Bill as Introduced

HB 786-FN-LOCAL – AS INTRODUCED

2003 SESSION

03-0654
04/01

HOUSE BILL ***786-FN-LOCAL***

AN ACT relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

SPONSORS: Rep. Alger, Graf 14; Rep. M. Harrington, Straf 68; Rep. Kurk, Hills 48; Rep. Dickinson. Carr 4; Rep. Dodge, Rock 80; Sen. Johnson, Dist 2; Sen. Gallus, Dist 1

COMMITTEE: Education

ANALYSIS

This bill prohibits the spending of state general funds for compliance with the federal No Child Left Behind Act of 2001. Further, the bill allows school districts to exempt themselves from compliance with the No Child Left Behind Act of 2001 by a majority vote of the legislative body and it directs the department of education to ensure that no costs associated with the No Child Left Behind Act of 2001 shall be included in the calculation of the cost of an adequate education. Finally, this bill requires the department of education to submit a financial report for expenditures and sources of funding to the house and senate education and finance committees on an annual basis.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 786-FN-LOCAL - AS INTRODUCED

03-0654
04/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

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

1 Purpose. The federal No Child Left Behind Act of 2001 (H.R. 1) directs those states that participate in it to make many meritorious improvements in their system of public education. Furthermore, contrary to state experience with federal laws for special education and for Medicaid, The No Child Left Behind Act was enacted as a fully-funded federal law as directed by federal Public Law 104-4 of 1995 which curbs the practice of imposing unfunded federal mandates on states and local governments. Therefore, the general court hereby directs that general funds not be expended on the No Child Left Behind Act and that school districts are allowed to exempt themselves from the No Child Left Behind Act by majority vote.

2 New Subdivision; State Compliance with the No Child Left Behind Act of 2001; General Funds Prohibited. Amend RSA 21-N by inserting after section 11 the following new subdivision:

Compliance with the No Child Left Behind Act

21-N:12 Compliance with No Child Left Behind. Notwithstanding any provision of law to the contrary:

I. No general funds of the state or any of its political subdivisions shall be appropriated, expended, or encumbered to implement the federal No Child Left Behind Act of 2001.

II. A school district or other political subdivision may, upon a majority vote of the legislative body of the school district or political subdivision, be exempt from all state administrative rules or regulations of any kind, adopted on or before the effective date of this act, for the purpose of implementing the No Child Left Behind Act of 2001.

III. The state board of education and the commissioner of the department of education are hereby prohibited from adopting any new administrative rules or regulations, or amending existing administrative rules or regulations for the purpose of complying with the No Child Left Behind Act of 2001, until 120 days after the submission of a written proposal detailing such new or amended rules or regulations to the house and senate education committees.

IV. No additional costs incurred by the state or any of its political subdivisions in implementing the No Child Left Behind Act of 2001 shall be included in calculating the cost of an adequate education pursuant to RSA 198:40.

V. The results of any statewide testing required under the No Child Left Behind Act shall be ranked by the commissioner of the department of education by individual school and grade level performance. The rankings shall be made available to the public arranged by numerical rank order

and alphabetical order no later than 30 days after the results are available to the commissioner of the department of education. No test shall be ranked until 120 days after the commissioner of the department of education submits to the house and senate education committees a written explanation of the ranking methodology to be used.

VI. No later than October 1 of each year, the commissioner of the department of education shall submit to the house and senate education and finance committees a statement of expenditures by the state and by school districts necessitated by the No Child Left Behind Act in the immediately prior fiscal year, and the sources of funding used for such expenses.

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

LBAO
03-0654
1/28/03

HB 786-FN-LOCAL - FISCAL NOTE

AN ACT relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Education. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Committee Minutes

MINUTES
HOUSE COMMITTEE ON FINANCE
DIVISION II - WORK & EXECUTIVE SESSION
March 21, 2003 – Room 209, Legislative Office Building

Division Members Present: Reps. Dodge, Eaton, Hager, Weyler, M. Smith, Mercer

Chairman called committee into session at 9:15 a.m.

****HB 724 extending the effective date of the Skyhaven airport transfer plan.**

Rep. Kern introduced the bill; he is the Chair of the Skyhaven Airport Commission. **Rochester Development Director, Ken Ortmond. Ron Warner, Department of Transportation, Division of Aeronautics** – 39 hanger units occupied and 62 people on a waiting list. **Russell Mcalister, city manager. Rep. Smith** moved to OTP and **Rep. Eaton** seconded the motion. OTP roll call vote 5-0.

9:45 a.m.
*****HB 786 relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.**

Rep. Alger presents. **Rep. Mark Carter, Peterborough,** opposes, please ITL. **Mark Joyce, NH School Administrators Association** in support of the bill.

*****HB 751 implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.**

Rep. John Alger, former Rep. Bob McKinley and Ed Murdough for Department of Education presented the bill. **Rep. Dodge** moved and **Rep. Mercer** seconded this motion of OTP. Roll call vote 6-0 OTP.

*****HB 677-FN increasing the number of reserved student slots in medical programs, and establishing a loan forgiveness program for physicians who practice in undeserved areas, and making an appropriation therefor.**

Rep. Sandra Harris appeared to explain the bill. **Brian Ayres from Community and Public Health** appeared to discuss the bill. He has a loan forgiveness program in his department. **Palmer Jones** appeared to support the bill. **Kathryn Dodge** appeared to discuss the bill. She says she currently has contract with Dartmouth for 5 slots. She has been in contact with ME for 5 slots at $5000 per slot and UVM for 10 slots at $5000 per slot. She answered questions from the committee. **Ann McLane Kuster** appeared to discuss the bill

*****HB 619 FN-A expanding opportunities for dropout prevention and dropout recovery and making an appropriation therefor.**

Rep. Leber presented the bill. Education Committee unanimously passed this bill after amending it to involve fewer schools and appropriate $350,000 each year. **Dr. John O'Donnell and Craig Mueller from Mascoma** favored this bill. **Priscilla Parisien from Jobs for NH Graduates** is in favor of this bill. **Dr. Paul Leather** brought financial information. They want to add 5 districts.

*****HB 786 FN-L relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.**

Rep. Dodge moved to OTP and **Rep. Hager** seconded this motion. Passed unanimously by roll call vote 6-0 OTP.

*****HB304 relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.**

Johanna Dodge appeared with a letter from **Richard McLeod and Philip Bryce. Charles Levesque and Charles Niebling** also addressed the committee. **Rep. Weyler** moved an amendment to have the bond payments made from the Forest Management and Protection Fund. **Rep. Hager** seconded the motion and pass unanimously, 5-0. **Rep. Weyler** moved OTPA and **Rep. Eaton** seconded to report HB 304 OTPA. The motion passed on a roll call vote of 5-0.

*****HB 621-A establishing an early childhood literacy program.**

(**Joshua Jones** is a law student intern with the **Department of Education**. He is here in case the committee has any questions from the department). **Rep. Kurk** presented an amendment. **Rep. Smith** moved the amendment and **Rep. Eaton** seconded the motion, which passed unanimously. **Rep. Smith** moved OTPA and **Rep. Dodge** seconded the motion which passed, roll call vote, OTPA, 5-1.

Budget Work Session:
Mike Marr, LBA, reviewed a chart of the division's actions to date. **Mike Buckley, LBA,** joined him and further expanded on the chart. Committee confirmed that it had approved Fish and Game budget with suggested changes.

Division II recessed at 4:10 pm.

