

May 31, 2007
No. 23B

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM

REPORTS AND AMENDMENTS

REPORTS

EDUCATION

HB 927-FN, relative to the specific criteria and substantive educational program that define an adequate education.

Ought to pass with amendment, Vote 4-0
Senator Estabrook for the committee.

FINANCE

HB 517, establishing a commission to investigate cost drivers in providing health care and establishing the New Hampshire Rx advantage program and continually appropriating a special fund.

Ought to pass with amendment, Vote 5-0
Senator D'Allesandro for the committee.

AMENDMENTS

Senate Finance

June 1, 2007

2007-2039s

01/05

Amendment to HB 517

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to investigate cost drivers in providing health care and establishing the New Hampshire Rx advantage program and continually appropriating a special fund and making an appropriation therefor.

Amend the bill by replacing all after section 10 with the following:

11 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2008 and the sum of \$1 for fiscal year ending June 30, 2009 are hereby appropriated to the department of health and human services for the purposes of sections 6-10 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

12 Effective Date.

I. RSA 161-L:4, II as inserted by section 7 of this act shall take effect July 1, 2010.

II. Except as provided in paragraph I, sections 6-10 of this act shall take effect January 1, 2008.

III. The remainder of this act shall take effect upon its passage.

2007-2039s

AMENDED ANALYSIS

This bill establishes a commission to investigate cost drivers in providing health care.

This bill also establishes the New Hampshire Rx advantage program for prescription drugs. Under this program, participating pharmacies shall sell prescription drugs to qualified residents at a discounted price. The bill grants rulemaking authority to the New Hampshire pharmacy board and the commissioner of the department of health and human services for the purposes of the program. The bill makes an appropriation for the purposes of the program.

Senate Education

June 5, 2007

2007-2064s

04/01

Amendment to HB 927-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the specific criteria and substantive educational program that define an adequate education, the resources required to provide an adequate education, and the establishment of a timetable for costing an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court embraces its duty to define a constitutionally adequate public education for every child in the state. The Encouragement of Literature clause of the New Hampshire constitution declares that knowledge and learning spread through a community are “essential to the preservation of a free government,” and that “spreading the opportunities and advantages of education” is a means to preserving a free, democratic state. Beyond competencies in reading, writing, and arithmetic, a broad exposure to the social, economic, scientific, technological, and political realities of today’s society is essential for New Hampshire students to compete, contribute and flourish in the twenty-first century.

II. The general court finds that a constitutionally adequate education in New Hampshire consists of the substantive education programs from kindergarten through twelfth grade that deliver the essential opportunities to acquire skills, competencies, and knowledge in the subject areas of English/language arts and reading, mathematics, science, social studies, the arts, world languages, technology, information and communication technologies, health and physical education. The general court finds that an adequate education shall provide every child in New Hampshire with the opportunity to receive these substantive education programs in accordance with the specific criteria and high standards for these such education programs that are set forth in the applicable school approval standards. The general court further finds that each child needs a range of services, educational supports, and instructional resources, including credentialed teachers, in order to receive the opportunity for the substantive educational programs that constitute an adequate education.

III. In September 2006, the New Hampshire supreme court ruled in Londonderry School District SAU #12 & a. v. State of New Hampshire that the state had not met its duty to define a constitutionally adequate education for New Hampshire’s public school students by not identifying the specific criteria and the substantive education program that delivers the opportunity for an adequate education.

IV. In responding to its responsibility to determine the specific criteria and substantive education program that delivers the opportunity for an adequate education, the general court analyzed the current education delivery system established jointly through the legislative and executive branches. Specifically, the general court reviewed the standards for public school approval and the state’s curriculum frameworks. As part of its review, the general court determined which of the standards and curriculum frameworks provide the opportunity for an adequate education. In analyzing the school approval standards and curriculum frameworks, the general court recognized that they were developed with the widespread participation of educators, business people, government officials, community representatives, and parents. As a result of the quality of both the standards and the frameworks, the general court uses them as the basis for its determination of the specific criteria for an adequate education.

V. The general court reviewed and debated numerous bills attempting to determine the specific criteria of an adequate education. An integral part of this legislative process was the gathering of public input through forums throughout the state at which educators, government officials, and members of the public offered their opinions on draft legislation.

VI. The specific criteria for an adequate education, as enacted in this act, are formulated to permit common understanding, foster meaningful application, and allow for objective measurement and assessment.

VII. This act is not intended to stand in isolation from the other statutes and rules, including both state and federal, but instead is one part of a comprehensive system that provides for the delivery of the opportunity for a constitutionally adequate education in New Hampshire.

2 New Section; Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2 the following new section:

193-E:2-a Substantive Educational Content of an Adequate Education.

I. The specific criteria and substantive educational program that delivers the opportunity for an adequate education shall be defined and identified as follows:

II. The general court establishes within the school approval standards the essential opportunities for educational programs in the following areas:

(a) English/language arts and reading.

