

Committee Report

REGULAR CALENDAR

March 23, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Education to which
was referred HB 71,**

**AN ACT relative to school district emergency special
meetings. Having considered the same, report the same
with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Ralph Boehm

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 71
Title:	relative to school district emergency special meetings.
Date:	March 23, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0498h

STATEMENT OF INTENT

Current law states that for a special election, the judge will consider if the reason was covered in the previous school district's past election. This was done some years ago to prevent unnecessary special elections. This bill, as amended, makes it clear that a special election cannot be held for a collective bargaining agreement that failed at the previous school district meeting. No means no. It is not fair to the school district voters if they say no to a contract and a judge rules that a special election can be held, thus negating the wishes of the voters. Usually, a special election will be held in the fall, without much notice, and only a small number of voters will vote. The result will be a late property tax bill, coming right before Christmas. Another vote on a modified contract will be done the following March or April, and in most cases will pass, with retroactive pay increases.

Vote 11-9.

Rep. Ralph Boehm
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 71, relative to school district emergency special meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Education. Current law states that for a special election, the judge will consider if the reason was covered in the previous school district's past election. This was done some years ago to prevent unnecessary special elections. This bill, as amended, makes it clear that a special election cannot be held for a collective bargaining agreement that failed at the previous school district meeting. No means no. It is not fair to the school district voters if they say no to a contract and a judge rules that a special election can be held, thus negating the wishes of the voters. Usually, a special election will be held in the fall, without much notice, and only a small number of voters will vote. The result will be a late property tax bill, coming right before Christmas. Another vote on a modified contract will be done the following March or April, and in most cases will pass, with retroactive pay increases. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 23, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Education to which
was referred HB 71,**

**AN ACT relative to school district emergency special
meetings. Having considered the same, and being
unable to agree with the Majority, report with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Linda Tanner

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 71
Title:	relative to school district emergency special meetings.
Date:	March 23, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill, as amended, takes away the discretion not only of the locally elected school board to request an emergency school meeting, but also sets restrictions on the judicial review process by the courts for approving an emergency meeting. Because the amended bill singles out just one area, collective bargaining agreements, it is an assault on the key of good faith bargaining in the collective bargaining process leaving school boards and the school staff without a contract agreement until the next year's meeting.

Rep. Linda Tanner
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Education

HB 71, relative to school district emergency special meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Tanner for the **Minority** of Education. This bill, as amended, takes away the discretion not only of the locally elected school board to request an emergency school meeting, but also sets restrictions on the judicial review process by the courts for approving an emergency meeting. Because the amended bill singles out just one area, collective bargaining agreements, it is an assault on the key of good faith bargaining in the collective bargaining process leaving school boards and the school staff without a contract agreement until the next year's meeting.

Original: House Clerk

Cc: Committee Bill File

Rep. Boehm, Hills. 20
February 24, 2021
2021-0498h
06/08

Amendment to HB 71

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Subparagraph; School Meetings; Raising Money at Special Meeting. Amend RSA 197:3, I
4 by inserting after subparagraph (c) the following new subparagraph:

5 (d) The court shall not allow a special meeting if the emergency involves a collective
6 bargaining agreement that was voted down at the regular meeting, including a collective bargaining
7 agreement modified after the regular meeting.

Amendment to HB 71
- Page 2 -

2021-0498h

AMENDED ANALYSIS

This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.

Voting Sheets

Rep. Boehm, Hills. 20
February 24, 2021
2021-0498h
06/08

Amendment to HB 71

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Subparagraph; School Meetings; Raising Money at Special Meeting. Amend RSA 197:3, I
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5 (d) The court shall not allow a special meeting if the emergency involves a collective
6 bargaining agreement that was voted down at the regular meeting, including a collective bargaining
7 agreement modified after the regular meeting.

UNAPPROVED

2021-0498h

AMENDED ANALYSIS

This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.