Respectfully submitted:

Rep. Elizabeth Hager & Rep. Daniel Eaton
Clerk & Temporary Clerk for Division II

DIVISION II
2003 SESSION

Date: 03/21/03 Bill #: 786-FN-L

Bill Title: No Child Left Behin

Amendments

Sponsor: OLS Document #:

Sponsor: OLS Document #:

Sponsor: OLS Document #:

Motions: OTP, OTPA, ITL, TABLE, RETAIN

Motion made by: Dodge **Seconded by:** Smith

	YEAS	NAYS	ABSENT
Weyler, Kenneth, Chairman	✓		
Mercer, Robert, Vice Chairman	✓		
Hager, Elizabeth, Clerk	✓		
Dodge, Robert	✓		
Eaton, Daniel	✓		
Hunter, Bruce			✓
Smith, Marjorie	✓		
Kurk, Neal			✓

6 0

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Rep. Elizabeth Hagen
Division II Clerk

MINUTES
HOUSE COMMITTEE ON FINANCE
WORK AND EXECUTIVE SESSION – March 24, 2003
Legislative Office Building, Room 210-211

Committee Members Present: Reps. Kurk, Weyler, Holbrook, Robert Johnson, Stone, Anderson, Hager, Emerton, Wheeler, Rodeschin, Elliott, Dodge, Hunter, King, Smith, Blanchard, Coes, Mitchell, Densmore, Eaton, Mercer

Work session brought to order by Rep. Kurk, Chairman at 9:30 a.m.

***HB 353 making an appropriation for the pilot program to study and establish protected instream flows and water management plans on the Lamprey River and the Souhegan River.**

Rep. Blanchard moved to ITL and **Rep. Coes** seconded this motion. Will be addressed in the budget bill no necessary. Roll Call vote, ITL, 18-2.

***HB 643-FN relative to establishing the family division of the courts statewide.

Rep. Wheeler moved and **Rep. Holbrook** seconded the motion to retain this bill. Roll call vote, 14-6.

***HB 649-FN (New Title) establishing a building permit surcharge to fund regional planning initiatives.**

Rep. Wheeler moved and **Rep. Anderson** seconded this motion to retain this bill. Roll call vote, 20-0.

***HB 738 FN-A-L permitting aid to public water systems to be used for forming or improving regional water systems and making an appropriation therefor.**

Rep. Blanchard moved and **Rep. King** seconded the motion of OTPA (#0952), roll call vote 19-0.

***HB 578 establishing a program for self-certification by small quantity hazardous waste generators and making an appropriation therefor.**

Rep. Blanchard moved and **Rep. King** seconded the motion to OTP. Roll call vote, OTP, 18-1

***HB 728-FN-A establishing a dedicated fund for organic certification inspections.**

Rep. King moved and **Rep. Coes** seconded this motion of OTP. Roll call vote, OTP, 20-0.

***HB 737 FN-A relative to the state conservation committee and making an appropriation therefore.**

Rep. Holbrook moved and **Rep. King** seconded this motion of OTPA. Amendment 0951h reduced appropriation to $1. Discussion followed regarding process and administration. Amendment passed, 20-1. Roll call vote OTPA, 20-1.

***HB 719 relative to the duties, function, and operation of the Pease development authority.**

Provides for a new position of Deputy Chief Harbor Master at grade #21. **Rep. Wheeler** moved and **Rep. King** seconded this motion of OTP. Roll call vote, OTP, 21-0.

***HB 702 relative to payment of medical benefits costs for disabled group II members of the retirement system.**

Rep. Wheeler moved and **Rep. Holbrook** seconded the motion of OTP. Passed on a roll call vote, 20-0.

***HB 621 FN-A-L establishing an early childhood literacy program.**

Rep. Smith moved and **Rep. Dodge** seconded to OTP as amended. Amendment 0955h discussed and accepted by voice vote. Roll call vote, OTPA, 17-2.

***HB 304-A relative to state acquisition of certain acreage in the Connecticut Lakes headwaters tract and making an appropriation therefor.**

Rep. Weyler moved and **Rep. Eaton** seconded this motion. OTP as amended, amendment 0945h submitted and discussed and it passed. Roll call vote, OTPA, 20-0.

***HB 786 FN-L relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.**

Rep. Dodge moved OTP and **Rep. Smith** seconded this motion. Roll call vote, OTP, 18-1.

11:00 **Governor, Staff, Department heads** appeared before the Finance Committee to present the details that were absent in the Governor's earlier presentation. IT, planning, Energy, Distance Learning.

***HB 751 FN-L implementing an alternative school building aid grant formula, establishing size and cost standards for the construction of new school facilities, and permitting high school vocational technical education programs which lease space to be eligible for school building aid grants.**

Rep. Dodge moved and **Rep. Mercer** seconded the motion of OTP. Fiscal note revised 2/20/03. Roll call vote, OTP, 17-3.

***HB 724 FN-L establishing a committee to study the relationship between groundwater withdrawals and the ownership of watershed land.**

Rep. Smith moved and **Rep. Eaton** seconded the motion of OTP, extending the effective date of the Skyhaven transfer plan, passed on a roll call vote, 21-0.

***HB788 FN-A (New Title) transferring the duties of the health services planning and review board.**

Certificate of review of proposed new institutional health services. **Rep. Wendelboe** moved OTPA and **Rep. Rogers Johnson** seconded this motion. Passed on a roll call vote 15-7.

Adjourned work and executive session at 1:35 p.m.

Respectfully Submitted:

Rep. Robert L. Wheeler
Clerk for the Committee

OFFICE OF THE HOUSE CLERK

2003 SESSION

FINANCE

Bill #: H.B 786 FNA **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 3 /24 /03

Motion: CTP Dodge **Amendment #:** _____

MEMBER	YEAS	NAYS
Kurk, Neal M. Chairman	18	
Wevler, Kenneth L. V Chairman	1	
Holbrook, Robert G		
Johnson, Robert A	2	
Stone, Joseph E		
Anderson, Eric	3	
Wendelboe, Fran	4	
Hager, Elizabeth S	5	
Mercer, Robert S		
Emerton, Larry A	6	
Wheeler, Robert L	7	
Rodeschin, Beverly T	8	
Johnson, Rogers J		1
Elliott, Larry G	9	
Dodge, Robert K	10	
Hunter, Bruce F		
King, Frederick W	11	
Wallner, Mary Jane	12	
Smith, Mariorie K	13	
Blanchard, MaryAnn N	14	
Coes, Betsy A	15	
Mitchell, McKim W		
Densmore, Edward D	16	
Eaton, Daniel A	17	
TOTAL VOTE:	18	1

Printed: 1/6/2003

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 786-FN-LOCAL Date 2/18/03 3/4/03

Committee Education

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

Name	Address	Phone	Representing	(check one) Pro	Con
Senator Gallus	107-A LOB	271-3077	District 1	X	
Rep. Dickinson	Rm 308 (LOB)		Dist #4	X	
Claire Ebel	18 Low Av Conc.	225-3080	NHEA	X	
Sheila Evans	PO Box 386 Henniker	428-4415	Henniker School Board	X	
Cruz Mantanzant	6 Old Rte 132 N	9682248	Sch Board	X	
GRAHAM CHADWICK	NOWETH	2259900	SHAKER REGIONAL SCHOOL BOARD	X	
[redacted]					

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 786-FN-LOCAL

BILL TITLE: relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

DATE: March 4, 2003

LOB ROOM: 207 **Time Public Hearing Called to Order:** 2:10 pm

Time Adjourned: 3:25 pm

(please circle if present)

Committee Members: Reps. L'Heureux, Alger, Dearborn, Flint, Carson, Colcord, Balboni, Leone, McHugh, Nard, Laurent, Tufts, M. Carter, Hagan, Ingbretson, Snyder, Claire Clarke, Jean, Rush, Scovner and J. Dunn.

Bill Sponsors: Rep. Alger, Rep. Harrington, Rep. Kurk, Rep. Dickinson, Rep. Dodge, Sen. Johnson, Sen. Gallus

TESTIMONY

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

Representative John R. M. Alger introduced bill. Rep. Carter (Question): Regarding Item #1, line 7, Can a school district exempt itself? Will the State lose No Child Left Behind money? (Answer): The State will have to pay costs.

