

# Bill as Introduced

SB 328 - AS INTRODUCED

2012 SESSION

12-3026

03/04

SENATE BILL

**328**

AN ACT

relative to the procedure for filling a vacancy on a cooperative school board.

SPONSORS:

Sen. Bragdon, Dist 11

COMMITTEE:

Education

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ANALYSIS

This bill modifies the procedure for filling a vacancy on a cooperative school board.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twelve*

AN ACT relative to the procedure for filling a vacancy on a cooperative school board.

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

1 1 School Districts; Vacancies. Amend RSA 671:33 to read as follows:

2 671:33 Vacancies.

3 I. Vacancies among members of cooperative or area school planning committees shall be  
4 filled by the moderator for the unexpired term.

5 II.(a) The school board shall fill vacancies occurring on the school board, **except as**  
6 **provided in subparagraph (b)**, and in all other district offices for which no other method of filling  
7 a vacancy is provided. Appointees of the school board shall serve until the next district election  
8 when the voters of the district shall elect a replacement for the unexpired term. In the case of a  
9 vacancy of the entire membership of the school board, or if the remaining members are unable, by  
10 majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall  
11 appoint members by majority vote in convention.

12 (b) *In a cooperative school district, the remaining school board members*  
13 *representing the same town or towns as the departed member shall fill a vacancy on the*  
14 *school board, provided that there are at least 2 such members. If there are less than 2*  
15 *remaining members on the cooperative school board representing the same town or towns*  
16 *as the departed member, or if the remaining members are unable, by majority vote, to agree*  
17 *upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by*  
18 *majority vote in convention. A member appointed to fill a vacancy under this*  
19 *subparagraph shall serve until the next district election when the voters of the district*  
20 *shall elect a replacement for the unexpired term.*

21 III. Vacancies in the office of moderator shall be filled by vote at a school meeting or  
22 election, provided that, until a replacement is chosen, the school district clerk shall serve as  
23 moderator.

24 IV. Vacancies occurring on the budget committee of a cooperative school district shall be  
25 filled by appointment made within 5 days by the budget committee, or by the chairperson of the  
26 cooperative school board if the vacancy is that of a member appointed from the school board.

27 2 Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

**SENATE CALENDAR NOTICE  
EDUCATION**

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: December 29, 2011**

**HEARINGS**

**Tuesday**

**1/31/2012**

EDUCATION

LOB 103

1:00 PM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

1:00 PM	SB373-L	authorizing the retention of funds by a school district.
1:20 PM	SB328	relative to the procedure for filling a vacancy on a cooperative school board.
1:40 PM	SB316	relative to compliance with school accountability requirements.

**Sponsors:**

**SB373-L**

Sen. James Forsythe  
 Sen. Jim Luther  
 Rep. Robert Malone

Sen. Sharon Carson  
 Sen. Bob Odell

Sen. John Gallus  
 Sen. Nancy Stiles

Sen. Gary Lambert  
 Rep. Lynne Ober

**SB328**

Sen. Peter Bragdon

**SB316**

Sen. Jim Luther  
 Rep. James Belanger

Sen. Tom De Blois

Sen. Gary Lambert

Rep. Jack Flanagan

# Education Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Michael Ciccio, Legislative Aide

**RE:** Hearing report on SB 328 – **relative to the procedure for filling a vacancy on a cooperative school board.**

**HEARING DATE:** January 31, 2012

**MEMBERS OF THE COMMITTEE PRESENT:** Senator Stiles, Senator Forsythe, and Senator Carson

**MEMBERS OF THE COMMITTEE ABSENT:** Senator Kelly and Senator Prescott

**Sponsor(s):** Senator Bragdon, Dist 11

**What the bill does:** This bill modifies the procedure for filling a vacancy on a cooperative school board.

**Who supports the bill:** Senator Bragdon, Gail Cromwell, John Anderson, and Steve Pucci

**Who opposes the bill:** No one

Senator Stiles opened the hearing at 1:26

### **Summary of testimony received:**

Senator Bragdon Introduced the Bill

- Senator Bragdon pointed out that currently all school boards select their replacement if a member can no longer serve on the board.
- He stated that it may make sense for a single town school board because the people who serve on that board are elected by the people of their town.
- He notes the Town of Temple as an example, has 8 other towns in its cooperative school board. If someone from the Town of Temple stepped down the people making the decision on who would replace the member from Temple would be board members who represent other towns.

