

Committee Report

CONSENT CALENDAR

February 5, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred HB
302,**

**AN ACT relative to communications between school
administrative units and certain other entities. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Barbara Shaw

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 302
Title:	relative to communications between school administrative units and certain other entities.
Date:	February 5, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The committee agrees that local school districts should develop their own policy regarding the sharing of information. There is a possibility, if this bill were to pass, of unintended consequences involving confidential information. The determining agency should be the local school districts.

Vote 17-0.

Rep. Barbara Shaw
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 302, relative to communications between school administrative units and certain other entities.
INEXPEDIENT TO LEGISLATE.

Rep. Barbara Shaw for Education. The committee agrees that local school districts should develop their own policy regarding the sharing of information. There is a possibility, if this bill were to pass, of unintended consequences involving confidential information. The determining agency should be the local school districts. **Vote 17-0.**

COMMITTEE REPORT

SHAW

COMMITTEE: Education

BILL NUMBER: HB 302

TITLE: Relative to communications between School administrative units and certain other Entities

DATE: 2-5-19 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

The committee agrees that local school districts should develop their own policy regarding the sharing of information. There is a possibility, if this bill were to pass, of unintended consequences involving confidential information. The determining agency should be the local school districts.

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Barbara Shaw
For the Committee

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 302

BILL TITLE: relative to communications between school administrative units and certain other entities.

DATE: February 5, 2019

LOB ROOM: 207

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Shaw

Seconded by Rep. Doherty

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Tanner".

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 302

BILL TITLE: relative to communications between school administrative units and certain other entities.

DATE: 2-5-2019

LOB ROOM: 207

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. SHAW Seconded by Rep. Doherty Vote: 17-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____


MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted:  Rep Linda Tanner, Clerk



2019 SESSION

Education

Bill #: HB302 Motion: ~~ITL~~ ^{ITL} AM #: _____ Exec Session Date: 2-5-2019

Relative to communications between school administrative units and certain other entities

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Myler, Mel Chairman	17		
Luneau, David J. Vice Chairman			
Shaw, Barbara E.	1		
Cornell, Patricia			
Doherty, David B.	2		
Le, Tamara N.	3		
Tanner, Linda L. Clerk	4		
Ellison, Arthur S.	5		
Mullen, Sue M.	6		
Riel, Cole J.	7		
Vallone, Mark	8		
Woodcock, Stephen L.	9		
Ladd, Rick M.	10		
Cordelli, Glenn	11		
Elliott, Robert J.	12		
Boehm, Ralph G.	13		
Wolf, Dan H.			
Allard, James C.	14		
Forsythe, Robert L.	15		
Lekas, Alicia D.	16		
TOTAL VOTE:	17	0	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 302

BILL TITLE: relative to communications between school administrative units and certain other entities.

DATE: January 22, 2019

LOB ROOM: 207 **Time Public Hearing Called to Order:** 2:15 p. m.

Time Adjourned: 2:35 p. m.

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Allard, Forsythe and A. Lekas (Missing)

Bill Sponsors:

Rep. Wuelper

Rep. Cordelli

Sen. Reagan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(1.) *Rep. Kurt Wuelper - Sponsor - Written Testimony - Supports

This is not current in serious situations to communications for school boards.

(2.) * Doris Hohensee - Supports - Written testimony

Board members are not informed why the lack of transparency.

Make sure SB has access between schools and the State School Board informed by the state.

(3.) Barrett Christina - NH School Board' s Association - Opposes

Unintended consequences privacy issues

Flow of communications a problem then School Board has power over superintendent a local problem answer is not to pass a law.

Conflict with FERPA laws RSA 191A not fit for public consumption

Not necessary

DOE supporting Department Technical Assistant, or sounding ear

This bill says ALL communications is the problem may be privileged information.

Question: School Board judiciary responsibility .specifics will be presented at hearing. If you get it per hand taints the School Board with bias.

Question: All communication verbal, written?

