

Bill as Introduced

HB 112 - AS INTRODUCED

2011 SESSION

11-0343

04/01

HOUSE BILL **112**

AN ACT relative to the required number of instructional days and instructional hours in a school district's calendar.

SPONSORS: Rep. Knox, Carr 4; Rep. B. Patten, Carr 4; Rep. Ahlgren, Carr 4; Rep. S. Schmidt, Carr 4; Rep. St. Cyr, Belk 5; Sen. Bradley, Dist 3

COMMITTEE: Education

ANALYSIS

This bill provides that the number of days in the school year may be defined by the department of education in rules which specify an equivalent number of hours.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the required number of instructional days and instructional hours in a school district's calendar.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 School Boards, Transportation, and Instruction of Pupils; Days of School. Amend RSA 189:1 to
2 read as follows:

3 189:1 Days of School. The school board of every district shall provide standard schools for at
4 least 180 days in each year, or the equivalent number of hours [~~if approved by the commissioner of~~
5 ***as required in the rules of*** the department of education, at such places in the district as will best
6 serve the interests of education and give to all the pupils within the district as nearly equal
7 advantages as are practicable.

8 2 School Boards, Transportation, and Instruction of Pupils; Standard School. Amend
9 RSA 189:24 to read as follows:

10 189:24 Standard School. A standard school is one approved by the state board of education, and
11 maintained for at least 180 days in each year, or the equivalent number of hours [~~if approved by the~~
12 ~~commissioner of~~] ***as required in the rules of*** the department of education, in a suitable and
13 sanitary building, equipped with approved furniture, books, maps and other necessary appliances,
14 taught by teachers, directed and supervised by a principal and a superintendent, each of whom shall
15 hold valid educational credentials issued by the state board of education, with suitable provision for
16 the care of the health and physical welfare of all pupils. A standard school shall provide instruction
17 in all subjects prescribed by statute or by the state board of education for the grade level of pupils in
18 attendance.

19 3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 42
HB 112 - FINAL VERSION

2011 SESSION

11-0343
04/01

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CHAPTER 42
HB 112 - FINAL VERSION

11-0343
04/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

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6 serve the interests of education and give to all the pupils within the district as nearly equal
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8 42:2 School Boards, Transportation, and Instruction of Pupils; Standard School. Amend
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10 189:24 Standard School. A standard school is one approved by the state board of education, and
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12 commissioner of~~] ***as required in the rules of*** the department of education, in a suitable and
13 sanitary building, equipped with approved furniture, books, maps and other necessary appliances,
14 taught by teachers, directed and supervised by a principal and a superintendent, each of whom shall
15 hold valid educational credentials issued by the state board of education, with suitable provision for
16 the care of the health and physical welfare of all pupils. A standard school shall provide instruction
17 in all subjects prescribed by statute or by the state board of education for the grade level of pupils in
18 attendance.

19 42:3 Effective Date. This act shall take effect 60 days after its passage.

20 Approved: May 9, 2011

21 Effective Date: July 8, 2011

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
EDUCATION

Printed: 03/17/2011 at 12:20 pm

Senator Nancy Stiles Chairman
Senator James Forsythe V Chairman
Senator Sharon Carson
Senator Molly Kelly
Senator Russell Prescott

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: March 17, 2011

HEARINGS

Tuesday

3/22/2011

EDUCATION

LOB 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note that the Hearing on HB216 has been replaced with a Hearing on proposed amendment (#0987s) to SB 114 which was previously heard on February 15th.

1:00 PM	HB112	relative to the required number of instructional days and instructional hours in a school district's calendar.
1:10 PM	HB67	expanding the duties of the school administrative unit oversight committee.
1:20 PM	HB172	relative to transporting school children to school and school-supported activities.
1:40 PM	SB114	prohibiting assessing teacher performance based solely on assessment scores.

