

Bill as Introduced

HB 290 - AS INTRODUCED

2011 SESSION

11-0622

04/10

HOUSE BILL

290

AN ACT

relative to staffing exceptions for small schools.

SPONSORS:

Rep. Ladd, Graf 5; Rep. Boehm, Hills 27; Rep. Weber, Ches 2; Rep. Fleck, Carr 5

COMMITTEE:

Education

ANALYSIS

This bill establishes a definition of a small school and implements a procedure for such schools to petition the department of education for approval of an alternative staffing plan.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 staffing exceptions for small schools.

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

1 1 New Section; School Boards; Small Schools. Amend RSA 189 by inserting after section 24 the
2 following new section:

3 189:24-a Small Schools.

4 I. A small school is a school which is comprised of kindergarten through grade 6 with an
5 average daily membership in attendance of less than 92 pupils, or any school comprised of
6 kindergarten through grade 8 with an average daily membership in attendance of less than 120
7 pupils, or any school comprised of grades 9 through 12 with an average daily membership in
8 attendance of less than 60 pupils, or meets one of the following configurations:

9 (a) Kindergarten through grade 2 with an average daily membership in residence of 12
10 pupils or less per grade; or

11 (b) A school comprised of grades 3 through 8 with an average daily membership in
12 residence of 14 pupils or less per grade; or

13 (c) A school comprised of grades 9 through 12 with an average daily membership in
14 residence of 15 pupils or less per grade.

15 II. Upon written request from the school board of a school district, the commissioner of the
16 department of education shall approve a school as a small school provided the school meets the
17 definition set forth in paragraph I. The commissioner shall render a decision within 30 days of
18 receiving a written request. Approval as a small school shall remain valid until the commissioner
19 determines the school no longer meets the definition set forth in paragraph I.

20 III. The school board of a small school may develop a staffing plan that best supports the
21 school's unique learning environment with:

22 (a) Quality teachers who can serve as generalists.

23 (b) Class sizes that comply with minimum standards for public school approval as
24 adopted by the state board of education and the department of education.

25 (c) The services of a certified principal.

26 (d) Other instructional services to include library, media services, and reading from the
27 classroom teacher or non-certified staff supervised by a certified staff member;

28 (e) Art, music, health, and physical education instruction from the classroom teacher
29 generalist or non-certified staff supervised by a certified staff member.

30 (f) Guidance counselor service as determined necessary by school administration and
31 school board.

32 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Ladd, Graf. 5
April 7, 2011
2011-1372h
04/01

Amendment to HB 290

1 Amend RSA 189:24-a as inserted by section 1 of the bill by inserting after paragraph III the
2 following new paragraph:

3

4 IV. This section shall not apply to staffing requirements necessary for providing special
5 education or special education services to a child with a disability pursuant to RSA 186-C.

Committee Minutes

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Tom Prasol, Legislative Aide

RE: Hearing report on HB 290 – relative to staffing exceptions for small schools.

HEARING DATE: 4/12/2011

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

MEMBERS OF THE COMMITTEE ABSENT: Senator Carson

Sponsor(s): Rep. Ladd, Graf 5; Rep. Boehm, Hills 27; Rep. Weber, Ches 2;
Rep. Fleck, Carr 5

What the bill does: This bill establishes a definition of a small school and implements a procedure for such schools to petition the department of education for approval of an alternative staffing plan.

Who supports the bill: Representative Rick Ladd, Graf. 5
Dean Michener, NHSBA
Representative Joseph Fleck, Carr. 5

Who opposes the bill: Susan Wiley

Summary of testimony received:

Senator Stiles opened the hearing at 1:19pm and recognized Representative Ladd as the prime sponsor.

Representative Ladd

Representative Ladd recalled several house bills that deal with small schools. He noted that the top of this legislation provides a formula to define a small school. Small schools are unique and there is a couple in his district. He believes they are important in the fact that they are able to continue to

provide programming instruction without having to send students elsewhere. In looking at the benefits of a small school assessing students who are going through the school system will rate their schools as high due to personal contact. He also noted that drop out rates are lower, personal experiences are long lasting, administration and transportation costs are higher, and intervention done in a small schools is personal in accordance with learning styles and needs of students.

