5 became law in 2006. A review of the legislative history includes no information that would indicate that paragraph II was intended to apply (1) absent a primary object of the payment to "lobby or attempt to influence legislation" by the third-party entity, or (2) when the entity's positions are not directed or even chosen by the recipient of the state funds (i.e., an individual school district/board).

In this regard, NHSBA is not different than any other entity – whether for profit or not-for-profit - which receives payments from a district and which spends some of its revenue on attempts to influence legislation.

Additionally, and despite the fact that public employee/officer organizations such as NHSBA were funded in the same manner as NHSBA is in the present day, 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.

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. If a local board chooses to segregate funds, the board should consult with local counsel, along with the superintendent, business administrator and district auditor to best determine how that should be accomplished. 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.

15. Submitted by the Governor Wentworth School Board

Proposed Resolution:

The GWRSD School Board tonight voted unanimously to support and in so doing reaffirm the current NHSBA resolution.

My motion;

I move the GWRSD School Board vote to support and reaffirm the current NHSBA resolution which reads “NHSBA supports that the state and federal government seek and provide viable, sustainable, permanent funding to provide a school breakfast and lunch at no cost to students.”

Now reflected in the minutes, during public portion of the meeting, and recorded by Wolfeboro Community Television.

Rationale:

N/A

NHSBA Response: Though this is not a proposed resolution, per se, the NHSBA Board of Directors thanks the Governor Wentworth School Board for their continued support. If Continuing Resolution #2 passes, it will become a permanent Resolution in the NHSBA Statement of Beliefs Manual.

16. Submitted by the Concord School Board

Proposed Resolution:

The board voted 8-0 to send the following proposed resolution regarding universal free lunch to the NHSBA: (Motioned by Mr. Weinberg, 2nd by Mr. Cotton).

1. "Whereas the Concord School Board recognizes the importance of nutrition for supporting the development and learning potential of New Hampshire students.
2. Whereas the Concord School Board believes it is critical to tackle childhood hunger and food insecurity.
3. Therefore, we submit a resolution to the NHSBA to advocate to the NH State Legislature to create a universal and subsidized meal program for NH public school students."

Rationale:

Support for the issues concerning food insecurity

The Concord Board is committed to ensuring that all children receive nutritious meals while at school. In seeking support from the state to fund breakfast and lunches, the Board offers the following rationale.

The Board acknowledges that every student needs to start the day with a healthy breakfast and a healthy lunch to sustain learning throughout the day

Schools in the city of Concord have a significant number of students with food insecurity. The district faced a deficit in revenues from the food service program due to the inability of families to afford the meal program

The district provides breakfast and lunch to students attending summer programs at the school.

The board realizes that not all families fill out the required paperwork for a variety of reasons, having state support would lessen the burden of filing the application

NHSBA Response: This Proposed Resolution is similar to Continuing Resolution #2. However, the NHSBA Board of Directors believes that a slight amendment to CR#2 is warranted and necessary, consistent with this Proposed Resolution. Continuing Resolution currently states:

NHSBA supports that the state and federal government seek and provide viable, sustainable, permanent funding to provide a school breakfast and lunch at no cost to students. (2022)

Alternative Resolution Recommended by NHSBA Board of Directors:

NHSBA supports that the state and federal government seek and provide viable, sustainable, permanent funding to provide a school breakfast and lunch at no cost to students **and at no cost to local school districts**. (2022)

NHSBA Rationale: Continuing Resolution #2 only addresses providing school meals to students at no cost. Over the last number of years, the New Hampshire Legislature has passed numerous laws with unfunded mandates passed down to local school districts. This proposed Alternative Resolution clarifies that any school funding programs should also be at cost to local school districts and should not be an unfunded mandate.

17. Submitted by the Concord School Board

Proposed Resolution:

Concord Board of Education Resolution
For Gun Free School Zones

A RESOLUTION of the Concord Board of Education in Concord, New Hampshire supports New Hampshire State Legislation that will enforce the Federal Gun Free School Zone Act.