Sponsors:

HB112

Rep. J. David Knox
Rep. Jeffrey St. Cyr

Rep. Betsy Patten
Sen. Jeb Bradley

Rep. Christopher Ahlgren

Rep. Stephen Schmidt

HB67

Rep. Richard Drisko

Rep. Rick Ladd

Sen. Peter Bragdon

Sen. Molly Kelly

HB172

Rep. Lynne Ober
Rep. Andrew Renzullo

Sen. Sharon Carson

Rep. Russell Ober

Rep. Robert Haefner

SB114

Sen. Sylvia Larsen

Tom Prasol 271-3093

Sen. Nancy Stiles

Chairman

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Tom Prasol, Legislative Aide

RE: Hearing report on HB 112 – **relative to the required number of instructional days and instructional hours in a school district's calendar.**

HEARING DATE: 3.22.2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Stiles
Senator Forsythe
Senator Carson
Senator Kelly

MEMBERS OF THE COMMITTEE ABSENT: Senator Prescott

Sponsor(s): Rep. Knox, Carr 4; Rep. B. Patten, Carr 4; Rep. Ahlgren, Carr 4; Rep. S. Schmidt, Carr 4; Rep. St. Cyr, Belk 5; Sen. Bradley, Dist 3

What the bill does: This bill provides that the number of days in the school year may be defined by the department of education in rules which specify an equivalent number of hours.

Who supports the bill: Representative Dave Knox, Carr. 4
Jack Robertson, Superintendent: Gov. Wentworth
Jack Widmer, Chair, Gov. Wentworth School Board
Dean Michener, NHSBA

Who opposes the bill: Ed Murdough, DOE

Summary of testimony received:

Senator Stiles opened the hearing at 1:00pm and recognized Representative David Knox as the prime sponsor.

Representative Dave Knox

Representative Knox introduced himself as the Representative of Carroll County District 4. He introduced HB112 as relative to the required number

of instructional days and instructional hours in a school district's calendar. This bill was requested by a constituent, John Robertson, Superintendent of Schools for the Governor Wentworth Regional School District.

Rep. Knox stated that as a result of storms, winter weather, and an "in house" reconstruction program, it has become a nightmare to put together a school calendar. He specifically noted that while it is difficult for school districts in general to make up days and hours to meet the minimum requirement, Governor Wentworth includes 6 towns and a vocational school that takes students from 2 additional towns, which makes it particularly difficult.

He also said that previous legislation had made approval from the commissioner moot and school districts should be allowed to define their own calendar so long as they comply with the spirit and letter of the law. Rep. Knox noted that 6 other states allow for this greater flexibility.

The changes this bill makes to present law occur on line 4 and line 11 and 12 where it removes the words "if approved by the commissioner of education" and substitute the words "as required in the rules of."

John Robertson, Superintendent: Governor Wentworth Regional School District

Mr. Robertson noted that the proposed changes to RSA 189:1 and 189:24 are not to reduce the time children are in school, but rather to prove the authority to set and manage school calendars to local school districts. He stated that it seems a bit ridiculous for local school districts to obtain permission to comply with the law. He also noted that it would reduce the time and workload that is placed on the department.

Mr. Robertson also commented on the wisdom on past legislative sessions in making changes to the law to keep it relevant. Those changes have been made in 1959 and 2007 from weeks to days, and days to hours respectively. Setting a school calendar involves cooperation by school districts, parents, students, and staff. He stated that reaching consensus takes time and effort and that effort is put at risk when the calendar is submitted to the commissioner for approval. The change in law has no impact on either the ability or authority of the NHDOE to monitor school calendars or enforce compliance with standards contained in regulations. Simply stated, the proposed change is in no way meant to usurp state authority. Mr. Robertson then noted 2 concerns he has heard regarding this proposed change. First, that the NHDOE is not confident that local districts will produce calendars that are good for children. His response to this concern is that local school boards are elected by the same voters who elect the members of the NH legislature.