Representative Peter Burling, Dist. 19 supports this bill. Speaking to broad view of bill. Related to personal experience of town expenditures that have grown. Can No Child Left Behind be put into place without hurting property owners? I believe it cannot and we must stop it before it has a major impact on taxes via Statewide Property Tax. It is criminal to place a burden on our local taxes. There is a theme developing, of adopting new programs when we don't fund our existing programs. This is a by-partisan position. Rep. Carter (Question): Have you seen Josiah Bartlett study? (Answer): Yes. I don't think the case has been made. (Question): Have you ever seen a bill that has an honest assessment? (Answer): I've come very close, but this bill promises and probability that we can't get a definitive answer on.

Representative Robert Dodge, Dist 80 supports the bill. Representative agrees with John Alger's comments. Refers to experience of Special Education unfunded mandates. People are very cautious. Until we have complete knowledge about this mandate, we need to be very careful. Submitted handout.

Representative Neal Kurk, Dist 48 supports the bill. (Views on this bill vary.) No where in Federal Constitution that says the Federal Government is responsible for education, that is a responsibility of the State. They have found various loopholes, ratified by Supreme Court to push forward their agenda. This bill will make them keep their promise to fund their program. Locals should not have to pay. This bill also keeps the Federal Government from inflating the education process.

Regarding report on where money is going. This bill will have no financial impact today. There is enough money to fund programs today. But in the future, over time, school districts will have additional costs not covered under No Child Left Behind. That is my concern.

Nick Donahue, Commissioner of Education. The Department of Education welcomes the deliberation sparked by this bill. We are determined for New Hampshire as long as it does work. Regarding Provision #1. We support this. Concerned about Provision, which limits local decision making with Federal Funds. #2 I don't see how this is legal. #3 this is troubling. Concerned about delay in submitting information to Washington. #4 Makes sense to desegregate information. I cannot go on the record to support the concept of ranking (test). It doesn't give a true statement of school accountability #6 it is our responsibility. Provision which does say that if obligation to fund programs is not met, State and districts can suspend program. Aside from State saying we do not want to participate in No Child Left Behind, there are some provisions we must do.

Mark Joyce, NHSAA. Written testimony along with handouts submitted.

Dr. Charles A. Ott, Superintendent SAU 56, supports this bill. (Written testimony submitted) This bill promises more than it can deliver. Goals of program are Utopian with freedom. No Child Left Behind threatens that freedom and this bill restores them. This bill will, a) cause erosion of local control and b) denigration of schools. The Federal Government is mandating what is to be tested, and by proxy what is to be taught. These laws are not flexible. The Congressional office, in a study, claims nationwide 90% of schools are failing. There are many ways in which a school is designated as failing. To rate these schools will be impossible. This will erode the support of our schools. Who wants to support or better yet, go to a failing school? I support the ranking of our schools, but in a value-added method.

Scott Anderson, SAU 2, has three points: 1) What we are being asked to do is unfunded. Spoke of editorials written. 2) We have been using title one funds along with programs that are working. Under No Child Left Behind, do we shift money from a proven program to put into a NCLB compliance. NCLB will cost us 6% or $777,000 per year. 3) Regarding study by NHSAA unfunded mandates. We can be proactive in preventing increase in taxes.

Dr. Nathan Greenberg, supporting this bill. Has submitted written testimony. Historically, we have dealt with unfunded mandates. Londonderry is short one million a year for special education. The Federal Government does not fund its obligation towards education. Do not pass on obligations to locals. What happens in State developed plans for NCLB? Londonderry will use Title 1 money. Start up costs on tech program cost 1.1 million dollars. To get #300,000.00, I have to spend 1.1 million dollars. There is also an expansion of Federal Government. Rep. Carter (Question): If state implemented a program like No Child Left Behind, would it cost us the same? (Answer): 1) quality assessment, 2) rules implemented through rule making, and 3) no school district would be forced to pay beyond. It could work.

Dean Michner, School Board Association, supports this bill. Written testimony submitted.

Respectively submitted,

Sharon M. Carson

Sharon M, Carson
Committee Clerk

Testimony

* Written Testimony #1

Testimony On HB 786 Relative to Participation of the State. In "No Child Left Behind" Act

TO: The Honorable Stephen L'Heureux, Chairman **February 18, 2003**
House Education Committee

From: Representative John Alger

Chairman & Members of the Education Committee,

For the record, my name is John Alger, State Representative. I represent, as one of two, the towns of Campton, Ellsworth, Orford, Rumney, and Wentworth.

I support this bill and hope the committee will pass it. Section 1, the "purpose" statement of the bill summarizes its primary objectives. (read same).

First, I want to commend President Bush, the Congress, and particularly our Senator Gregg for their strong efforts to enhance and improve public education through the "No Child Left Behind Act (NCLBA)" with its policies of "annual yearly progress," enhancing teacher quality, reporting to parents and schools, public school choice, etc. For example, we heard testimony last week from Dr. Kathleen Madigan on her program in NCLBA for simplified teacher certification, certainly a good thing.

Attached to this testimony I submit a summary page of Federal law 104-4 of 1995. It says the Congress will not mandate to the states without providing full payment of costs except in certain circumstances. Our Senator Gregg was, I believe, a leader in bringing that legislation to pass, significantly mimicking in legislation part II, Article 28-a of the NH Constitution.

The Federal government develops legislation which they pass into law with great enthusiasm, usually including some of the required payments. Then, with the passage of time, they lose interest, maybe change political philosophy, after which they trail off in monetary support for prior legislation. We are mighty sick of that track record especially in special education and in Medicaid. Just retired Governor Parris Glendening of Maryland in a recent speech says it even more broadly:

"We see the states given responsibility, which is clearly an element of federalism. But requirements are tacked onto legislation, which is antithetical to federalism. Finally, we see states given inadequate funding to meet these responsibilities... For example the federal government pledged $3.5 billion to help defray the costs states bore after September 11. No state has yet to see a dime of this federal money. Or consider welfare reform. You would think a former governor now serving as president would simply re-authorize the program and let the success continue. Instead we see a number of prescriptive measures being attached... Or consider education policy. The president's No Child Left Behind initiative

provides much needed funding. But it also mandates ....(teacher qualifications, testing requirements and data collection in detail.) Again not federalism. The issue that troubles me most deeply is the environment. Here we see the federal government setting ceilings lower than state law and policy. ...."

This new law NCLBA we are told brings with it full payment by the Feds of all its costs: development of new and expanding student testing; of much expanded data capture, disaggregation and reporting; of paralegal and teacher course work for certification as "highly qualified; and finally of continuous annual application of all the new tests and requirements. By letter of September 19, 2002 Senator Gregg declared:

"No Child Left Behind" provides a road map - and the resources - to improve all our schools, and it does so without any unfunded mandates."

By letter of January 2, 2003, he again reports:

"The NCLBA does not contain any unfunded mandates. Since 1995 (well after passage of the P.L. 94-142, the individuals with Disabilities Education Act), Congress has been prohibited from passing any legislation that contains an unfunded mandate."

By letter of February 3, 2003, again:

"One of the biggest misconceptions is that the NCLBA is an unfunded or underfunded mandate. This is simply not true."

He further reports in that letter amounts received for K-12 education so a copy is included with this testimony. And, on January 28 Senator Gregg sent us a letter documenting the total federal education dollars that have come, and are coming to New Hampshire for education:

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
$ in MM	$77.0	$80.7	$80.0	$89.1	$97.5	$107.5	$114.3	$135.2	$156.2	$164.1

The amount more than doubled in eight years; and, he recently asked for another $5 billion block grant to the states. A full copy of this letter is included for the Committee.

Senator Gregg by strong leadership and support in Congress has expanded monetary support of NCLBA and other federal education programs; and has by several letters to us declared the work is, and will be fully funded by Federal money. In fact it is declared we don't have to do the work if it is not paid for through federal coffers.

Therefore, it is most appropriate that R.A. 21-N:12 be amended as in I of the bill, namely, that no general funds shall be appropriated, expended, or encumbered to implement "No Child Left Behind."