WHEREAS, the Concord Board of Education has an obligation to ensure that all students are provided a safe, secure, and supportive environment in which education and school activities are conducted; and

WHEREAS, legislators are accountable to create a safe or unsafe environment in our schools, as evidenced by increasing incidents of gun violence threats and gun violence in schools; and

WHEREAS, so far this year in 2024, the United States has experienced 88 incidents of shooting in schools with 78 victims of these shootings; and

WHEREAS, the presence of firearms increases risk of such harm; and

WHEREAS, the Concord Board of Education policies #544 prohibits weapons including firearms on school properties unless under the control of law enforcement personnel; and

WHEREAS the federal government has designated schools as gun-free zones; and

WHEREAS, the federal Gun Free Schools Act prohibits students from bringing firearms into schools, and the federal Gun Free Schools Zone Act prohibits all other persons from bringing firearms within 1,000 feet of school property; and
WHEREAS, any bill set before New Hampshire Legislators that does not enforce federal law of gun free school zones, compromises the ability to maintain a safe environment.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

The Concord Board of Education:

- Opposes current New Hampshire state law that does not require state and local law enforcement to enforce federal law of gun free school zones.
- Urges all City of Concord's elected representatives serving in the New Hampshire State Legislature to pass legislation to keep firearms out of school zones.
- Urges New Hampshire State Legislature to pass a bill that enforces federal Gun Free School and Gun Free School Zone Acts in order to create and maintain a safe education environment.

- Commits to creation and revision of Concord School District policies that prohibit students, staff, and civilians from bringing firearms within a school zone.
- Directs the Concord School District Superintendent to distribute this resolution to city, state, and local policy makers, all members of the State Board of Education (New Hampshire); New Hampshire State School Board Association; New Hampshire Association of School Administrators; New Hampshire State Teachers Association; local print, voice, and internet media.

Adopted the day of 2024, the Concord Board of Education voted at a dully called meeting at which a quorum was present with in favor, opposed, and abstained from the Resolution.

Resources:

K-12 School Shooting Database; <https://k12ssdb.org/>
 Concord School District Policy #544 Weapons on School Property NH RSA 192 D:2
 Federal Gun Free School Zone Act 1990 Federal Gun Free Schools Act 1994

Rationale:

Support for issues concerning weapons in the schools

The Concord Board of Education is committed to providing a safe and secure environment for children and staff and in doing so supports a gun free school zone. The Board offers the following rational.

The rules that apply to students attending schools should apply to adults who enter school grounds.

The Board was faced with a situation when adults (some carrying weapons) were using a school facility over a weekend at the same time students were in the building at an event. Students observed the adults carrying a weapon and sent panic among the students and parents. The situation was quickly resolved but not without heightened anxiety on the part of students.

The district receives federal funds to support school programs and is cognizant of the rules around the Federal “Safe and Gun Free Zones” and yet NH laws allow for concealed weapons as well as open carry.

NHSBA Response: NHSBA has two resolutions relative to guns and firearms on school grounds.

Continuing Resolution #4 states: *“NHSBA will advocate for legislative action that ensures local school boards comply with federal firearm laws and policies.” (2022)*

Resolution VI:G• states *“NHSBA supports legislation to restrict possession of firearms on school property, limiting possession to certified police officers only.” (2020)*

This Proposed Resolution is different, however, as it speaks to local law enforcement enforcing federal law regarding firearms on school grounds

Alternative Resolution Recommended by NHSBA Board of Directors:

VI:G• NHSBA supports legislation to restrict possession of firearms on school property, limiting possession to certified police officers only. **NHSBA further supports state legislation that would allow enforcement of the federal Gun Free School Zones Act within New Hampshire.**

18. Submitted by the Oyster River School Board

Proposed Resolution:

II:E• NHSBA proposes that the state develop an equitable and sustainable tax plan dedicated solely to education for the purpose of fully funding a constitutionally adequate education for all students in the state. (2002)

Proposed resolution amendment, edit in bold italics:

II:E• NHSBA proposes that the state develop an equitable and sustainable tax plan dedicated solely to ***public*** education for the purpose of fully funding a constitutionally adequate education for all students in the state.

Rationale:

Recent legislation and rule interpretation by the state continue to complicate the ability of school districts to fund a constitutionally required adequate education. Recent court rulings (ConVal vs. State of NH, Rand vs. State of NH) reiterate this requirement to form a tax plan and the continued failure of the legislature to do so. This lack is creating a significant and negative educational and financial impact on public school districts and local taxpayers. Therefore it is timely to make a small edit to NHSBA policy II:E to reinforce that NHSBA not only supports an equitable and sustainable tax plan to fund education, but that the tax plan should support PUBLIC education rather than private and/or parochial education. This also allows policy II:E to more fully coincide with policy I:B, which opposes the creation of vouchers (Education Freedom Accounts) and other programs that funnel tax dollars away from public schools into private and parochial schools.

NHSBA Response:

The NHSBA Board of Directors supports the intent and purpose of this Proposed Resolutions, with minor modifications.