Secondly, he notes that there is concern of an onslaught of 4-day weeks and juvenile crime rates will rise. His response to this concern is that current law and regulations do not prohibit 4-day weeks or require NHDOE authorization to implement. However, if NHDOE finds many districts going to 4-day weeks producing detrimental consequences, it can change its rules thus prohibiting such calendars.

Senator Forsythe asked if this would provide more authority to the local level. Mr. Robertson notes that if the School district wants to go outside the standards they need pre-approval. It therefore only provides more authority at the local level when they comply with current standards.

Ed Murdough, NHDOE

Mr. Murdough stated that Commissioner Barry is strongly opposed to this legislation but is presently out of the state. The DOE is opposed for several reasons. First it appeals to a statute and not a rule, which is the reverse of normal procedure. Second, it is not necessary because the current process works. He noted that no calendar has been disapproved. He noted that due to the change in statute and not rules, it becomes mathematically impossible to produce a calendar.

Mr. Murdough is also concerned that the decision is about what is good for adults and not children. If the calendar changes to 4-day weeks, children will be home alone and that needs to be considered. He would also like to have enough time to review this decision and while this increases flexibility, the shorter calendar will come into collective bargaining.

Senator Stiles commented that rules carry the weight of the law, and inquired as to what problems may occur so long as the school district meets the requirements of the DOE. Mr. Murdough stated that rules are supposed to define the law and retorted that the legislative intent will be confusing if it passes.

Senator Carson stated that while there is concern about lessening of hours, couldn't the converse also be true. Mr. Murdough responded that currently the majority of schools in the state go beyond the number of hours.

Jack Widmer, Chairman: Governor Wentworth Regional School Board

Mr. Widmer began by stating that he is representing the sentiments of all board members in support of HB112. He agrees with Superintendent Robertson about the role of the legislature throughout history in the rule making process. He also believes that having flexibility to develop a school calendar is critical to working with both parents and students in maintaining

high levels of school attendance. He stated that their interest in the law is not about lowering any standard and they do not expect to avoid any scrutiny of their calendar by the DOE.

Mr. Widmer then echoed the concerns of Mr. Robertson and focused on the ability this law would create to work directly with constituents in developing a calendar.

No questions were asked.

Dean Michener, NHSBA

Mr. Michener noted that this legislation was brought forward and supported by the School Board Association at their assembly. He believes this is a local control issue, and it has been made clear the DOE rules address this requirement. He also stated that all this bill does is state that if the requirements are met; there is no need to move forward and receive approval from the commissioner.

He also stated that there is a lot of commentary about the pros and cons of rules. This bill is not about changing the rules, it is about saying if a calendar is in compliance of the rules it should not be forced to seek approval. School boards function through communication with the public. If there are problems the school boards hear about them. He also does not understand the collective bargaining issue. Union representative take input from the unions themselves and thus it is a management issue.

Action: Senator Stiles closed the hearing at 1:24pm.

TRP

[file: HB112 report]
Date: 3.23.2011

Speakers

Testimony

TESTIMONY HB112

Relative to the required number of instructional days and instructional hours in a school district's calendar.

Submitted by: John B. Robertson, Superintendent of Schools, Governor Wentworth Regional School District, sup49@govwentworth.k12.nh.us

Contents

Written testimony.

Proposed Bill.

Regulations (with sample modifications - highlighted)

Ed 306.18 School Year

Ed 306.19 School Calendar

Ed 306.20 Alternative School-Year Scheduling Pattern

Chart - Impact of sample Regulation changes on allowable school calendars.

Excerpt from NHDOE recommendation to State Board of Education recommending the elimination of the hourly standard because they find the language confusing.

TESTIMONY HB112

My name is Jack Robertson and I am the Superintendent of Schools for the Governor Wentworth Regional School District. Thank you for providing me with the opportunity to support HB 112. In the interest of time and a notion that "*brevity is a virtue*," I have also provided you with this written information which supports my testimony.