UNAPPROVED

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report



① Amendment

2021 SESSION

Education

Bill #: HB 71 Motion: OTP AM #: 04986 Exec Session Date: 3-16-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk		✓	
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:47 AM
Roll Call Committee Registers
Report



2021 SESSION

Education

Bill #: HB 71 Motion: OTP/A AM #: 04986 Exec Session Date: 3-16-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Ladd, Rick M. Chairman	✓		
Cordelli, Glenn Vice Chairman	✓		
Boehm, Ralph G.	✓		
Allard, James C.	✓		
Lekas, Alicia D.	✓		
Moffett, Michael	✓		
Hobson, Deborah L.	✓		
Andrus, Louise	✓		
Ford, Oliver J.	✓		
Layon, Erica J.	✓		
Soti, Julius F.	✓		
Myler, Mel		✓	
Luneau, David J.		✓	
Shaw, Barbara E. Clerk		✓	
Cornell, Patricia		✓	
Tanner, Linda L.		✓	
Ellison, Arthur S.		✓	
Mullen, Sue M.		✓	
Ley, Douglas A.		✓	
Woodcock, Stephen L.		✓	
TOTAL VOTE:	11	9	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 71

BILL TITLE: relative to school district emergency special meetings.

DATE: February 23, 2021

LOB ROOM: 201/203 **Time Public Hearing Called to Order:** 2:15 PM

Time Adjourned: 2:44 PM

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock

Bill Sponsors:

Rep. Boehm

Rep. T. Lekas

Rep. McLean

TESTIMONY

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

***Rep. Ralph Boehm – Bill Co-sponsor**

- Introduced the bill

***Laura Gandia – Parent – Litchfield, NH**

- Personal story explaining the bill
- Supports bill as written

Barrett Christina – NHSBA – Opposed

- Collecting, Bargaining is on
- Emergency expenditure of funds questioning page 1 line 5 page 3 line 8 – references
- Have to go to superior ct to expend money for unexpected emergencies like capital expenses
- Contingent warrant article better process

Gerry Frew – NHSAA – Opposed

- Agree with Barrett Christina in several points
- Would negatively affect collective bargaining
- Opposes bill as written

Brian Hawkins -NEA NH – Opposed

- Solution looking for problem
- Only 2 cases in last several years would apply
- Districts are trying to solve urgent matters
- This would be taken away
- Let the people decide whether issue should be heard

Respectfully submitted,

Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

BILL TITLE: PUBLIC HEARING on Bill # 14371
relative to school district special meetings
DATE: 2-23-2021

ROOM: 201-203 Time Public Hearing Called to Order: 2:15 PM
Time Adjourned: 2:44 PM

(please circle if present) *all present*

Committee Members: Reps. Ladd, Cordelli, Shaw, Boehm, Allard, A. Lekas, Moffett, Hobson, Andrus, Ford, Layon, Soti, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Ley and Woodcock

TESTIMONY

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

- ① Rep Ralph Boehm - ^{co-}sponsor
* written testimony
• introduced
- ② Laura Gaudin - parent - Hitchfield NH
• personal story explaining the bill
• supports bill as written
* written testimony
- ③ Barrett Christina - NH SBA - opposed
• collecting bargaining is an
• emergency expenditure of funds questioning
Par 1 line 5 reference
Par 3 line 8
• have to go to Superior Ct to expend
money for unexpected emergencies
like Capital Expenses
• contingent warrant article better process

(4) Jerry Frew - NMSAA - opposes

- Agree with Barrett Christina in several points he made
- would negatively affect collective bargaining
- opposes bill as written

(5) Brian Hawkins - NEA - NH - oppose

- solution looking for a problem
- only 2 cases in last several years would apply
- districts are trying to solve urgent matters. This would be taken away.
- let the people decide whether issue should be heard.

Respectfully submitted,
Rep Barbara Shaw, Clerk

House Remote Testify

Education Committee Testify List for Bill HB71 on 2021-02-23

Support: 3 Oppose: 75 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Christina, Barrett	Concord, NH bchristina@nhsba.org	A Lobbyist	NH School Boards Association	Oppose	Yes (2m)	2/22/2021 10:09 AM
Ladd, Carl	Northumberland, NH carl@nhsaa.org	A Lobbyist	New Hampshire School Administrators Association	Oppose	Yes (2m)	2/19/2021 2:45 PM
Hawkins, Brian	Concord, NH bhawkins@nhnea.org	A Lobbyist	NEA-NH	Oppose	Yes (2m)	2/23/2021 7:55 AM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	2/23/2021 8:24 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Oppose	No	2/23/2021 8:31 AM
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	2/23/2021 8:43 AM
Downing, George	Keene, NH Gdowning@sau29.org	An Elected Official	Myself	Oppose	No	2/23/2021 8:47 AM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/23/2021 9:13 AM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Oppose	No	2/23/2021 9:28 AM
Gandia, Laura	Litchfield, NH lgandia@comcast.net	A Member of the Public	Myself	Support	No	2/23/2021 12:43 PM
McBeath, Rebecca	Portsmouth, NH BMcB@comcast.net	An Elected Official	Myself	Oppose	No	2/23/2021 11:37 AM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Oppose	No	2/19/2021 12:52 PM
Culliton, Penny	Temple, NH pculliton@comcast.net	A Member of the Public	Myself	Oppose	No	2/21/2021 11:21 AM

DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 2:46 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 9:04 PM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/21/2021 11:57 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 8:14 PM
Babladelis, Ashley	Concord, NH ash.hatch@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 8:26 PM
Griffin, Julia	Milford, NH auriela2@hotmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 8:31 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	2/21/2021 8:42 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 9:01 PM
Vincent, Laura	Loudon, NH lvlauravincnt5@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 9:16 PM
Dargie, Paul	MILFORD, NH pauldargie@gmail.com	An Elected Official	Myself	Oppose	No	2/21/2021 9:40 PM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	2/21/2021 9:42 PM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	2/21/2021 10:19 PM
Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack 19	Oppose	No	2/21/2021 10:30 PM
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Oppose	No	2/21/2021 10:36 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	2/21/2021 10:38 PM
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 7:19 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Oppose	No	2/22/2021 7:19 AM
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 7:48 AM

Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 7:57 AM
Petruccelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 9:05 AM
Petruccelli, Charles	Webster, NH chasmaxpet@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 9:05 AM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/22/2021 9:11 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Oppose	No	2/22/2021 9:28 AM
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Oppose	No	2/22/2021 9:29 AM
Gilman, Rep. Julie	Exeter, NH julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Oppose	No	2/22/2021 9:33 AM
Mangipudi, Latha	Nashua, NH Latha.mangipudi@leg.state.N.H.us	An Elected Official	Hills 35	Oppose	No	2/22/2021 9:50 AM
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 9:49 AM
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 10:08 AM
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Oppose	No	2/22/2021 11:03 AM
Frew, Jerry	Concord, NH jerry@nhsaa.org	A Lobbyist	NHSAA	Oppose	No	2/22/2021 11:11 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 11:20 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	2/22/2021 11:29 AM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 6:36 PM
Hamblet, Joan	Portsmouth, NH joan.hamblet@leg.state.nh.us	A Member of the Public	Myself	Oppose	No	2/22/2021 8:36 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 8:36 PM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Oppose	No	2/22/2021 12:46 PM

BERK, BRUCE	PITTSFIELD, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 12:46 PM
Neville, Betsey	Concord, NH betsey2003@tds.net	A Member of the Public	Myself	Oppose	No	2/22/2021 1:03 PM
blakeney, gordon	Concord, NH rbplease@aol.com	A Member of the Public	Myself	Oppose	No	2/22/2021 1:03 PM
Gaudet, fawn	Rumney, NH fawngaudet@yahoo.com	A Member of the Public	Myself	Oppose	No	2/22/2021 1:12 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	2/22/2021 1:50 PM
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Merrimack 12	Oppose	No	2/22/2021 2:51 PM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 2:53 PM
Frey, Gina	Amherst, NH ginagfrey@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 3:06 PM
Frey, Kevin	Amherst, NH kevfrey@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 3:19 PM
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Oppose	No	2/22/2021 5:01 PM
Levesque, Cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/22/2021 5:51 PM
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Support	No	2/22/2021 6:10 PM
Cann, Emily	Sanbornton, NH emily_cann@hotmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 10:44 PM
Jakubowski, Deborah	Loudon, NH Dense 146@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 7:36 PM
Ingraham, Sheryl	Concord, NH sheryl.ingraham@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 11:01 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 8:17 PM
Spencer, Rob	Concord, NH kentstusa@aol.com	A Member of the Public	Myself	Oppose	No	2/22/2021 8:18 PM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Oppose	No	2/22/2021 8:48 PM

Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 8:57 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Oppose	No	2/22/2021 9:12 PM
Varney, Michele	Alton, NH malooof@metrocast.net	A Member of the Public	Myself	Oppose	No	2/22/2021 9:13 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	2/22/2021 9:14 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Oppose	No	2/22/2021 9:25 PM
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Oppose	No	2/22/2021 11:20 PM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Oppose	No	2/23/2021 6:43 AM
Cappiello, Mary Ann	Stratham, NH cappiellomaryann@aol.com	A Member of the Public	Myself	Oppose	No	2/23/2021 7:45 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	2/23/2021 7:57 AM
Reardon, Donna	Concord, NH Bugs42953@aol.com	A Member of the Public	Myself	Oppose	No	2/23/2021 8:16 AM
McConnell, Liz	BRENTWOOD, NH lizmc99@yahoo.com	A Member of the Public	Myself	Oppose	No	2/23/2021 8:57 AM

Testimony

Good afternoon. My name is Laura Gandia and I reside in Litchfield and am also a former state representative who served two terms. I am here to speak **in support** of HB 71. As you aware there are times when a bill comes before you with a story and this is one of those times so I would like to share with you a story from the Town of Litchfield.

1. In 2019, the collective bargaining agreement between the Litchfield Education Association (“LEA”) and the Litchfield School Board (“LSB”) was set to expire on August 31, 2019. Negotiating teams of the LEA and LSB met several times between August 23, 2018 and December 3, 2018 to negotiate a successor collective bargaining agreement to their 2017-2019 collective bargaining agreement.
2. The parties reached an agreement which was ratified by both parties and submitted via a warrant article on March 12, 2019 – the LSB recommended the warrant article by a vote of 5-0, but the **Litchfield Budget Committee did not recommend the article due to a tie vote of 4-4**. The warrant article was defeated by the voters on March 12, 2019.
3. After the article was defeated, the LSB and the LEA met and renegotiated a different contract and sought relief from Hillsborough County Superior Court to find that an emergency existed per RSA 197:3 allowing a special meeting to be held all to the detriment and wishes of the legislative body who previously and clearly defeated the warrant article in March 2019.
4. The LEA petition claimed an emergency existed to justify another election despite the legislative body voting down the warrant article and despite the ability of the LSB and the LEA to present their renegotiated contract at the Town’s annual meeting in March (about 6 months away from the date of the requested election) - all without regard to the voters’ desires and wishes as clearly spelled out at the March 2019 election and at a significant cost to the taxpayers of Litchfield (estimates for the election is believed to be around \$8,000).
5. New Hampshire RSA 197:3 I. (a) provides “...In case an emergency arises requiring an immediate expenditure of money, the school board may petition the superior court for permission to hold a special district meeting, which, if granted, shall give said district meeting the same authority as an annual district meeting.”
6. The LEA claimed that an emergency existed which required the immediate expenditure of funds. Typically, an emergency requiring the immediate expenditure of funds includes the acquisition of land or the purchase and/or repair of building which would result in an immediate loss. The fact pattern presented here clearly did not satisfy this requirement. The fact that members of the LEA may not receive a raise as put forth by the LSB does not require the immediate expenditure of funds.
7. Further, NHRSA 197:3 (B) provides: "Emergency" for the purposes of this section shall mean a sudden or unexpected situation or occurrence, or combination of occurrences, of a serious and urgent nature, that demands prompt or immediate action, including an immediate expenditure of money. This definition, however, does not establish a requirement that an emergency involves a crisis in every set of circumstances.

To verify that an emergency exists, a petitioner shall present, and the court shall consider, a number of factors including:

- (1) The severity of the harm to be avoided.
- (2) The urgency of the petitioner's need.
- (3) Whether the claimed emergency was foreseeable or avoidable.
- (4) Whether the appropriation could have been made at the annual meeting.
- (5) Whether there are alternative remedies not requiring an appropriation."

8. The LEA further claimed:

- a. "teachers will not receive any salary increases for the 2019-2020 school year. The lack of raises during the 2019-2020 school year will cause a hardship to the teachers" and
- b. "unforeseeable and unavoidable emergency has arisen which requires the immediate expenditure of money within the meaning of RSA 197:3."