Rep. Ladd stated that the cost in schools to provide curriculum is not geared toward small schools who must still buy the package. The administration of the school is also inherently costly for small schools. He noted this legislation is a way to help the small schools without throwing money at them. There are staffing exemptions under Roman Numeral III that off the ability to reduce staff size and thus costs. Presently, one can ask the DOE for an exception, but this policy puts in place the staffing exception that is in place over the long term. He concluded by stating that this will provide state revenue savings and putting this language into statute strengthens it. He also provided an amendment that does not allow changes to special education.

Senator Forsythe inquired if it was under rules or statute that provides staffing guidelines. Rep. Ladd stated that it is in rules and Ed Murdough from DOE can elaborate. However, once an exception has been made it must be re-qualified every year. This bill will allow it to remain in place until the institution is no longer classified as a small school.

Senator Kelly inquired how many small schools were in New Hampshire. While rep. Ladd did not have a specific number he stated that there are two in his district.

Dean Michener, NHSBA

Mr. Michener proclaimed his general support for this legislation as it provides increased flexibility. He noted that Rep. Lass described the purpose and need of the bill. The School Board Association has supported this bill in the past. He believes that having this bill in place will be useful. He also agrees with the clarification and guidance from the DOE as well as guidance under No Child Left Behind.

No questions were asked.

Susan Wiley

Ms. Wiley stated her opposition to this legislation and she believes it undermines established standards for education in New Hampshire. She also provided 25 years of experience in 2 defined small schools. Ms. Wiley became certified as a NH Educator via an alternative program which makes

this legislation moot. She interprets the legislation as providing the commissioner with the ability to designate a school "small" and thus exempt from the state requirements for staffing the specialties. Ms. Wiley is concerned that the instructional services will be staffed by a non-certified member and also questioned the ability of the principal to supervise non-certified staff. She emphasized the need to move forward with certified instructional teachers rather than backward with one teacher staffing all services.

Ms. Wiley then noted the last section which notes the guidance counselor service will exist if deemed necessary by the school administration and school board. She believes guidance services are essential to the education of students. She concluded her remarks by stating that the money saved will be at the expense of educational opportunities and excellence.

Senator Stiles inquired how the student's would be "short-changed" if the staff was working toward grade level expectations. Ms. Wiley could not specifically address that issue but noted that in an instance where a town library serves as the school library, access to media services is limited.

Mike Skibbie, Disabled Rights Center

Mr. Skibbie believes it is imperative to make it explicit in the legislation that it would not affect the disabled. Thus, he fully supports the adoption of the amendment introduced by Rep. Ladd.

No questions were asked.

Ed Murdough, NHDOE

Mr. Murdough stated that they continue to act on this subject through administrative rules. The examples that have been proposed are done and this is a difficult issue for these schools. While he believes this legislation may provide a benefit to these schools, the term "generalist" in section III: A needs to be addressed.

Senator Kelly asked if the reason for non-support and non-opposition is because the rules already address this issue. Mr. Murdough confirmed that analysis. She then referred to Rep. Ladd's testimony that this would change the funding and cost to these schools and inquired if that was true given the rules already exist. While Mr. Murdough was not sure, there is an argument for cost savings and it would be difficult for the DOE to disapprove of something that makes sense. Senator Kelly then referred to his question in regards to the term "generalist" and inquired if that was already in the rules. Mr. Murdough stated that it is not "per se." He stated that what happens now is the school boards decide who teaches who and a generalist already

essentially exists. He believes the only change this bill makes is removing the re-qualification for staffing exceptions.

Senator Forsythe inquired about the statement that non-certified teachers would teach core classes, however he reads it as non-certified teachers would only teach instructional classes. Mr. Murdough sees that a certified teacher would oversee the non-certified teachers.

Senator Stiles asked if a teacher was qualified to teach math and also taught history, would it be a violation and risk federal monies. Mr. Murdough stated that they would have to be highly qualified which is different from certification.

TRP

[file: HB290 report]
Date: 4/13/2011

Speakers

Senate Education Committee: Sign-In Sheet

Date: 4/12/2011

Time: 1:20pm

Public Hearing on HB290

HB290

relative to staffing exceptions for small schools.

Name	Representing	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Joseph W. Fleck</i>	CARROLL DIST 5	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Testimony

HB 290

I am Susan Wiley and I live in Sandwich, NH. I am in opposition to this bill. I firmly believe this bill as it exists undermines the established standards for education in NH. I am a retired educator. During my 25 years working in schools, I have experienced four different small elementary schools two of those fall under the definition of small schools. I have also volunteered in my community's public school; it too falls within this definition.