Section 2, II is a natural corollary or complement of section 2, I. It allows a school district to opt out of NCLBA because of state regulations for any reason. Probably the reason would be complexity or lack of money. If the latter, of course, then any district should be able to obtain funding through the state from the federal government since NCLBA is declared to be fully funded. Furthermore, I am told such opt out may risk loss of other NCLBA money notably Title I reading support! Finally, under Goals 2000 the districts could opt out or join in but in that case the State chose not to participate. What is the legal stricture of the State joining and a district declining?

Section 2, III has the purpose of bringing the legislature into the act, so to speak, in this all-important legislation. DOE Commissioner Donahue has commendably proceeded at full speed in this federal initiative with approval of the Governor; but the legislature has largely not been in the loop, partly probably because of the election process. However, many changes and much money is at stake; and so, giving the education committees of the legislature opportunity to review and comment on proposed rules and regulations under NCLBA is very important to avoid later difficulties. Section 2, IV is included in anticipation that costs of NCLBA, paid from federal resources, might find their way into the cost of an adequate education. That must not happen without further through review if at all.

Section 2, V has the purpose of annual communication with the legislature on the results of work under NCLBA. This simple method of reporting is important for ease of understanding. If requirements of NCLBA include reporting in this fashion that's fine. If not, we recommend this method be adopted.

Section 2, VI has the purpose of tracking revenues and expenditures under NCLBA for the clear purpose of assuring adherence to the first part of section 2, namely general funds are not used.

Thanks for your attention and interest. Please support the bill.

(JA)

Public Law 104-4
104th Congress

An Act

To curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes. <<NOTE: Mar. 22, 1995 - [S. 1]>>

The purposes of this Act are--

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by--

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors; [[Page 109 STAT. 49]]

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates;

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by--

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments and the private sector before adopting such regulations, and ensuring that small governments are given special consideration in that process; and

(8) to begin consideration of the effect of previously imposed Federal mandates, including the impact on State, local, and tribal governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

JUDD GREGG
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

COMMITTEES:
BUDGET
APPROPRIATIONS
HEALTH, EDUCATION, LABOR AND PENSIONS

United States Senate

WASHINGTON, DC 20510–2904
(202) 224–3324

February 3, 2003

OFFICES:

125 N. MAIN STREET
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(603) 225–7115

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MANCHESTER, NH 03104
(603) 622–7979

60 PLEASANT STREET
BERLIN, NH 03570
(603) 752–2604

16 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431–2171

Dear Friends:

You have recently received correspondence from the New Hampshire School Administrators Association regarding their report on the cost of the No Child Left Behind Act (NCLBA). Unfortunately, the Association's speculation about the costs of the new law are based on flawed assumptions and outdated information.

One of the biggest misconceptions is that the NCLBA is an unfunded or underfunded mandate. This is simply not true. Congress passed a law in 1997 that specifically prohibits Congress from passing laws with unfunded mandates. The NCLBA is not an underfunded mandate when you consider that:

- the 3-8 testing requirements are already paid for, a fact that the Administrators acknowledge;
- schools received a 39% increase in teacher funding to ensure teachers are qualified; and
- many school districts, especially those with the highest concentrations of poverty, have received 30%- 40% increases in Title I funding allowing them to focus on struggling schools to ensure that all children, including disadvantaged children, are proficient in 12 years' time.

In 2002, the State received an overall increase in K-12 funding of over 21%. The starting point for this year's funding levels was the President's 2003 budget request submitted to Congress a year ago in February 2002. That proposal represented an increase of roughly $25 million or over 32% for New Hampshire over the old law—an increase of $120 per pupil for a total of over $487 per pupil in K-12 funding for New Hampshire. These new levels are not reflected in the Administrators' report.

The Administrators' cost analysis assumes that nearly 2,300 alternatively certified teachers would not satisfy the highly qualified teacher requirement under the NCLBA. However, final regulations available after the Administrators' report was released clearly allow alternatively certified teachers and even teachers participating in alternative certification programs to be deemed highly qualified under the law. The cost analysis also assumed substitute teachers must be highly qualified. Neither in the law nor in the regulations is there a requirement that substitute teachers be highly qualified.

In addition, to supporting the 21% increase in education funding that New Hampshire received last year, in the last two weeks I successfully authored two amendments to the omnibus reconciliation bill for the 2003 budget: one would provide a $5 billion block grant to the States for either the NCLBA, special education or higher education expenses, based exclusively on local priorities; the other would provide an additional $1.5 billion exclusively for special education. This would represent an additional $25 million to $30 million for education programs in New Hampshire above and beyond the President's initial request for 2003—nearly doubling the proposed increase from the old law.

While these amendments may be hard to keep in the final conference report because they represent significant increases beyond new funding levels requested in the President's 2003 budget, I will work to make sure that the final budget includes significant help and flexibility to support the hard work of educators in our State.

The people of New Hampshire expect schools to educate all children, including the disadvantaged. This responsibility is not new nor is it only a federal one. The NCLBA is the latest version of a 37 year-old law—a law that has not produced the desired results for America's disadvantaged children. That's why the latest revision of the law combined historic funding increases with important changes focused on positive results for academic achievement.

The NCLBA combined new resources with accountability, increased local flexibility, new options for parents of children in chronically underachieving schools, and an emphasis on funding what works. In addition, the law recognizes that a key ingredient to a child's academic success is the quality of instruction. **Each of these provisions is addressed in the law and paid for.** The target is academic proficiency for all children over a transition period of 12 years and beyond. Exactly how a given state or local school district achieves that result is up to local decision makers.

As a former governor, I know how important it is to guard the ability to make decisions locally. That's why I fought hard to include provisions in the new law to expand the authority of districts to spend federal dollars based on local priorities. The law also contains several provisions that specifically prohibit federal government officials from mandating, directing, or controlling a State, local educational agency, or school's specific instructional content, academic standards and assessments, curriculum or program of instruction.

I have taken the liberty to pass on to you our response to key elements of the New Hampshire School Administrators' cost analysis of the NCLBA—a report with which, as you know, we disagree. Unfortunately, the Administrators' cost analysis makes erroneous assumptions and provides outdated information on the existing and new federal education funding available to New Hampshire.

Please be in contact with me if I can provide any further information and I look forward to continuing to work with you as we move toward the implementation of the No Child Left Behind Act.

Sincerely,

Judd Gregg
U.S. Senator

Enclosures

Received 1/31/03

JUDD GREGG
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

COMMITTEES:
BUDGET
APPROPRIATIONS
HEALTH, EDUCATION, LABOR AND PENSIONS

United States Senate

WASHINGTON, DC 20510–2904
(202) 224–3324

OFFICES:

125 N. MAIN STREET
CONCORD, NH 03301
(603) 225–7115

28 WEBSTER STREET
MANCHESTER, NH 03104
(603) 622–7979

60 PLEASANT STREET
BERLIN, NH 03570
(603) 752–2604

16 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431–2171

January 28, 2003

The Honorable John Alger
935 East Rumney Road
Rumney, NH 03266

Dear Representative Alger :

Enclosed please find the allocation of federal education dollars that my office has assembled at your request. I am also passing on to you a list of projects and grants I have worked with the University of New Hampshire and other New Hampshire colleges to fund over the past few years.

Also enclosed is our response to key elements of the New Hampshire School Administrator's Cost Analysis of the No Child Left Behind Act. A report with which, as you know, we disagree. One of the biggest misconceptions is that there is not a sufficient amount of federal funds to assist school districts in implementing the new law.

As you may recall from my correspondence earlier this year, New Hampshire has received an increase of over $16 million or 21% in federal funding for K-12 education for the 2002 fiscal year. In addition to this historic funding increase, I fought to ensure that smaller states like New Hampshire receive a higher percentage of Title I dollars than they had in the past. This is a key reason New Hampshire's school districts, particularly poor school districts, are receiving unprecedented levels of federal funding.