The purpose of the proposed changes to RSA 189:1 and 189:24 is not to reduce the time children are in school, but rather to give local school districts the authority to set and manage their respective school calendars within the standards set by law or promulgated in the duly adopted state regulations. Current language in the law sets the standard at "180 days in each year or the equivalent number of hours if approved by the commissioner of the department of education." Furthermore, the State Board of Education, with Legislative oversight, has set the "equivalent number of hours" in Education Regulation 306.18. Consequently, it seems a bit ridiculous for local school districts to have to obtain permission before it is allowed to comply with the law. Given the current fiscal conditions in the state and the limited dollars for staffing at the NHDOE, it would seem the department's resources could be put to better use than telling a district they have permission to comply with the law. Moreover, if a school calendar complies with the law and any related regulations, its composition ought to be a local decision.

Past legislative sessions have made needed changes to the law in order to keep it relevant to changing times. I applaud their wisdom. In 1959, the Legislature changed the standard from 36 weeks to 180 days. This gave communities the flexibility to make up lost days on Saturdays without conflict with the law. In 2007, recognizing a changing world and the maturation of technology, the Legislature wisely modified the law to provide the flexibility of an hourly standard. Such a standard takes into account individual learning plans for pupils.

In today's world, more than ever, decisions made by parents, students and staff revolve around the school calendar. Setting the calendar, especially in a cooperative school district that also serves as a regional career and technical education center, involves coordination with a variety of groups. Getting consensus takes time and a lot of effort. If consensus is reached on a calendar that conforms to the hour requirement referenced in the law and related regulations, but is less than 180 days in length, a district risks having to go through the entire calendar development process again, leaving citizens with the feeling that their voices really do not matter. On the other hand, if the district submits a plan to the commissioner prior to obtaining some level of consensus, it puts itself in the position of appearing to not have cared about listening to its constituents' voices. As I am sure that you can appreciate, that is not a good position to be in if you are trying to build partnerships with parents or the greater community.

The proposed change in law has absolutely no impact on either the ability or authority of the NHDOE to monitor school calendars or enforce compliance with the standards contained in the regulations. Districts are still required to submit their respective

calendars to the NHDOE for monitoring. Any calendar that does not conform to Ed 306.18 must, as currently required under Ed 306.20, be approved by the Commissioner of Education. That does not change. Most importantly, however, if districts adhere to the regulations but the results do not align with NHDOE expectations, the power to change the regulations resides solely in Concord, not at the local District. Simply stated, the proposed change is in no way meant to usurp state authority.

The only arguments that I have heard against the proposed change in this law are:

1. **CONCERN:** The Department of Education is not confident that local districts will produce calendars that are good for children. For example, schools may implement longer school days and substantially reduce the number of days that schools are in session. **ANSWER:** Local school boards are elected by the same people that elect the members of the New Hampshire House. I trust the voters' judgment. Moreover, it is important to remember that the control to prevent any abuse in school calendar design remains exclusively in Concord through both laws and related regulations. To illustrate how the education regulations control the calendar, I have enclosed in the documents provided to you an example of a possible rule modification. In the example, the existing rules are shown with three minor changes (highlighted). These minor changes not only prohibit a district from making a major reduction in the number of school days required for children, but at the same time they also raise the instructional time standard for pupils. A chart provides a comparative analysis between this sample and the current standard.
2. **CONCERN:** There will be an onslaught of 4-day weeks and juvenile crime rates will rise in the cities. **ANSWER:** The current law and regulations does not prohibit 4-day weeks or require special NHDOE authorization to implement. However, if the NHDOE finds that many districts are going to a 4-day week (which I strongly doubt) producing detrimental consequences, it can change its rules thus prohibiting such calendars. Remember, calendars still must be submitted to the NHDOE for monitoring, analysis and even rejection if they do not conform to the law and regulations.

