Bill as Introduced

HB 1105 – AS INTRODUCED

2001 SESSION

01-2013
04/09

HOUSE BILL ***1105***

AN ACT relative to the appointment of non-certified employees within a school administrative unit.

SPONSORS: Rep. Sova, Graf 11

COMMITTEE: Education

ANALYSIS

This bill authorizes the superintendent of a single district school administrative unit to appoint non-certified employees, provided such appointments are in accordance with the policies adopted by the school administrative unit board. The bill also authorizes individual school districts within a multiple-district school administrative unit to appoint non-certified employees, provided such appointments are in accordance with the policies adopted by the school board of the individual school district making the appointment.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1105 - AS INTRODUCED

01-2013
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to the appointment of non-certified employees within a school administrative unit.

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

1 Single District School Administrative Unit; Exemption Amended. Amend RSA 194-C:3 to read as follows:

194-C:3 Single District School Administrative Units; Exemption. Single district school administrative units shall be considered the same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide superintendent services pursuant to RSA 194-C:4 ***and shall possess all discretionary functions provided under this chapter***.

2 New Subparagraph; School Administrative Unit; Organization and Duties; Appointment of Non-Certified Employees. Amend RSA 194-C:5, I by inserting after subparagraph (c) the following new subparagraph:

(d) A single district school administrative unit, whether it employs a superintendent or not, may appoint non-certified employees in accordance with policies adopted by the school administrative unit board. In multiple-district school administrative units, an individual school district within a school administrative unit may appoint non-certified employees, provided such appointments are in accordance with the policies adopted by the school board of the individual school district making the appointment.

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

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1105 Date 1/09/2002

Committee ED

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Robert Schwalker					X

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1105

BILL TITLE: relative to the appointment of non-certified employees within a school administrative unit.

DATE: January 9, 2002

LOB ROOM: 207 **Time Public Hearing Called to Order:** 10:00 A.M.

Time Adjourned: 12:00 P.M.

(please circle if present)

Committee Members: Reps. Henderson, Ward, Dearborn, Flint, P. Davis, Alger, Cox, Sullivan, Carson, Colcord, Sova, Winter, D'Heureux, Yeaton, Snyder, C. Jean, Estabrook, J. White, C. Clarke and Naro.

Bill Sponsors: Rep. Sova, Graf 11

TESTIMONY

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

*Rep. Sova: (Written testimony)

Rep.Estabrook: What does the bill do if it isn't terribly specific?

Rep. Sova: The school board recognizes the value of a certified superintendent but lacks the ability to write a superintendent job description.

Rep. Estabrook: Is this relative to non-certified employees?

Rep. Sova: Certified people come under Department of Education (DOE).

Rep. Dearborn: Would you explain or give an example of what prompted this bill?

Rep. Sova: The school district wanted to hire a businessman to overcome weakness in the system. The school board could only appoint who superintendent recommends and the superintendent refused to present a name.

Line on 13 and 14 – that school board can determine certified or non-certified.

Dr. Fillion: DOE Bureau of Certification opposed. We are reviewing the certification for superintendent. The business admin. can be from outside the school certification.

Rep. Jean: Who determines who handles the business part of the system?

Rep. Fillion: Superintendent recommends and the board appoints.

Rep. Winter: If a superintendent refuses to nominate, what is the alternative?

Dennis Murphy: (NEA) My concern is it applies to all persons and that non-certified persons could be appointed to any of the positions in the district.

Mark Joyce: Administrator – It identifies all certified persons. There seems to be confusion between the certified and non-certified and why the existing law provides check and balances between administration and school board. Superintendent's nomination and school boards appoint.

Rep. Alger: How do you release a superintendent in this case?

Dr. Joyce: Superintendent contracts have two or three renewal clauses, one way, to dismiss need to show cause which is remediated in the individual contract.

Rep. L'Heureux: Will this law, if adopted with new language, effect existing rules?

Dr. Joyce: I can't answer now but it would be in the section on certification.

Dean Michener: Superintendent Board Assoc. – The SAU requires one certified employee. The board can determine what the organizational structure will be.

I cannot support a change in who nominates and who appoints.

Pink Cards:

Judith D. Fillion, DOE. Represents DOE. Opposes the bill.

Rep. Charles Sova, Orange, NH, Tel. 523-4578. Represents self. Supports bill.

Dean Michener, Concord, NH, Tel. 228-2061. Represents NH School Boards Assn. Opposes the bill.

Mark V. Joyce, Tel. 753-4479. Represents NH School Admin. Assoc. Opposes the bill.