9. The fact that the collective bargaining agreement ("CBA") as put forth to the voters did not pass was foreseeable in the fact pattern presented in this case. This warrant article for the CBA received mixed reviews and did not carry unanimous support from the budget committee when presented; therefore, going into the election, it was foreseeable that the CBA could fail. In any event, having a CBA defeated with support or in this case without unanimous support is not unforeseeable nor unavoidable. In fact, it happens quite often. Further, the LSB failed to provide a reasonable explanation as to why an immediate expenditure of money was required and could not wait for the annual meeting in March, and failed to acknowledge the alternate and appropriate remedy of waiting until March to present the renegotiated contract to the voters. There was no building in need of immediate repair as spelled in previous case law nor was there anything that would necessitate an immediate expenditure as the LSB and LEA had the opportunity to present their renegotiated contract to the voters in about six months from the time of the election it was seeking.

10. The LSB claimed that the harms to be avoided are no salary increases, poor teacher morale and potential disharmony in labor-management relations. All of these harms claimed by the LEA are present during any type of labor negotiations and to claim that it was elevated to an emergency was without merit.

11. Further, granting the LSB's request sets a dangerous precedent especially in this particular situation. The LEA had the opportunity to go back to the voters in March with this contract. Every CBA is subject to defeat and the lack of a raise should not and does not raise to the level of an emergency as enumerated in NH RSA 197:3.

12. As some of you can guess, the request for a special election was granted and a special election was held at an off time in the fall where many, many residents and tax payers were unaware that was one even being held and the contract passed. It is important to note that there is no local newspaper for Litchfield and the voter turnout, I believe, was quite low in the vicinity of 700+/- voters where there are over 8,000 registered voters.
13. In the Appeal of Mascoma Valley Dresden School District, 141 N.H. 98 (1996) which in turn led to changes in NH RSA 197:3, the Court noted "that RSA chapter 197 plainly indicates a legislative preference and policy in favor of school district appropriations being made at annual meetings. The emergency exception in RSA 197:3 must be interpreted in a manner consistent with this policy and preference." Important factors to consider with this preference was that there was an annual meeting in March which was not that far away.
14. The Court further noted in *Mascoma*, supra, that "...With respect to petitions involving requests to hold special meetings for CBAs, the trial court may include among these factors any actual or potential disharmony to labor-management relations resulting from delay..." The Court proceeded to discuss the ability of the legislature to provide guidance on this issue which it has not. Despite, this lack of clarity, if there is disharmony, such disharmony would have started when the vote of the budget committee was not unanimous and then the legislative body voted down the CBA. There was no disharmony with the management as it fully supported the contract when it was presented to the legislative body.
15. There was no urgency. The LEA's contract was set to expire on August 31, 2019 and the LEA could have waited for the Town's annual meeting in March. This was not the case where there are multiple years without a contract. Clearly, no urgency existed as every CBA that failed would fall into this category of urgent requiring special meetings and leading to discourse and expense to the tax payers and the process. The will and the voice of the voters in these situations would be severely diminished and in some cases ignored.
16. The intent of HB 71 is to have the process respected, the laws followed, and the will of the tax payers, and legislative bodies honored and respected. HB 71 would prohibit a special election for the purposes of voting on a contract that was voted down at the regular meeting. This concept is fair and consistent with how New Hampshire operates. No means no and your recourse is to present a different renegotiated contract at the next annual meeting not to sidestep or backdoor the process but to have full transparency and access to the voters.

Thank you.

Laura Gandia

NEW HAMPSHIRE SCHOOL ADMINISTRATORS
ASSOCIATION

CHAMPIONS FOR CHILDREN



February 22, 2021

Rep. Rick Ladd, Chair
House Education Committee
Legislative Office Building
Concord, NH 03301

RE: HB71

Dear Chairman Ladd and Members of House Education,

Thank you for taking my testimony regarding **HB71**. NHSAA is *opposed* to this legislation.

NHSAA feels that this legislation is unnecessary and could have significant unintended consequences. As it stands now, school districts are allowed to petition for a special meeting for a variety of reasons which are clearly spelled out in RSA 197:3.

There are already significant hurdles that districts must follow in order to successfully petition for a special meeting. RSA 197:3 clearly identifies the factors necessary for the petitioner to identify in order for the court to approve a special meeting:

“RSA 197:3(c) To verify that an emergency exists, a petitioner shall present, and the court shall consider, a number of factors including:

- (1) the severity of the harm to be avoided.
- (2) The urgency of the petitioner’s need.
- (3) Whether the claimed emergency was foreseeable or avoidable.
- (4) Whether the appropriation could have been made at the annual meeting.
- (5) Whether there are alternative remedies not requiring an appropriation.”