Alternative Resolution Recommended by NHSBA Board of Directors:

II:E• NHSBA proposes that the state develop an equitable and sustainable tax plan dedicated solely to ***public schools operated by local school districts*** ~~education~~ for the purpose of fully funding a constitutionally adequate education for all students in the state.

NHSBA Rationale: The NHSBA Board of Directors believes that the alternative language clarifies that education funding be directed at public schools operated by local school districts, lest there be any confusion or misunderstanding as to what constitutes “public education.”

19. Submitted by the Oyster River School Board

Proposed Resolution:

The NHSBA does not support the proposed revisions to State Administrative Rule ED 306, document #10556, as amended on 3/27/2024.

Rationale:

The proposed revisions to State Administrative Rule ED 306, as of 3/27/2024, are problematic, inadequate, and unclear in multiple areas. The proposed rule changes conflict with multiple areas of standing NHSBA policies, resolutions, and statements of belief, including but not limited to:

I:B (moving tax dollars away from public schools);

II:N and II:U (unfunded mandates and fiscal impact);

V:K, V:M, and V:N (all regarding various aspects of local control, including standards, assessment and accountability);

VI:F (equity and inclusion for students) and VI:H (diversity, equity and inclusion within curriculum);

VIII:H (decreases in content and skills tested).

The proposed revisions also can be interpreted as affecting adequate funding by shifting educational requirements to options, which significantly complicates budgeting and aspects of local control. Local control itself is challenged in the draft by limiting language allowed in crafting policies as well as altering how a credit can be earned, which are typically under local school board purview. Standards are weakened by changing “mastery” to “proficiency” in meeting competencies, where “proficiency” is now defined as a minimum requirement as opposed to a high requirement. There are also multiple changes, such as changing “instructional” to “learning”, and “teaching” to “facilitating learning” that lessens the importance of classroom learning. Highly qualified and credentialed professional teachers are paramount in providing quality education; eliminating or weakening teacher preparation and licensure is a disservice to students and society and compromises the quality of the diploma issued by the school district.

Due to these and other issues and areas of concern, the NHSBA should not support the proposed revisions to ED 306 as of 3/27/2024 (5/28/2024 proposed revisions have not yet been approved at this date).

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

NHSBA Rationale: Not support. On Wednesday August 14, 2024, the State Board adopted the new minimum standards, rendering this Proposed Resolution moot.

20. Submitted by the Oyster River School Board and Cosponsor of the Hanover/Dresden Resolution Submitted Above

Proposed Resolution:

Whereas all children deserve to be safe in New Hampshire schools; and

Whereas public education strives to encourage tolerance, acceptance, inquiry, and curiosity; and

Whereas all children deserve the opportunity to participate in school based extracurricular activities, including sports teams; and

Whereas several school districts in New Hampshire have already adopted inclusive transgender student policies; and

Whereas the state of New Hampshire has previously enacted anti-discrimination laws in 2018 protecting transgender people from discrimination in housing, employment, public accommodations and schools;

Therefore be it resolved that the NHSBA supports and advocates for statewide legislation and local school board policy that affirms the rights of all students to participate in education including school sponsored curricular and co-curricular activities, free of discrimination on the basis of gender identity.

NHSBA Response: This Proposed Resolution is the same as Proposed Resolution #13, above. The NHSBA Board of Directors response is the same to this Proposal as it was to Proposed Resolution #13.

Alternative Resolution Recommended by NHSBA Board of Directors:

VI:F• NHSBA supports equity and inclusion in all aspects of education, **including curricular programs, extra-curricular programs and co-curricular programs.** 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. (January 2021)

NHSBA Rationale: NHSBA Resolution VI:F already speaks to NHSBA's support for equity, inclusion and anti-discrimination laws. This Resolution also includes all classes protected under state law. The NHSBA Board of Directors believes the Alternative Resolution reaches the stated goal of the proposed resolution without singling-out a single protected class.

21. Submitted by the Hooksett School Board

Context

NH state law provides a framework for school impact fees to be established for new residential development/construction via RSA 674:21 which specifically refers to “public school facilities”. Local zoning ordinances specify criteria for the assignment of fees to new construction, collection of fees from developers, retention of these fees, and the criteria for school districts to be eligible to receive these fees as revenue to offset expenses for facilities construction or improvement. In some communities, ordinances or Planning Board areas of focus are oriented towards municipal projects, and school district concerns may be inadequately considered.

Proposed Resolution

NHSBA will advocate for laws governing impact fees to be updated to require local Planning Boards to revisit impact fee methodology, policy, and schedule at least every five years, to ensure local ordinances reflect legislative or rule changes and consider other local factors and school district concerns.