Dennis Murphy, 103 No. State St., Concord, NH, Tel 224-7751. Represents NEA-NH. Opposes the bill.

Respectfully Submitted,

Rep. Bruce Dearborn
Committee Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON EDUCATION

SUBCOMMITTEE WORK SESSION ON HB 1105

BILL TITLE: relative to the appointment of non-certified employees within a school administrative unit.

DATE: 1/14/02, 1/22/02, 1/30/02, 2/13/02

Subcommittee Members: Reps. Cox, Dearborn, Carson, Estabrook, Snyder

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Russell N. Cox
Subcommittee Chairman/Clerk

Testimony

Education Committee Testimony on HB1105
January 9, 2002

Mr. Chairman and members of the Education Committee for the record my name is Charles Sova, State Representative from Grafton County District 11. I am here to introduce HB1105.

Presently the law allows School Administrative Units (SAUs) to choose not to have a superintendent; and if they so choose, to supply in some fashion certain services as laid out in RSA 194-C:4. On the other hand, if an SAU chooses to have a superintendent the SAU will be subject to the rules of the Department of Education regarding the powers and duties of the superintendent and the SAU board. There is of course a way around this by merely having a superintendent but calling him or her by another name not connected with the Department's rules or what the statutes provide as titles for certain educational officials. However there are certain advantages to having a certified superintendent, which a SAU may want to keep, while still taking advantage of a SAU board's ability to organize in variety of ways when they choose not to have a superintendent.

For years SAUs were all organized in almost the same ways. With the passage of the option to not have a superintendent in 1996, some SAUs had the ability to organize in different ways. This option has not been used extensively, I believe, because the SAU boards saw the advantages to having a certified superintendent; but once they did the were precluded from further organizational change. SAUs should be allowed to have superintendents and yet organize so as to take advantage of the strengths of the superintendent while compensating in some way for his or her weaknesses. This country has several automobile manufacturers, all of whom are organized in different ways. Likewise the computer hardware and software companies do not look organizationally the same. I am sure that the same could be said for most, if not all private sector organizations providing similar products or services. I think it is time to allow the SAU boards this same flexibility and I believe HB1105 will do that.

Thank you for your time and I would be pleased to attempt to answer any questions you may have.

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1105

BILL TITLE: **relative to the appointment of non-certified employees within a school administrative unit.**

DATE: 2/20/02

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Cox

Seconded by Rep. Colcord

Vote: 16-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes 16-2

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Bruce L. Dearborn, Clerk

Bruce L Dearborn

OFFICE OF THE HOUSE CLERK

2002 SESSION

EDUCATION

Bill #: HB 1105 **Title:**

PH Date: 1/30/02 **Exec Session Date:** 2/20/02

Motion: ~~OTP~~ / TL **Amendment #:**

MEMBER	YEAS	NAYS
Henderson. Warren C. Chairman	✓	
Ward. Brien L. V Chairman	✓	
Dearborn. Bruce L. Clerk	✓	
Flint. Gordon B	✓	
Davis. Perlev E	✓	
Alger. John R M		✓
Cox. Russell N	✓	
Sullivan. P Judith	✓	
Carson. Sharon M	✓	
Colcord. J D	✓	
Sova. Charles E		✓
Winter. Steven J	✓	
L'Heureux. Stephen R	✓	
Yeaton. Charles B		
Snyder. Clair A	✓	
Jean. Claudette R		
Estabrook. Iris W	✓	
White. John M	✓	
Clarke. Claire D	✓	
Naro. Debra A	✓	
	16Y	2N

TOTAL VOTE:

Printed: 12/19/2001

Committee Report

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 1105**

TITLE: relative to the appointment of non-certified employees within a school administrative unit.

DATE: 2/20/02 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill tries to give additional flexibility to school administrative units in employing non-certified employees. However, the potential unintended consequences outweigh the limited objectives of the sponsor.

Vote 16-2.

Rep. Russell N. Cox
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Education

HB 1105, relative to the appointment of non-certified employees within a school administrative unit.
INEXPEDIENT TO LEGISLATE

Rep. Russell N. Cox for Education: This bill tries to give additional flexibility to school administrative units in employing non-certified employees. However, the potential unintended consequences outweigh the limited objectives of the sponsor. **Vote 16-2.**

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 1105**

TITLE: relative to the appointment of non-certified employees within a school administrative unit.

DATE: CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 16-2.

Rep. M M Cox
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

OR MMB

USE ANOTHER REPORT FOR MINORITY REPORT

This bill tries to give additional flexibility to school ~~administration~~ ADMINISTRATIVE units in employing non-certified employees. However the potential unintended consequences out weigh the limited objectives of the sponsor