These factors are both significant and constitute a high threshold for the petitioner. In fact, many requests for special meetings are rejected by the court.

Regarding collective bargaining agreements, the local school board is authorized to petition for a special meeting if a proposed CBA warrant article is defeated. However, the local school board is not *required* to do so. The language states that the “...school board *may* call one special meeting...”. Depending upon many factors, the local school

board may determine not to call a special meeting and to continue negotiations into the following year. That is the purview of the local school board and union groups to determine.

This proposed legislation would eliminate the locally elected representatives to determine the best course of action for the school district in the case of an emergency or a change of circumstances.

NHSAA feels that this legislation would unnecessarily infringe upon the local school board's authority and is unnecessary given the high threshold that already exists for special meetings.

We would respectfully request that you find *HB71* as *Inexpedient to Legislate*.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carl M. Ladd".

Dr. Carl M. Ladd
Executive Director of NHSAA

HB71

Mister Chairman and members of the Education Committee

I am Ralph Boehm, 7th term, Hillsborough D. 20, town of Litchfield

This is what I call a NO means NO bill. In the past we have had a lot of special meetings for multiple reasons. Believe in 98, this law was changed to try to keep special meetings at a minimum. However, this law states that a judge is to 'consider' the following. This makes the current law moot.

This bill, does away with the word 'consider'. If the voters say no to a warrant article, then that should be it, until the following year. I've lived in Litchfield for 44 years, during that time we have had warrant articles fail, including teacher contracts. No special meeting, contract was worked on and passed the next year.

A couple of years ago, a teacher contract failed, mainly because of a health insurance part of the contract. The LEA and School Board applied for a special meeting. As I said earlier, we have had contracts fail, worked on and then brought up again the following year. However, in this case a special meeting was granted. The special meeting was held in October. This meeting was not well advertised, so a limited number of people turned out to vote. The warrant article passed. What this did was cause our tax bill to be late, and rather coming out in late October, it came out in late November. That made the tax bill due right before Christmas. Merry Christmas.

The argument made to the court was that the failure of the contract caused a lot of teachers to leave. This happens every year anyway. We are a small town, and as a small town, we are a training ground, and teachers always move. And we have had multiple failures of contracts over my 44 years. And as a former school board member, I've negotiated a number of contracts. And also as a selectman, negotiated a police contract.

This bill states, NO means NO. Let's fix the law and keep it out of the hands of activist judges. How many times over the years have we had to fix laws because of judges doing what they think, or follow their political leanings? No should mean NO.

Thank you, and I will take questions.

1 New Subparagraph;

School Meetings; Raising Money at Special Meeting.

Amend RSA 197:3, I by inserting after subparagraph

(c) the following new subparagraph:

(d) The court shall not allow a special meeting if the emergency involves any of the following:

(1) A warrant article that was voted down at the regular meeting.

(2) A contract that was voted down at the regular meeting, including a contract modified after the regular meeting.

(3) Any item in the budget that was not approved at the regular meeting.

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

Bill as
Introduced

HB 71 - AS INTRODUCED

2021 SESSION

21-0042

06/08

HOUSE BILL **71**

AN ACT relative to school district emergency special meetings.

SPONSORS: Rep. Boehm, Hills. 20; Rep. T. Lekas, Hills. 37; Rep. McLean, Hills. 44

COMMITTEE: Education

ANALYSIS

This bill prohibits the superior court from allowing special school meetings for specified reasons.

.....

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 Twenty One

AN ACT relative to school district emergency special meetings.

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

1 1 New Subparagraph; School Meetings; Raising Money at Special Meeting. Amend RSA 197:3, I
2 by inserting after subparagraph (c) the following new subparagraph:

3 (d) The court shall not allow a special meeting if the emergency involves any of the
4 following:

5 (1) A warrant article that was voted down at the regular meeting.

6 (2) A contract that was voted down at the regular meeting, including a contract
7 modified after the regular meeting.

8 (3) Any item in the budget that was not approved at the regular meeting.

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