After a couple of decades of working in higher education and the private sector I became certified as NH educator via an alternative program. These Alternative Programs are still here, alive and well, and make this legislation unnecessary. Alternatives I & II are traditional college programs. I chose Alternative III which required written and oral exams and a document that provided verification of my skills, competencies, and knowledge. Alternative IV is the channel for critical shortage areas, and we certainly don't see that in these times and Alternative V is essentially an on-the-job training program for a person with a degree and working under the auspices of the Superintendent.

This legislation says to me that when the Commissioner has decided a school meets the definition of a "small school" it is then exempt from the State requirements for staffing the specialists. I don't see that the legislation tells the school district that **WHENEVER** they wish to be using an alternative staffing plan they need to have the permission of the Commissioner. Is it conceivable the school could have all the instructional services (library, media, reading, art, music, physical education and health) from a non-certified staff member? The instructional staff will be supervised by a "certified staff member"; the principal meets that criteria. It is the responsibility of the principal to supervise ALL staff members in his/her building. Is it realistic to think that the principal can adequately supervise more than one non-certified staff member?

Why should a student in a small school have less of an education. Perhaps some of you went to elementary school when your classroom teacher was also your art teacher, and your music teacher, and your health teacher, etc. . That was my school experience in the 50's. We need to move forward not backward.

The last section suggests "(f) Guidance counselor service as determined necessary by school administration and school board." In the early 80's several hundred NH educators, community representatives, school administrators, and school board members were involved with the writing of the Comprehensive Developmental Guidance and Counseling Program, a document that served as the design to increase student achievement, improve study skills, provide more equitable services to students, and direct emotions and behaviors. It was adopted by the Department of Education in the 90's.

Some may have a misunderstanding about guidance services. In NH schools in addition to support for individual students, our schools have classroom guidance. Classroom guidance serves to assist students with decision-making skills, peer relationships and conflict resolution skills, goal setting, etc.. Guidance services also have a parent education and support component; the guidance professional often fills

the role of a school social worker, assisting and referring families for support and parent education. .

Seeing section (f) suggests to me that there may be school administrators who are looking to meet the requirements for specific identified IEP/504 students. Again, if administrators determine that needs of a single or a couple of students suffering from serious mental health issues can best be met by the licensed local mental health therapists they would be doing the right thing for the child to contract with that person. However, school guidance professionals should be working with the State approved guidance and counseling program

The only strength of this bill is in the money it will save at the expense of educational opportunities and excellence. Educators have specialized training to be educators. By their training and the education process they are vetted! I ask you to find HB290 inexpedient to legislate. Thank you.

Susan Wiley 4/12/11

Proposed Amendment to House Bill 290

Michael Skibbie
Disabilities Rights Center
April 12, 2011

STATE OF NEW HAMPSHIRE

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- (a) Kindergarten through grade 2 with an average daily membership in residence of 12 pupils or less per grade; or
- (b) A school comprised of grades 3 through 8 with an average daily membership in residence of 14 pupils or less per grade; or
- (c) A school comprised of grades 9 through 12 with an average daily membership in residence of 15 pupils or less per grade.

II. Upon written request from the school board of a school district, the commissioner of the department of education shall approve a school as a small school provided the school meets the definition set forth in paragraph I. The commissioner shall render a decision within 30 days of receiving a written request. Approval as a small school shall remain valid until the commissioner determines the school no longer meets the definition set forth in paragraph I.

III. The school board of a small school may develop a staffing plan that best supports the school's unique learning environment with:

- (a) Quality teachers who can serve as generalists.
- (b) Class sizes that comply with minimum standards for public school approval as adopted by the state board of education and the department of education.

(c) The services of a certified principal.

(d) Other instructional services to include library, media services, and reading from the classroom teacher or non-certified staff supervised by a certified staff member;

(e) Art, music, health, and physical education instruction from the classroom teacher generalist or non-certified staff supervised by a certified staff member.

(f) Guidance counselor service as determined necessary by school administration and school board.

IV. Nothing in this section shall affect the obligation of a school district to provide services to children with disabilities as required by RSA 186-C, the federal Individuals with Disabilities Education Act, or any other state or federal law, nor the obligation to employ certified staff in special education and related service areas necessary to implement individual education programs as required by state and federal law.

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

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB290 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

(1) PREPARED TESTIMONY AND OTHER SUBMISSIONS

(2) SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1372h - AMENDMENT # _____
 - AMENDMENT # MIKE SKIBBE - 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

7/27/2011



BY COMMITTEE AIDE