The starting point for this year's education funding level discussions was the President's 2003 budget request. The request represented a funding increase of over $25 million or over 32% for New Hampshire compared to the old law. In the last two weeks, I successfully added two education provisions to the Senate's version of the Omnibus reconciliation bill for the 2003 budget: one would provide a $5 billion block grant to the States for either No Child Left Behind, Special Education or Higher Education, based on local priorities; the other would provide an additional $1.5 billion exclusively for Special Education. While these changes will be finalized in the conference committee process with the House of Representatives, I'm very hopeful that the net result will be additional resources and flexibility to support education.

Please be in contact with me if I can provide any further information and I look forward to continuing to work with you as we move toward the implementation of the No Child Left Behind Act.

Sincerely,

Judd Gregg
U.S. Senator

JG:jmg
Enc.

Handout #1

Article 11. To see if the Voters of the Epping School District affirm that newly enacted and existing state and federal mandates have placed an undue and heavy financial burden on the local school district budget, and vigorously oppose any and all unfounded and under-funded state and federal educational mandates, including but not limited to, those contained in the recently enacted No Child Left Behind Law as well as those mandates historically unfounded with the IDEA/Special Education Laws. (Majority vote required)

Recommended by the Epping School Board
Recommended by the Epping Budget Committee

Chairperson Morris spoke on this Article. Chairperson Morris explained that this article is intended to send a clear and strong message to our state and federal representatives regarding the mandates that are handed down to school districts without adequate funding. The State and Federal governments need to know that they are placing an undue burden on the taxpayers and that the district can't handle more mandates without full funding from the State and Federal Governments.

Jim McGeough spoke on the dictation of mandates that get handed down on the school districts. He stated that if people do not make their representatives aware of the burden that they are imposing on the taxpayers taxes will continue to increase in the area of special education with very little control by the Epping School Board. The Schools Boards are required to follow the laws and those laws often come with little or no funding to help the school districts implement them. He encouraged everyone to support this article.

Michael King spoke in support of this article.

Article will appear on ballot as written.

Article 12. To transact any other business which may legally come before this meeting.

Jim McGeough discussed the budget cutting process and has asked to propose a statement to be added to the minutes. Mr. McGeough went on to state that over the past few years the community has not supported the idea of a combined Epping/Fremont educational plan. He believes that a partnership with Fremont would be beneficial from an educational standpoint, and could be the best way to address our future needs from a fiscal perspective. He projected that if Fremont students left our schools next year, the $1.3 million in tuition would be offset by $300,000 in services we could eliminate and would cost Epping taxpayers $3-$4 dollars per thousand on their tax rate for less programming. He and the budget committee requests that the following amendment be made to Article #12.

"To see if the voters of the Epping School District affirm that the Epping School Board aggressively pursues a long-term educational relationship with its neighboring community of Fremont."

Moderator LaPierre called for a Motion to amend Article #12. Jim McGeough made a Motion to amend Article #12. Seconded by Cheryl Denoncour.

Bruce Gatchell spoke against the proposed amendment and its intent.

payment of statutory obligations of the District. This article does not include appropriations voted in other warrant articles. (Majority vote required)

1100	Regular Education	$2,967,018
1200	Special Education	1,516,854
1300	Vocational Education	0
1400	Other Programs	22,244
2110	Attendance	1
2120	Guidance	36,546
2130	Health	30,369
2140	Psychological	58,513
2150	Speech & Audiology	93,875
2160	Physical & Occupational	94,244
2210	Improvement of Instruction	27,304
2220	Educational Media	138,149
2310	School Board	48,278
2320	Offices of Superintendent	152,538
2330	Special Educ. Administration	94,920
2400	School Administration	223,583
2600	Operation of Plant	206,943
2700	Student Transportation	351,509
2900	Support Benefits	106,300
4000	Facilities	19,739
5100	Debt Service	0
3100	Food Service	68,257
	TOTAL APPROPRIATION	$6,257,184

($6,257,184 Recommended by the Fremont School Board)
($6,071,368 Recommended by the Fremont Budget Committee)

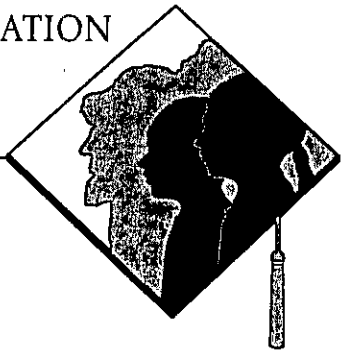
7. To see if the District will authorize the School Board to convey a property deed to the Town of Fremont for the land upon which the new library is erected, and to authorize the School Board to take any other action necessary to carry out this vote. (Majority vote required)

(Recommended by the Fremont School Board)

8. To see if the Voters of the Fremont School District affirm that newly enacted and existing state and federal mandates, while considered educationally valuable, have placed an undue and heavy financial burden on the local school district budget, and vigorously oppose any and all unfunded and under-funded state and federal educational mandates, including but not limited to, those contained in the recently enacted No Child Left Behind Law as well as those mandates historically unfunded within the IDEA/Special Education Laws. (Majority vote required)

NEW HAMPSHIRE SCHOOL ADMINISTRATORS ASSOCIATION

CHAMPIONS FOR CHILDREN



February 18, 2003

Re: HB786

Dear Members of the New Hampshire Legislature:

I am testifying in support of House Bill 786, on behalf of the members of the New Hampshire School Administrators Association and the New Hampshire Special Education Administrators.

As previously mentioned, it is not NHSAA's intention to be in an adversarial position with elected representatives from New Hampshire or our appointed government employees in Washington and Concord. Rather, it is the association's sincere purpose to highlight some of the serious shortcomings of the recently approved No Child Left Behind Act, and to seek remedies before it is too late.

In brief, our concern is that this law is full of unfunded and under-funded mandates from the federal government that will cause significant cost increases to local taxpayers, now and increasingly in the future. These increased demands for new local tax dollars will have adverse effects on children and taxpayers alike.

It is important to note that the law itself is 1,200 pages long and to date, there are thousands of pages of published rules and regulations. It is clearly the growing opinion of citizens in New Hampshire and throughout the country, that the rule-makers who are defining this law are creating costly, under-funded mandates and regulations for school communities that far outstretch the intention of the authors of the legislation and the spirit of this important law.

Our concerns are grouped into five (5) major areas:

Concern #1: <u>There are unfunded or under-funded mandates contained in the law.</u> At the early stages of NHSAA's investigation, we were able to identify that there are significant cost increases being mandated by the voluminous rules and regulations that accompany the 1,200-page law. It is our assertion that for every $77.00 of new aid, there are in fact over $575.00 of new costs per student that must be borne by the State of New Hampshire and/or the local taxpayers of school districts. This cost is a conservative estimate since it does not include costs associated with the necessary required targeted assistance for schools identified as schools in need of improvement. See our website (http://www.nhsaa.org) for more information.

Concern #2: <u>The total amount of federal aid that is allocated to schools cannot be redirected to cover all the costs of new regulations without impacting existing services.</u> In fact, current and historic federal aid has been constructively used by schools for over 30 years to fund important services to students (e.g. tutoring in math or reading or reducing class sizes). These are not "free" or "discretionary" resources. This money is not currently sitting idle. If schools are required to "move" these resources to cover new regulations, there will be an unavoidable loss of services to children who are currently benefiting from these programs.

Concern #3: <u>The NCLB Act erodes local control of public education.</u> It is inconceivable to virtually all citizens in New Hampshire that the federal government, which provides only about 6% of these resources for public education, should be controlling a majority of the decisions made, while local taxpayers pay 94% of the bill. The decisions made by federal and state

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government employees are currently costing citizens tax dollars and changing local priorities. It is our firm belief that these regulations will result in significant future increases to New Hampshire taxpayers...without their vote, without their approval, without their consent.