In closing, it is my opinion that adopting school district calendars that conform to both the law and related regulations ought to be a matter of local control. The current process of waiting for a response as to whether a district will be allowed to follow the law is not only a waste of precious state resources during these difficult economic times, but in an age of information speed, it is not conducive to building positive relationships between a school district and its constituents. Past legislative sessions had the wisdom to keep this law relevant to changing times. I hope you see the value in doing the same in 2011.

If you have any questions of me, I would be happy to respond. My e-mail address is: sup49@govwentworth.k12.nh.us. Thank you.

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189:24 Standard School. A standard school is one approved by the state board of education, and maintained for at least 180 days in each year, or the equivalent number of hours [~~if approved by the commissioner of~~] *as required in the rules of* the department of education, in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances, taught by teachers, directed and supervised by a principal and a superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils. A standard school shall provide instruction in all subjects prescribed by statute or by the state board of education for the grade level of pupils in attendance.

3 Effective Date. This act shall take effect 60 days after its passage.

Sample of a Rule Modification that would Necessitate at Least 175 Days of School

Ed 306.18 School Year.

(a) Pursuant to RSA 189:1 and 189:24 each school shall maintain a school year option as provided in either (b) or (c) below.

(b) Each school with a school year option based on hours shall be subject to the following requirements:

(1) The school shall maintain in each elementary school, a school year of at least ~~945~~ 1,006 hours of instructional time;

(2) The school shall maintain in each middle and senior high school, a school year of at least ~~999~~ 1,094 hours of instructional time;

(3) The school day of an individual student shall not exceed ~~8~~ 5.75 hours of instructional time in an elementary school nor 6.25 hours of instructional in a middle or senior high school; and

(4) The school shall have in its school year an additional 10 days of at least 6 hours in duration to provide for instructional time lost due to inclement weather or unexpected circumstances, staff development, and parent-teacher conferences;

(5) A school may close before its scheduled closing time when an emergency condition exists which might adversely affect the health and safety of students, provided that the number of hours of instructional time originally planned for the day shall be credited to the number of hours of instructional time in the school year, if:

a. On that day, the school would normally have had at least 5.25 hours of instructional time; and

b. The school remained open for at least 3.5 hours of instructional time.

(c) Each school with a school year option based on days shall be subject to the following requirements:

(1) The school shall maintain a standard school year of at least 180 days of instructional time;

(2) The school shall have in its school year an additional 10 days of at least 6 hours in duration to provide for instructional time lost due to inclement weather or unexpected circumstances, staff development, and parent-teacher conferences;

(3) For each elementary school:

a. The regular school day shall be 6 hours in duration with at least 5.25 hours devoted to instructional time;

b. No more than 30 minutes of recess or break time, or both, shall be counted toward the 5.25 hour requirement in a. above;

c. Lunch time and homeroom periods shall not be counted in meeting the 5.25 hour requirement in a. above; and

- d. Kindergarten sessions shall be at least 2.5 hours in duration;
- (4) For each middle school:
- a. The regular school day shall be 6 hours in duration with at least 5.5 hours devoted to instructional time; and
 - b. Lunch, passing time, recess, breaks, and homeroom periods shall not be counted as instructional time;
- (5) A regular school day may be shortened when an emergency condition exists which might adversely affect the health and safety of students, subject to the following:
- a. For each elementary school, a shortened day shall consist of at least 3.5 hours of instructional time in order to be counted as a regular school day; and
 - b. For each middle school and high school, a shortened day shall consist of at least 4 hours of instructional time in order to be counted as a regular school day; and
- (6) A school half-day shall consist of at least 3 hours of instructional time, and 2 school half-days can be counted as a regular school day.

Source. #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05

Ed 306.19 School Calendar. Each school shall maintain a school calendar.

Source. #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05

**Still requires the
Commissioner's
Approval**

Ed 306.20 Alternative School-Year Scheduling Pattern.