- This bill would still allow for the school board to determine their replacement if there were at least two members from that town still on the board. However, if there were not two members from that town left on the board then the selectmen from the town of the vacant board member would choose their replacement.

Senator Stiles recessed the hearing at 1:28

Senator Stiles reopened the hearing at 1:51

**Gail Cromwell: supports**

- Ms. Cromwell serves on the Contoocook Valley School Board.
- They serve 9 towns and there are 13 board members distributed amongst the towns.
- She mentions that it is inevitable that vacancies will occur.
- She noted that it is not practical to hold special elections.
- Currently the school board fills the vacancies. Ms. Cromwell believes this violates representative democracy because the board members for the 8 other towns would have to be put in a board member to represent a town in which they don't live or serve their interests.
- Ultimately, Ms. Cromwell believes that this bill would be more likely to produced desired result of democracy because elected members in the town would be responsible for finding their towns replacement.

Closed at 1:54

**Funding: N/A**

**Action:** Senator Carson moved ought to pass. Senator Forsythe seconded the motion. The committed voted 3-0 in support. Senator Carson to report out the bill.

MJC

[file: SB328 report]  
Date: 02/01/12

# Speakers





# Testimony

To the Senate Education Committee  
Re: SB 328  
January 31, 2012

I am here today to speak in favor of SB 328, regarding the procedure for filling a vacancy on a cooperative school board.

I have been a member of such a board, namely the Contoocook Valley School Board, for 7 years. Our cooperative district serves nine towns: Antrim, Bennington, Dublin, Frankestown, Greenfield, Hancock, Peterborough, Sharon and Temple. We have 13 school board members distributed among these towns, each elected to 3-year terms by the voters in their respective towns.

With a board of that size it is inevitable that vacancies occur.

Ideally the voters of a town would be asked to fill vacancies. Since it is not practical to hold special elections at odd times of the year, however, the procedure at present is for the cooperative board itself to fill the vacancies until the next election opportunity.

This procedure violates the principle of representative democracy.

Let me illustrate. Suppose a seat becomes vacant for my town, Temple. Board members who were elected to represent eight other towns are asked to select the representative for Temple. No one from Temple is asked. How can the other eight town representatives know which candidate would serve the best interests of Temple?

The most likely outcome is that the other eight towns select a representative for Temple most likely to agree with their own views.

The procedure specified in SB328 is superior. It outlines two cases:

1. If there are more than 2 representatives from a town on the board, they will vote to fill the seat for their town.
2. If there are not at least 2 remaining members, or if they can't agree, the seat will be filled by the Selectmen of the town in question.

This procedure is much more likely to produce the desired result of representative democracy: the person selected actually represents their town. I hope you will agree.

Thank you.

Gail Cromwell, PhD  
70 Fisk Hill Road  
Temple, NH 03084

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: February 6, 2012

THE COMMITTEE ON Education

to which was referred Senate Bill 328

AN ACT                    relative to the procedure for filling a vacancy on a  
cooperative school board.

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

**OUGHT TO PASS**

BY A VOTE OF:    3-0

Senator Sharon M. Carson  
For the Committee

Michael Ciccio 271-3093

## New Hampshire General Court - Bill Status System

**Docket of SB328**

Docket Abbreviations

**Bill Title:** relative to the procedure for filling a vacancy on a cooperative school board.*Official Docket of SB328:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/1/2012	S	<b>Introduced</b> 1/4/2012 and Referred to Education; <b>SJ 1</b> , Pg.11
1/1/2012	S	Hearing: 1/31/12, Room 103, LOB, 1:20 p.m.; <b>SC2</b>

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NH HouseNH Senate

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# Other Referrals

SB 328

# COMMITTEE REPORT FILE INVENTORY

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

PREPARED TESTIMONY AND OTHER SUBMISSIONS

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 02/06/12      Michael Ciccio  
 BY COMMITTEE AIDE