Concern #4: The Federal Government fails to fund its special education mandate. We have long been concerned with the federal government's gross neglect in funding its share of the responsibility for special education. In fact, the federal government is funding only a small fraction of the promise it made to citizens of our country over 25 years ago. (A promise not unlike the one that is being made with the NCLB Act.) Citizens everywhere know first hand the tremendous negative impact this lack of funding has had on local school budgets and local taxpayers wallets. Despite two decades of pressure from citizens, the federal government has yet to fulfill its promise to pay 40% of the cost, in an annual guaranteed fashion. It is entirely reasonable for citizens everywhere to be suspicious of this newest attempt at federal control that is accompanied by promises most likely to be unfulfilled. It is important to note that the Federal Government was short $39.5 million in its special education aid to New Hampshire alone, in FY2002.

Concern #5: NCLB Act imposes new costs on local taxpayers. These unfunded and under-funded mandates will have an adverse effect on children and communities alike. Shifting financial obligations onto local taxpayers, who have a fixed capacity to pay, will cause elimination of important local school improvement programs and services. There is only so much money. New Hampshire citizen taxpayers work very hard to raise money to support their school districts. Any person who has ever attended a public meeting knows that communities constantly make difficult choices about what to fund and what to cut from public budgets. The last thing a New Hampshire budget committee or school board member needs is another unfunded mandate from the federal or state government.

As we all work to embrace a new year and build sound public policy in support of public education; we believe that now is the time to correct the deficiencies in this law and to require our federal officials to promise to pay for any increased costs resulting from federal regulations. All we respectfully request is that federal and state elected representatives guarantee to pay for all of the costs that will be required in order to meet the regulations that accompany this law. I am confident that all readers will agree that this is a simple, clear and reasonable request.

For more information and copies of prior reports, please visit our website at (http://www.nhsaa.org).

Sincerely,

Mark V. Joyce

Dr. Mark V. Joyce
Executive Director

No Child Left Behind Act

Resources:

www.nochildleftbehind.gov	=	US Dept. of Education
www.ed.state.nh.us	=	NH Dept. of Education
www.nhsaa.org	=	NH School Admin. Assoc.

What's Right with the Law?:

- ♦ Commitment to Universal Literacy
  - For all children everywhere
- ♦ Increase in Federal Funding for FY03
  - Plus 16 or 17 million
- ♦ Rigorous Accountability
  - Testing in grades 3 - 8 & High School
  - High Standards for All Kids & Groups
- ♦ New Higher Standards for Educators
  - Teachers & Paraprofessionals
- ♦ Greater Focus on the Importance of Public Education

Concerns with the NCLB Act

- ***There are unfunded or under-funded "mandates" contained in the law.***
  - 1200 page law
  - 1000's of pages of rules
  - For every $77 in new money there is $575 p/p in new cost not including improvement costs

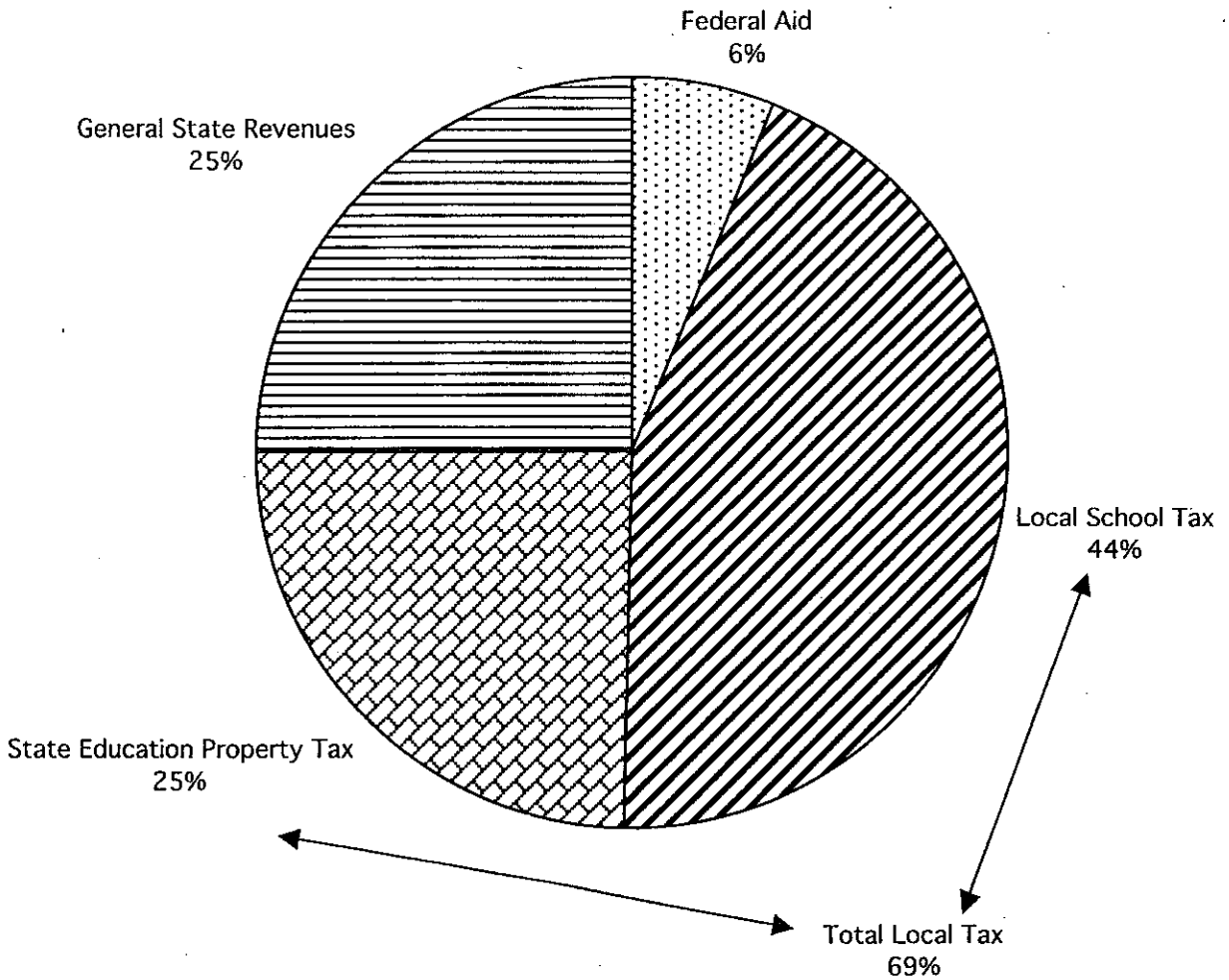
- ***The total amount of federal aid that is allocated to schools cannot be redirected to cover all the costs of new regulations - without impacting existing services.***
  - Currently used for constructive purposes
  - Tutors, lower class sizes, technology

- ***The NCLB Act erodes local control of public education.***
  - Paying 6% of costs (maybe) - exerts over 50% of control

- ***The Federal Government has a poor record of funding & fails to fund its special education mandate.***
  - NH is short up to $39.5 million in FY02 in IDEA

- ***The NCLB Act imposes new costs on local taxpayers.***
  - Increasing costs will be shifted to local school tax
  - Change local priorities and Choices become even harder

Total Revenue to Public Education FY2003



EDUCATION TRUST FUND PAU

LBAO, 11/19/2001

06 Education
'03 Department of Education
'02 Office of the Dep. Commissioner
'02 Financial Aid to Districts
'04 Adequate Education Grants

			FY2002		FY2003
Class 90	Hardship Grants		5,000,000		5,000,000
Class 91	Kindergarten at $1,200 per pupil	1,972,800		2,625,600	
Class 91	Adequate Education Grants	880,657,284	882,630,084	896,869,535	899,495,135
	Total		887,630,084		904,495,135
	Estimated Source of Funds For Adequate Education Grants				
	Education Trust Fund				
	Statewide Property Tax	454,000,000		453,045,000	
	Excess Education Tax	29,100,000		32,680,000	
	Utility Property Tax	18,800,000		20,500,000	
	Cigarette Tax	24,810,000		24,520,000	
	BPT	36,900,000		36,600,000	
	BET	113,500,000		105,500,000	
	Real Estate Transfer Tax	32,830,000		33,830,000	
	Rental Car Tax	8,000,000		8,400,000	
	Tobacco Settlement	40,000,000		40,000,000	
	Sweepstakes	64,000,000		66,000,000	
	Balance forward from ETF		821,940,000		821,075,000
	General Funds				
	Formerly used for Kindergarten	--		--	
	Formerly used for Foundation Aid	--		--	
	Formerly used for Revenue Sharing	--		--	
	Other	65,690,084	65,690,084	83,420,135	83,420,135
	Total		887,630,084		904,495,135