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

NHSBA Rationale: Impact fees stand to have a significant effect on school board budgeting, facilities planning, and school capital improvement plans. The NHSBA Board of Directors believes that by supporting and advocating for this Resolution, school boards will have better stability, uniformity and financial planning as it comes to school district facilities and infrastructure.

22. Submitted by the Mascoma Valley Regional School Board on 8/3/2024

Proposed Resolution:

NHSBA will support legislation that requires the State of New Hampshire to fund the cost of the Youth Risk Behavior Survey for all middle school students in the state.

Rationale:

Currently, the state of New Hampshire covers the cost for school districts to survey students for the Youth Risk Behavior Survey from the Center for Disease Control and Prevention. This biannual, anonymous survey provides valuable information to school districts, health councils, and communities so they may be able to address underlying issues facing young people such as drug use, suicidal thoughts, self-harm, eating disorders, dating violence, abuse, bullying, vaping, addiction, and so much more. This survey is often the only way adults are able to understand the issues facing young people today because of its widespread use nationwide in an anonymized fashion. Currently, New Hampshire only funds the high school survey, leaving school districts having to fund a middle school survey themselves. An age-appropriate middle school survey is currently funded by our neighbors in Maine and Vermont, giving their communities better information to address problem behaviors earlier and build stronger risk prevention strategies by the time these students enter high school.

NHSBA Response:

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

NHSBA Rationale: The NHSBA Board of Directors recognizes and appreciates the Mascoma Valley Regional School Board's interest and stated desire to address problem behaviors earlier and build stronger risk prevention strategies by the time these students enter high school. However, the Board of Directors also believes that local school districts should undertake the Middle School Youth Risk Behavior Survey on their own volition, lest it be another mandate from the state and another task levied upon our school district staff.

23. Submitted by the Keene School Board the on 8/5/2024

Proposed Resolution:

NHSBA urges the New Hampshire Legislature to repeal all laws that usurp local control in regard to materials found in public school libraries. Further, NHSBA urges the New Hampshire Legislature to repeal all laws that usurp local control in regard to materials used to teach the curriculum established by the New Hampshire Legislature, New Hampshire Department of Education and local school boards.

Rationale:

It is our belief that our local school boards are best suited to deal with the expectations of the communities they serve and the staff they hire.

NHSBA Response:

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

NHSBA Rationale: NHSBA currently has two Continuing Resolutions that speak to this matter.

Continuing Resolution #5 states: NHSBA opposes any legislations that divests local school boards of original jurisdiction relative to complaints about local curriculum, instruction, and instructional resources such as books, library materials, and other instructional resources. Further, NHSBA opposes any legislation that subjects school district staff to civil lawsuits and sanctions relative to curriculum and instruction. (2023)

Continuing Resolution #6 states: NHSBA affirms the qualifications of school district staff to research and select appropriate digital and printed material for schools. Literary and curricular collections should offer students information that provides a balance of cultural values. Further, literary collections should represent diverse points of view; provide a global perspective; stimulate essential thinking skills; and meet the interests, abilities, learning styles, and information needs of the learning community. (2023)

The NHSBA Board of Directors believes these two Continuing Resolutions are related enough to the Proposed Resolution such that another resolution on the same topic is not necessary.

24. Submitted by the Keene School Board the on 8/5/2024

Proposed Resolution:

NHSBA opposes state laws that require mandatory reporting by teachers and staff to parents and guardians of conversations teachers and staff (including counseling, therapy, and school psychology) have with a student regarding the student's own status as a member of any protected class.

Rationale:

It is difficult enough to find and retain good teachers and staff, and mandatory reporting of non-criminal issues is a psychological and emotional burden to students and staff, violates confidentiality, and is an affront to professional ethics.

NHSBA Response: Support alternative language.

Alternative Resolution Recommended by NHSBA Board of Directors:

NHSBA supports legislation which prioritizes the well-being and safety of students and, while recognizing the rights of parents to make decisions about their children, also gives due consideration and weight to educators' professional judgment and their responsibility under the Code of Ethics for New Hampshire Educators to always act in a student's best interests.

Rationale: The Code of Ethics for New Hampshire Educators contains the following provisions:

- Educators are expected to have an awareness and respect of the confidential nature of material received and communicated from a variety of audiences.
- Educators are expected to recognize and respect confidential information acquired in the course of employment regarding individual student safety, education, health, and personal information of students and their families.

The NHSBA Board of Directors believes that the proposed Alternative Resolution addresses the intent of the proposed Resolution while simultaneously addresses the responsibilities of teachers and school staff under the Code of Ethics for New Hampshire Educators.