Ans: Yes all what is the time frame that is not addressed in the bill.

Question: School Board Member who feels left out with concerns or complaints?

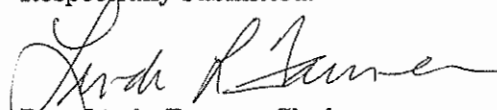
Ans: Go to superintendent majority wins at School Board meeting board acts as an entity not individual.

(4.) Jane Bergeron - NHASEA - Opposes bill

Confidentiality issues with SPED communications with Department of Education.

(5.) Jerry Frew - NHSAA - Opposes bill.

Respectfully submitted:



Rep. Linda Tanner, Clerk

From: LT [mailto:tannerwindom@gmail.com]
Sent: Tuesday, January 22, 2019 3:55 PM
To: Johnston, Judith
Subject: 1/22/19 Notes Ed committee

1/22/19 Tamara took notes on 251 and 329

HB302

1 Rep Wuelper

This is not current in serious situations to communications for school boards

2 Doris Hohensee board members are not informed why the lack of transparency

Make sure SB has access between schools and the State SB informed by the state

3 Barrett Christina unintended consequences privacy issues

Flow of communications a problem then SB has power over superintendent a local problem answer is not to pass a law.

Conflict with FERPA laws rsa 191A not fit for public consumption

Not necessary

DOE supporting dept. technical assistant or sounding ear

This bill says ALL communications is the problem may be privileged information

?SB judiciary responsibility .specifics will be presented at hearing. If you get it per hand taints the SB with bias.

?All communication verbal, written, ans yes all what is the time frame that is not addressed in the bill

?SB. Member who feels left out with concerns or complaints ans go to superintendent majority wins at SB meeting board acts as an entity not individual

4 Jane Bergeron

Confidentiality issues with SPED communications with DOE

5 Jerry Frew

Same points sensitive matter, timeliness, vague issues in bill

HB 380

1 Rep Eisner

Background checks screened by more than Superintendent a diesignee

Respectfully submitted by Rep. Tanner, Committee Clerk

Linda Tanner

“Unless someone like you cares a whole awful lot,
Nothing is going to get better. It's not.”

— **Dr. Seuss, The Lorax**

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 302

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DATE: January 22, 2019

ROOM: 207

Time Public Hearing Called to Order: 2:15

Time Adjourned: 2:35

(please circle if present)

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Deherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Allard, Forsythe and A. Lekas

Bill Sponsors: Rep. Wuelper

Rep. Cordelli

Sen. Reagan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- 1* Rep Wuelper Sponsor
- 2* Doris Hohensee SB MA Support
- 3 Barrett Christina NHTSBA Oppose
- Nicole Hermaeck NHTSBA
- 4 Jane Bergeron NH SPED Adm. Oppose
- 5 Jerry Flew Admin Asso Opposes

Testimony

January 22, 2019
House Education Committee

HB 302, An Act relative to communications between school administrative units and certain other entities.

Chairman Myler and honorable members of the House Education Committee,

I'm Doris Hohensee, a school board member from Nashua, speaking on my own behalf, not on behalf of my board, in support of **HB 302**.

At one point in time, the State paid the salaries of district superintendents. That is no longer the case. Superintendents are now district employees, not State employees. So why does the State continue to communicate to districts through superintendents and not through school board members, who are tasked to oversee our districts and superintendents?

Because of this limited State communication, many State and Federal programs are being implemented in our districts without school board members being fully informed. The State-initiated conversations about Common Core and Competency Based grading without including board members in on the initial conversations. Doing so might have helped ease the transition as both of these were rather contentious programs.

If members of this House Education Committee support open and transparency government, this situation should be remedied by supporting HB 302.

Districts are now implementing Play Based Learning for Kindergarten and Social Emotional Learning programs. Why aren't Board member being kept informed? I've tried repeatedly without any luck to receive information on either of these new programs.

Why the lack of transparency? Shouldn't the State have an obligation to inform those who are tasked to oversee our school districts when implementing new programs? Is the State deliberately withholding information from school board members?