(a) In order to adopt a school-year scheduling pattern which is not in compliance with Ed 306.18, the local school board shall submit a written request to the commissioner of education at least 60 working days prior to the proposed effective date of the first date of the alternative school year.

(b) A request, pursuant to (a) above, shall include:

- (1) The name of school/district;
- (2) The SAU #;
- (3) The local school board chairperson's signature;
- (4) Reason for the request in accordance with RSA 189:2; and

(5) A plan which consists of a detailed description of the scheduling alternative, including the method and timetable for implementation and procedures for evaluation.

(c) Upon review of the request, the commissioner shall grant approval for a period of one year if the request meets the following criteria:

(1) The information provided is thorough, complete, and does not result in a plan that would detract from student learning;

(2) The local school board has demonstrated that the school/district is able to implement the plan; and

(3) The plan is consistent with the education laws, published by the department, which contain all of the laws enforced by the department, and with the published rules of the state board as adopted under RSA 541-A.

(d) The commissioner shall notify the local school board chairperson and the superintendent in writing of the decision.

(e) If the commissioner denies the request, the chairperson of the local school board may appeal the decision and request a state board hearing. Said appeal shall be filed in writing with the office of legislation and hearings within 20 days of the receipt of the decision and shall specify the basis for the appeal. The office of legislation and hearings shall schedule a hearing on the appeal in accordance with timelines and procedures established in Ed 200.

(f) Pursuant to RSA 21-N:11, III, any person directly affected by said decision may request a state board hearing. A request for a hearing shall be filed in writing with the office of legislation and hearings within 20 days of the decision and shall specify the basis for such hearing. The office of legislation and hearings shall schedule the hearing in accordance with timelines and procedures established in Ed 200.

Source. #5546, eff 7-1-93; ss by #6366, eff 10-30-96,
EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-
05

New. #8354, eff 7-1-05

COMPARISON OF STANDARD 180-DAY CALENDAR [Ed 306.18(c)] vs. PROPOSED HOURLY STANDARD CALENDAR [Ed 306.18(b)]

CURRENT ED 306.18(c) STANDARD

Instructional Time

(conforms to RSA 189:1 & 189:24 without special approval)

Elementary		Middle/High School	
945 Annual Hours		990 Annual Hours	
Hours Per Day	Days Per Year	Hours Per Day	Days Per Year
5.25	180	5.5	180

PROPOSED ED 306.18(b) STANDARD

Instructional Time

(requires more time in school for children than the 180-day calendar not requiring pre-approval)

Elementary		Middle/High School	
1,006 Annual Hours		1,094 Annual Hours	
Current Hours	Days Per Year	Current Hours	Days Per Year
5.25	192	5.50	199
5.30	190	5.55	197
5.35	188	5.60	195
5.40	186	5.65	194
5.45	185	5.70	192
5.50	183	5.75	190
5.55	181	5.80	189
5.60	180	5.85	187
5.65	178	5.90	185
5.70	176	5.95	184
5.75	175 Minimum Days	6.00	182
		6.05	181
		6.10	179
		6.15	178
		6.20	176
		6.25	175 Minimum Days

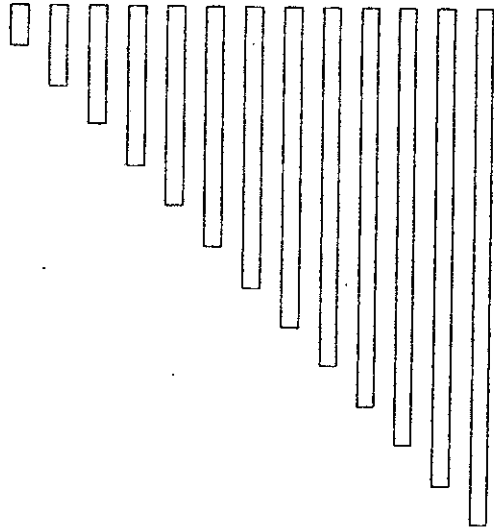
How Regulations Control Calendar Decisions

Sample -The minor modifications (highlighted) shown in the current regulation (Ed 306.18) can easily control the maximum or minimum days a district is allowed to have in its calendar. In this example, an elementary school calendar could have as few as 175 days by extending its daily instructional time to the maximum length (5.75 hrs.) or as many as 192 days if the instructional time is the current length (5.25 hrs.).