NCLB Warrant Article Activity

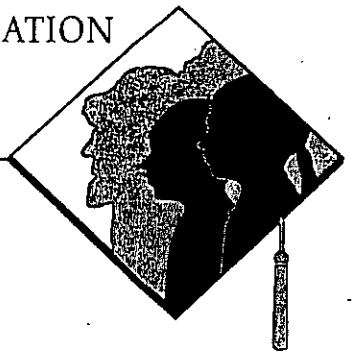
February 17, 2003

SAU	District
2	Ashland
2	Inter-Lakes
6	Claremont
6	Cornish
6	Unity
12	Londonderry
14	Epping
14	Fremont
18	Franklin
18	Hill
21	Hampton Falls
21	North Hampton
21	Seabrook
21	Winnacunnet Coop
24	Henniker
27	Litchfield
29	Chesterfield
29	Harrisville
29	Keene
29	Marlborough
29	Marlow
29	Nelson
29	Westmoreland
31	Newmarket
33	Raymond
34	Hillsboro
41	Brookline
41	Hollis
41	Hollis/Brookline
44	Northwood
44	Nottingham
46	Andover
46	Merrimack Valley
46	Shaker Regional

SAU	District
48	Campton
48	Pemi-Baker Coop
48	Plymouth
49	Governor Wentworth
50	Greenland
50	Newcastle
50	Newington
51	Barnstead
51	Pittsfield
53	Allenstown
53	Chichester
53	Deerfield
53	Epsom
53	Pembroke
54	Rochester
55	Timberlane Reg
56	Rollinsford
56	Somersworth
59	Winnisquam
60	Fall Mtn. Reg
61	Farmington
61	Middleton
62	Mascoma Valley Reg
64	Milton
64	Wakefield
66	Hopkinton
68	Lincoln/Woodstock
70	Dresden
70	Hanover
70	Norwich,VT
71	Goshen-Lempster
73	Gilford
74	Barrington
77	Monroe
80	Shaker Regional
88	Lebanon

NEW HAMPSHIRE SCHOOL ADMINISTRATORS ASSOCIATION

CHAMPIONS FOR CHILDREN



January 17, 2003

Senator Judd Gregg
c/o Mr. Joel Mailoa, Chief of Staff
125 North Main Street
Concord, NH 03301

Dear Senator Gregg:

I am writing to thank you for the opportunity to have met with your team on Monday, January 13, 2003. I appreciated the opportunity to begin to directly address NHSAA's concerns regarding the NCLB Act.

In addition, I will address all of our further concerns and questions directly to Joel Maiola, at your Concord office, in order to avoid any delay in mail handling in Washington, DC.

Following are seven questions that we respectfully ask of our elected federal representatives. If at all possible, we need these answered in the near future so that we may advise our community members of your response in upcoming community meetings.

1) What is the process for an individual school district to withdraw or opt out of the NCLB Act?

2) What is the penalty for an individual school district to withdraw or opt out of the NCLB Act?

3) What is the process for an individual state to withdraw or opt out of the NCLB Act?

4) What is the penalty for an individual state to withdraw or opt out of the NCLB Act?

5) Realizing that you do not agree with our areas of cost impact, what is your estimate of the cost impact of this act on New Hampshire school districts?

6) Would you agree to support a resolution or law that limits a school district's financial obligation, under the NCLB Act, to the total amount of ESEA funding received by the district?

7) Does the Senator support full mandatory funding of IDEA? If so, in what fiscal year?

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I look forward to your response to these questions. I know it is a busy time, but it would be helpful if we received your response within the next fourteen (14) days so that we may inform our participants at upcoming community meetings. If it is not possible to respond within the next two weeks, feel free to let me know your expected response date.

In addition, I would be pleased to coordinate a small group of New Hampshire school system leaders to meet with you and your team to further discuss the NCLB Act and its growing, unexpected impact on New Hampshire children and taxpayers.

Thank you again for taking the time from your busy schedule to address these questions.

Sincerely,

Dr. Mark V. Joyce
Executive Director

New Hampshire School Administrators Association
12 Cross St., Penacook, NH 03303
Phone: 603-753-4479 ~ Fax: 603-753-4611

November 26, 2002

To: Members of New Hampshire School Administrators Association and Citizens of New Hampshire

From: New Hampshire School Administrators Association Executive Board

RE: Analysis of Cost Impact of ESEA – No Child Left Behind Act on New Hampshire

Executive Summary:

The members of the New Hampshire School Administrators Association are supportive of the goals and intentions that are reflected in the No Child Left Behind Act. In particular, educators at all levels have, and continue to be, supportive of rigorous and valid accountability practices and initiatives that are designed to improve educational opportunities for all students.

The purpose of this document is to begin an analysis of whether or not there are any unfunded or under-funded impacts or mandates that originate from this law and to identify any that do exist. While this is a beginning effort, we hope that this analysis will cause state and federal policy and political leaders to: think through the complete implementation of the law in NH, generate sufficient resources to support the law's required actions and resist forwarding unfunded or under-funded mandates to local schools, communities and citizens.

There are a number of potential cost items identified in this report and four areas are summarized below. In addition, certain areas are identified as having impacts but specific dollar amounts are not available at this time. This Executive Summary is followed by a complete copy of the analysis including suggested next steps. Readers are invited to share reactions or suggestions with Dr. Mark V. Joyce at mark@nhsaa.org.

In brief, the new law appears to bring about $77 ($17m ÷ 220,000 students) per student on average of new federal money to support education, while creating at a minimum $575.00 ($126.5m ÷ 220,000 students) per student in new financial obligation to local taxpayers. It is important to note that these are very conservative assessments of new costs and actual items will undoubtedly significantly increase local costs. It is our belief that local and state citizens who pay the lions share of cost (See Appendix A), should have the authority to choose how to spend resources and not be subject to mandates from the federal government that change local priorities (e.g., spend on technology rather than reading instruction).

Executive Summary of Major Costs to Date:

2a. Costs to Attract & Retain High Quality Teachers ✓ Higher Pay ✓ Language demands on assessment	$11,716,728.93	Pressure on CB Process to increase pay and negotiate language regarding testing, et. al. (requirements of laws and procedures). If this effort adds only 2% to salaries it would cost $11,716,728.93 (14677.1FTE) (2% x $39,915).
3a. Costs to Attract & Retain High Quality ParaProfessionals ✓ Higher Pay ✓ (CBA) Collective Bargaining Agreements will change because of requirements	$16,558,344	Pressure on CB Process to increase pay and negotiate language regarding testing, et.al. requirements of law - Based on a survey, we estimate there are 7,590 paraprofessionals in NH schools who earn an average of $10.10 hour. We project a 20% increase totaling a new cost of over $16 million for NH schools (1,080 hr/year). Need to raise daily sub pay to attract "high qualified" substitutes
4b. Estimated cost of completing new technology plans	$35,400,000 - ongoing (conservative estimate - $200,000 times 177 NH school districts)	All districts will have to redo plans to meet state guidelines in order to be eligible for Title II-D resources included in total federal resources. While new plans are "goals", they are written plans of compliance based on NCLB
6a. Increase Identification for IDEA ✓ Higher numbers = Higher local cost to citizens ✓ Alternative assessment creation	$62,832,000 - ongoing (4,400 students @ $14,280) 2% increase of identified students at 201% of average cost per pupil @ $6,800	Legally persuasive pressure to increase identification of students under IDEA because of a school's inability to meet AYP standards. It will be easy to push for identification of new students under IDEA using federal law. As a result we expect a 2% increase in IDEA identified students.