(b) Mathematics.

- (c) Science.
- (d) Social studies.
- (e) Arts education.
- (f) World languages.
- (g) Health education.
- (h) Physical education.
- (i) Technology education, and information and communication technologies.

III. The standards shall cover kindergarten through twelfth grade and shall clearly set forth the opportunities to acquire the communication, analytical and research skills and competencies, as well as the substantive knowledge expected to be possessed by students at the various grade levels, including the credit requirement necessary to earn a high school diploma.

IV. Public schools and public academies shall adhere to the standards identified in paragraph II.

V. The general court shall periodically, but not less frequently than in conjunction with the decennial review of the standards of school approval, review and update, as necessary, the standards identified in paragraph II, and shall ensure that the high quality of the standards is maintained.

VI. This section shall not prohibit or limit the adoption of additional school approval standards other than those standards identified in paragraph II.

VII. The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining curriculum frameworks for each area of education identified in paragraph II. The curriculum frameworks shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by the academic standards for each area of education identified in paragraph II. The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and materials to be used.

VIII. In this section, "school approval standards" shall mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

3 New Section; Provision of the Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2-a the following new section:

193-E:2-b Provision of the Substantive Educational Content of an Adequate Education.

I. The general court shall use the definition of an adequate education in RSA 193-E:2-a to determine the resources necessary to provide essential programs, considering educational needs and community resources. Students' educational needs and the resources required to provide the opportunity to meet those needs vary from student to student and school to school. Therefore, the resources needed to provide an adequate education will also vary from school to school, requiring more resources in districts with greater challenges.

II. The general court finds the resources necessary to provide essential programs varies even within school districts. Schools of varying educational challenges often exist within a single school district. The general court shall establish criteria to identify enhanced needs schools.

III. The general court shall provide additional resources for enhanced needs schools. These resource elements shall include, but not be limited to:

- (a) Teachers; experienced teachers in enhanced needs schools.
- (b) Class size; smaller class sizes in enhanced needs schools.

(c) Kindergarten; full day kindergarten in enhanced needs schools.

(d) Student support services, including special education, guidance, nursing, psychological services and speech/language services.

(e) Staff training and development.

(f) Instructional resources, including library and technology.

IV. The general court shall create a process for initial and periodic determination of the specific resource elements essential to providing the substantive educational content of an adequate education. The general court shall further define such core elements and other resources it may determine are essential to providing the communication, analytical, and research skills and competencies, as well as the substantive educational content, of an adequate education. Following the initial determination, this review should occur no less frequently than in conjunction with the decennial review of the standards for school approval.

4 New Section; Legislative Oversight Committee. Amend RSA 193-E by inserting after section 2-b the following new section:

193-E:2-c Legislative Oversight Committee on Costing an Adequate Education.

I. There is hereby established the joint legislative oversight committee on costing an adequate education. The members of the committee shall be as follows:

(a) Four members of the house of representatives, which shall include 2 members of the house education committee and 2 members of the house finance committee, appointed by the speaker of the house of representatives.

(b) Four members of the senate, which shall include 2 members of the senate education committee and 2 members of the senate finance committee, appointed by the president of the senate.

(c) The governor or designee as ex officio member of the committee.

II. The committee shall review and study the analytical models and formulae for determining the cost of an adequate education and the educational needs and resources needed to deliver an adequate education for children throughout the state and, following a public hearing, shall report its findings and recommendations no later than February 1, 2008 to the governor, the speaker of the house, the president of the senate, and the state librarian.

III. The general court shall complete the determination of the cost of an adequate education in accordance with the provisions of this chapter as expeditiously as possible following submission of the findings and recommendations of the joint legislative oversight committee, but no later than the end of the 2008 fiscal year.

5 Reference Changes. Amend the following RSA provisions by replacing "equitable" with "adequate": RSA 21-N:1, II(c); RSA 193:1, I(c); RSA 193-E:1, II; the section heading and introductory paragraph of RSA 193-E:2; the section heading of RSA 193-E:3; RSA 194-B:3, II(i); RSA 195:14, I(c); RSA 195:14, I(d)(2)-(3); RSA 195:14-a, I; RSA 198:41, II(b); RSA 198:41, III; the section heading of RSA 198:42; RSA 198:42, I-II; RSA 198:43; RSA 198:48; and RSA 198:48-a, VII-VIII.

6 Effective Date. This act shall take effect upon its passage.

2007-2064s

AMENDED ANALYSIS

This bill:

I. Sets forth the substantive educational content of an adequate education.

II. Identifies the resources necessary to provide the substantive educational content of an adequate education.

III. Establishes a joint legislative oversight committee on costing an adequate education to study analytical models for determining the cost of an adequate education and the educational needs and resources needed to deliver an adequate education for children throughout the state.