Point at which the number of days equals the standard 180-day calendar

Proposed Change in Legislation & Rules

With respect to instructional time, the proposed change is the equivalent of a 192-day elementary school and a 199-day middle/high school calendar under the "traditional standard" that does not require the pre-approval of the Commissioner.



UPDATE OF *MINIMUM STANDARDS FOR PUBLIC SCHOOL APPROVAL*

**EDWARD R. MURDOUGH
PRESENTATION TO STATE BOARD OF EDUCATION
SEPTEMBER 29, 2010**



SCHOOL YEAR

Issue: Current language is confusing.

Proposal: Rewrite the rule eliminating the two options. Schools must provide 945/990 hours of instruction in a calendar of at least 180 days. Schools may request approval from the Commissioner to do fewer than 180 days. Schools may request to use the internet during snow days and avoid rescheduling lost days.

HB 112
Public Hearing Senate Education Committee
Tuesday, 3/22/2011

Thank you, Madame Chairman

For the record, I am Rep. J. David Knox, Carroll County District 4, representing Wolfeboro, Tuftonboro and Moultonborough. I am the prime sponsor of HB 112, an act relative to the required number of instructional days and instructional hours in a school district's calendar. I am bringing this bill forward upon the request of a constituent of mine John Robertson, the Superintendent of Schools for the Governor Wentworth Regional School District. Jack will follow me with a further explanation for the need for this bill. Dean Michener, Ass. Director of the NH School Boards Association, who supports this legislation would also like to speak to the bill in a few minutes.

As I understand it because of storms, winter's weather in general, and now, in the case of our school district with an "in house" reconstruction program, it has become a nightmare to put together a school calendar. For school districts in general it has become difficult to make up days and hours to meet the minimum requirement. Governor Wentworth with six separate towns and a vocational school that takes students from two additional towns as well, it has become particularly difficult to rescheduling school days.

Because of previous legislation we feel that approval from the commissioner of education now is no longer necessary and could allow local schools districts to define their own school calendar as long as they comply with the spirit and letter of the law. There are apparently at least six other states that allow for this greater flexibility for school districts in setting their annual attendance calendars.

HB 112 would on line four and line eleven and twelve of the bill remove the words "if approved by the commissioner of education" and substitute the words "as required in the rules of" in the present law. In my opinion the new words, "as required" is the key to understanding the intent of this bill.

I will now let the experts further explain the need for this bill.

Thank you, Madame Chairman.

Rep. J. David Knox

TESTIMONY HB112

Good afternoon. My name is Jack Widmer and I am the Chairmen of the Governor Wentworth Regional School Board. I can assure you that I represent the sentiments of all of the Governor Wentworth Board members in voicing my support for House Bill 112.

I agree with Superintendent Robertson's observation that our Legislature has done a good job of modifying laws to meet the contemporary needs of our society. In 2007, the Legislature added the instructional hourly standard to the law and defined it in regulation 306.18. Having flexibility in developing a school calendar is critical to working with both parents and students in maintaining high levels of school attendance.

Our interest in this law is not about trying to lower any standard and we do not expect to avoid any scrutiny of our calendar by the Department of Education. We simple want to manage our school district within the rules and regulations of the State of New Hampshire without any unnecessary involvement of state agencies. However, we fully support high standards in the law as well as in the regulations and respect the determination of these standards as belonging to the state.