Unless the goal is to keep school board members in the dark, this needs to change. HB 302 would make sure board members have access to communications between the district and the State. This would ensure that board members understand the programs that are being implemented in their districts.

It is difficult to hear after-the-fact pleas from administrators, who begging for approval of a program which has already been implemented as a pilot. Administrators argue that time and money has already been spent on professional development. Board members are held hostage to time and money spent. This is backwards. Board members should be informed by the State at the inception of these State-initiated programs.

In Nashua, another problem we faced was over General Assurances, Terms and Requirements for Participation in Federal Programs. The superintendent and board president certified to the NH Department of Education that all board members were fully informed regarding the federal grants coming to our district, when in fact there were no disclosures. Our federal funds were temporarily frozen until this problem was addressed. However, there's still an outstanding Right to Know request to obtain the remainder of this information. Think of how much simpler it would be if the lines of communication between the school districts and the State included board members.

Open and transparent government is essential to ensuring well run school districts. I ask for your support of HB 302 and thank you for your time and attention.

Doris Hohensee
member, Nashua Board of Education

Doris.Hohensee@comcast.net
603 305-9772 cell

From: Doris Hohensee <doris.hohensee@comcast.net> Date: Wed, Nov 21, 2018 at 4:41 AM

Subject: Re: General Assurances To: Donna Green <donnagre@gmail.com>

The board received the docs after the funding was frozen which our financial officer said in public would never happen. But the board never received information regarding what federal funding the board would be receiving on the coming year.

The funding wasn't frozen because of that deficiency. The department decided not to freeze the funds on that deficiency.

The administration asked each board member to certify that they had received the requisite information. Everyone signed except Howard and I due to this deficiency which we made abundantly clear. Since funding wasn't frozen, there was no incentive for the administration to provide us with the information.

Doris

From: Scribner, Lindsey Sent: Tuesday, September 25, 2018 10:45 AM

To: SAU 42; 'demo1616@gmail.com

Subject: General Assurances

Superintendent Mosley and Nashua Board of Education President Oden,

The NHDOE is in receipt of the Certification Page of your District's General Assurances, Terms, and Requirements for Participation in Federal Programs. While the General Assurances Certification page provided to the NHDOE contains both the Superintendent's signature and the School Board Chair's signature, it has been brought to our attention that all members of the School Board have not been informed of the federal funds the District will be receiving and of [the] General Assurances, Terms, and Requirements for the District's participation in said programs as required by the certifications. As such, at this time the NHDOE considers the District's General Assurances to be incomplete. Until the School Board membership is properly informed of the contents of the General Assurances, the NHDOE will not be processing any reimbursement requests related to Federal grant funds.

Please send a new Certification Page once all members of the School Board have been informed of the federal funds the District will be receiving and of [the] General Assurances, Terms, and Requirements for Participation in Federal Programs. The NHDOE is looking forward to your prompt resolution of this matter. If you have any questions please feel free to contact me."

Respectfully,

Lindsey L. Scribner Program Specialist III, Federal Funds Program Monitor

Department of Education, Bureau of Federal Compliance 603.271.3837

Dear House Education Committee Members:

It is a regrettable but not uncommon fact that some SAUs do not work well with the school boards that are elected to oversee them. This is because SAUs have an interest in preserving their administrations whereas conscientious elected officials wish to exercise oversight over the responsibilities of SAUs. One of the most common ways the inherent difference in interests plays out is in the control of information. This bill asks that communications and filings between the DOE, DRA and the state board of education and SAUs be necessarily made available to their respective school board members.

At first blush, this may seem so obvious a duty of SAUs as to be absurd to think it necessary to enshrine in law, but let me share with you just three recent examples from two different school districts.