When meeting with the Department of Education on this bill last spring, there was concern that all local districts might not make the commitment to act in best interest of children. As a long time school board member, I reject that notion. The voters who pay for our schools and elect state officials are the same ones who vote for school board members. The adopted laws and regulations set the parameters for actions taken by school boards and the State of New Hampshire has both the duty and right to make sure standards are being met. The adoption of this bill will not infringe on either the state or Department of Education's authority to enforce its promulgated standards. Calendars must still be placed on record with the NHDOE. Not only can they enforce requirements set forth in the standard, but they can also work with the Legislature to alter the regulations if they are not meeting the needs of pupils.

Interestingly, in September of 2010, the NHDOE recommended to the State Board of Education the consolidation of the two options (# of instructional hours and # of instructional days) into a single option. They cited the current language as confusing. I respectfully disagree with that premise. I believe that the proposed modification of the law with regulation changes such as those referenced in the materials given to you by Superintendent Robertson's make the standard very clear. More importantly, it eliminates the need for state involvement in local decision-making thus freeing NHDOE resources to attend to more pressing matters.

Adoption of this bill enhances a district's ability to work directly with its constituents in developing a calendar that is accepted by the community. In a district like Governor Wentworth, that group is complex involving 9 towns. During a time when local control of schools is rapidly eroding and the citizens who are paying the bills for our schools are feeling more and more left out, I urge you to support HB 112. Thank you for your time.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 29, 2011

THE COMMITTEE ON Education

to which was referred House Bill 112

AN ACT relative to the required number of instructional days and
instructional hours in a school district's calendar.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 3-1

AMENDMENT # 0s

Senator Jim Forsythe
For the Committee

Tom Prasol 271-3093

New Hampshire General Court - Bill Status System

Docket of HB112

Docket Abbreviations

Bill Title: relative to the required number of instructional days and instructional hours in a school district's calendar.

Official Docket of HB112:

Date	Body	Description
1/3/2011	H	Introduced 1/5/2011 and Referred to Education; HJ 8 , PG.130
1/11/2011	H	Public Hearing: 1/18/2011 1:30 PM LOB 207
1/19/2011	H	==CANCELLED== Executive Session: 1/25/2011 2:00 PM LOB 207
1/26/2011	H	Executive Session: 2/1/2011 2:00 PM LOB 207
2/2/2011	H	Committee Report: Ought to Pass for Feb 9 (Vote 16-0; CC); HC 12 , PG.201
2/9/2011	H	Ought to Pass: MA VV; HJ 16 , PG.310
2/23/2011	S	Introduced and Referred to Education; SJ 8 , Pg.81
3/9/2011	S	Hearing: 3/22/11, Room 103, LOB, 1:00 p.m.; SC15
3/31/2011	S	Committee Report: Ought to Pass, 4/13/11; SC19
4/13/2011	S	Ought to Pass, MA, VV; OT3rdg; SJ 12 , Pg.246
4/13/2011	S	Passed by Third Reading Resolution; SJ 12 , Pg.254
4/27/2011	H	Enrolled; HJ 40 , PG.1386
4/27/2011	S	Enrolled; SJ 15 , Pg.293
5/11/2011	H	Signed by Governor 05/09/2011; Effective 07/08/2011; Chapter 0042

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

Hb112 ORIGINAL REFERRAL RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

(3) PREPARED TESTIMONY AND OTHER SUBMISSIONS

(1) SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # ____ ____ - AMENDMENT # ____
____ - AMENDMENT # ____ ____ - AMENDMENT # ____

ALL AVAILABLE VERSIONS OF THE BILL:

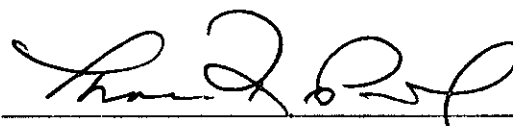
AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/22/2011



BY COMMITTEE AIDE