Sometime in the first two weeks of September, the NHDOE contacted SAU55 concerning significant deficiencies in the 16-17 year audit for the Timberlane Regional School District. On Sept 18, 2018 SAU 55 responded to the NHDOE's request to know the corrective action being taken by the district and SAU 55's business office to address the auditor's concerns. The NHDOE also required SAU 55 to submit written corrective procedures to the DOE. The Timberlane School Board knew nothing about any of this correspondence or activity until the DOE forwarded an email to the chairman of the Timberlane School Board on Dec. 24, 2018. (The Dec. 24 correspondence from the DOE detailing the serious weaknesses identified by the auditor and the corrective action taken by SAU 55 is attached.)

At no time did the Timberlane board have an opportunity to discuss, assess, direct, improve or effectuate the corrective action the SAU was reporting to the DOE. They knew nothing at all about any of these communications. Only after the chairman of the Timberlane Board had received the DOE email, did the Assistant Superintendent disclose the involvement of the DOE with Timberlane's financial audit deficiencies.

Subsequent to this meeting, on Jan. 5, 2019, Timberlane School Board member, Shawn O'Neil, posted the DOE's email to the Facebook page, Speakout Timberlane with the following comment:

"It was good that this was sent to the TRSD Chair in parallel as I strongly believe that the School Board would have never seen this report if sent directly to the SAU. If you look this has been taking place since Sept 2018. All without Board knowledge. Transparency is in the eye of the beholder."

Oddly enough, Mr. O'Neil is the subject of another communication outrage. Annually, school board officials are required to sign and attest to the truth and accuracy of the end-of-year financial filing to the DRA and the DOE. These forms, called MS-25 and/or DOE-25, are arguably the single most important financial documents school board officials must sign. You can see the board discussion about this in a brief Youtube video: <https://youtu.be/pMH6LIHIRNg>

At Timberlane, this document is held at the SAU office for signature. It is not circulated to the board in advance so it can be studied. It is not subject to discussion at a meeting. It is simply held at the SAU office where it is expected that individual board members will pop in and sign without scrutiny. Mr. O'Neil, being a conscientious member of the board, did more than give it a perfunctory signature and

asked for a copy of the document after he signed it. His request was treated as a Right to Know request and he was charged \$12.50 (50 cents a page) in order to receive the document. When Mr. O'Neil brought the issue up at a school board meeting, the board voted to refund the \$12.50 but they did not instruct or prohibit SAU 55 from continuing this malicious practice. Many elected officials in Timberlane have had to pay 50 cents a page to receive budget information they needed to prudently conduct the affairs of the district. Between one school board member and one budget committee member, more than \$100 dollars has been paid to SAU 55. This bill will put an end to any tendency by SAUs to hide or thwart by financial penalty communication and filings with state agencies.

The problem is far from exclusive to Timberlane. Issues that embarrass SAU administrations or reflect badly on the competency of their management have a self-interested motivation to be hidden from elected officials, something which can easily be done. Information that makes execution of business slower or more cumbersome due to elected official oversight, can also be easily hidden even when the state has taken every effort to ensure that elected officials are informed.

Donna Green

School District Governance Association

Bill as
Introduced

HB 302 - AS INTRODUCED

2019 SESSION

19-0365

08/06

HOUSE BILL **302**

AN ACT relative to communications between school administrative units and certain other entities.

SPONSORS: Rep. Wuelper, Straf. 3; Rep. Cordelli, Carr. 4; Sen. Reagan, Dist 17

COMMITTEE: Education

ANALYSIS

This bill requires certain communications between schools administrative units and other entities be shared with school board members.

.....

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough~~]
 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 Nineteen

AN ACT relative to communications between school administrative units and certain other entities.

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

- 1 1 New Paragraph; Organization and Duties; School Board; School Administrative Units.
- 2 Amend RSA 194-C:5 by inserting after paragraph III the following new paragraph:
- 3 IV. All communications and filings between the department of education, the state board of
- 4 education, the department of revenue administration, and a school administrative unit shall be
- 5 made available to every school board member of that school administrative unit.
- 6 2 Effective Date. This act shall take effect upon its passage.