New Hampshire School Administrators Association
12 Cross St., Penacook, NH 03303
Phone: 603-753-4479 ~ Fax: 603-753-4611

November 26, 2002

To: Members of New Hampshire School Administrators Association

From: New Hampshire School Administrators Association Executive Board

RE: Analysis of Cost Impact of ESEA – No Child Left Behind Act on New Hampshire

Introduction

The members of the New Hampshire School Administrators Association are supportive of the goals and intentions that are reflected in the No Child Left Behind Act. In particular, educators at all levels have, and continue to be, supportive of rigorous and valid accountability practices and initiatives that are designed to improve educational opportunities for all students.

The purpose of this document is to begin an analysis of whether or not there are any unfunded or under-funded impacts or mandates that originate from this law and to identify any that do exist. While this is a beginning effort, we hope that this analysis will cause state and federal policy and political leaders to: think through the complete implementation of the law in NH, generate sufficient resources to support the law's required actions and resist forwarding unfunded or under-funded mandates to local schools, communities and citizens.

There are a number of potential cost items identified in this report. In addition, certain areas are identified as having impacts but specific dollar amounts are not available at this time. At the end of this report, several recommended next steps are suggested. Readers are invited to share reactions or suggestions with Dr. Mark V. Joyce at mark@nhsaa.org.

In brief, the new law appears to bring about $77 ($17m ÷ 220,000 students) per student on average of new federal money to support education, while creating at a minimum $575.00 ($126.5m ÷ 220,000 students) per student in new financial obligation to local taxpayers. It is important to note that these are very conservative assessments of new costs and actual items will undoubtedly significantly increase local costs. It is our belief that local and state citizens who pay the lions share of cost (See Appendix A), should have the authority to choose how to spend resources and not be subject to mandates from the federal government that change local priorities (e.g., spend on technology rather than reading instruction).

Category of Possible Impact of NCLB	Cost	Impact
1. Assessment		
1a. Buying Tests for Grades 3 - 8 plus high school ✓ Annual Refresh of Test	5.5 million total based on current cost	Annual ongoing costs - currently used to fund NHEIAP is 2.5 million annually. Based on current practices it is projected to be 5.5 million under the requirements of the new law regardless of the test.
1b. Impact on Instructional time in schools ✓ Testing in gr. 4, 5, 7, 8, ++)	Significant loss of instructional time if school currently does not test in all grades	Increase of 130% in federally required testing time - 7 grade levels vs. 3
1c. Scoring Tests ✓ Annual & Long Term Data Analysis ✓ Giving useful information to schools, teachers, parents	See 1a	Part of 1a under current system but will need to be expanded based on increased scope
1d. AYP - Adequate Yearly Progress	Depends on method used.	Major decision that will impact all other aspects of NCLB
1e. Current AYP (Title I) System ✓ Is Fatally flawed	See 1a	Must be replaced because it unfairly compares different cohorts of students
1f. Professional Development ✓ To interpret & use test data for improvement	Significant increase in order to meet broader scope of grades	Need to expand efforts to inform all teachers, staff & parents of new tests, scoring and use of results
1g. Narrows curriculum ✓ State focus rather than local school districts	Loss of local control	Shift away from local priorities and uniqueness
✓ New expenses for books, supplies, et.al. to match new state assessment	More money	Cost of matching instructional materials to new test items
✓ Danger of "dumbing down" curriculum and limiting creativity in instruction and learning	Priceless	Focus will shift to what is measured and probably "only" what is measured
✓ National Assessment of Educational programs (NAPE)	More loss of instructional time	Will require NH participation in national test.
2. High Quality Educators (Teachers)		
2a. Costs to Attract & Retain High Quality Teachers ✓ Higher Pay ✓ Language demands on assessment	$11,716,728.93	Pressure on CB Process to increase pay and negotiate language regarding testing, et. al. (requirements of laws and procedures). If this effort adds only 2% to salaries it would cost $11,716,728.93 (14677.1FTE) [(2% x $39,915)] = 798.30.

Category of Possible Impact of NCLB	Cost	Impact
2b. Impact on substitute pay after 4 weeks	More Money - See 2a	Need to raise daily sub pay to attract "highly qualified" substitutes, especially long-term.
2c. Costs of Alternative Certification Programs	More Money - See 2a	Will we have to increase course reimbursement to support quick conversions of Alt.4 candidates?
2d. Loss of flexibility in placement of staff ✓ Loss of split teaching assignments (e.g., 4 chem, 1 phys) ✓ Increase to CBA benefits	✓ More Money - See 2a ✓ Loss of instructional time for students as courses are reduced	Districts (especially smaller ones) will have to stop practice of "stretching" certification and will result in increased cost and increased concern of parents resulting from notification procedures.
2e. Costs of Increasing Standards ✓ Tuition ✓ Assessments (PRAXIS)	✓ More Money - See 2a ✓ Cost of new testing for employees ✓ Professional development costs to train or retrain to meet new standards	Districts will be pressured to pay for course reimbursement in order to create high quality educators. Over 2,281 teachers received statements of eligibility for alternative certification in 2002-2003.
3. High Quality Educators (ParaProfessionals)		
3a. Costs to Attract & Retain High Quality ParaProfessionals ✓ Higher Pay ✓ (CBA) Collective Bargaining Agreements will change because of requirements	$16,558,344	Pressure on CB Process to increase pay and negotiate language regarding testing, et.al. requirements of law - Based on a survey, we estimate there are 7,590 paraprofessionals in NH schools who earn an average of $10.10 hour. We project a 20% increase totaling a new cost of over $16 million for NH schools. Need to raise daily sub pay to attract "highly qualified" substitutes
3b. Costs of Increasing Standards ✓ Tuition ✓ Assessments (PRAXIS)	$ costs of course reimbursement and career ladder pay adjustments. $ cost of creating and/or administering tests of competency	Will we have to increase course reimbursement to support quick conversions. Districts (especially smaller ones) will have to stop practice of "stretching" certification and will result in increased cost and increased concern of parents. Districts will be pressured to pay for course reimbursement in order to create high quality educators

Category of Possible Impact of NCLB	Cost	Impact
4. Technology Standards		
4a. New state standards are "gate" to federal money	See 4b	The state submitted an application to the federal government establishing new rigorous standards in June 2002
4b. Estimated cost of completing new technology plans	$35,400,000 - ongoing cost (conservative estimate - $200,000 times 177 NH school districts)	All districts will have to redo plans to meet state guidelines in order to be eligible for Title II-D resources included in total federal resources. While new plans are "goals", they are written plans of compliance based on NCLB
5. Impact on local control of community, school board, & educators (they still pay the bill)		
5a. Shift focus to federal priorities ✓ Tips balance of government ✓ Disconnects decision making from responsibility to pay	More Money	Local citizens will have to bear an inordinate increase in obligation from a federal regulation. It will pressure local budget meetings to shift priority(ies) to meet an unfunded mandate (e.g., IDEA experience)
5b. Empowers federal project and program director to become state based federal agencies (See Tech. Stds, Title I, and more) ✓ No common NH focus ✓ Avoid and/or confuse rule making ✓ Shift $ costs to state and local governments for compliance	More Money Plus growth in regulation and compliance (reporting) costs	Creates state housed "federal agencies" that will advocate for their funding sources against school districts. Loss of cohesive NH based governance and cause fragmented & competitive service
5c. Federal Interventions conflict w/state and local laws, local contracts ++ ✓ Impact on CB's, tenure, school funding laws and more	More Money	Federal based interventions for failing schools will conflict with state laws and local practices (e.g., tenure, local contracts, local control) and increase obligation for providing services (tuition, transportation, etc.)
5d. Empowers state to control primary assessment system ✓ Defacto state-wide curriculum	Loss of local decision making	State (with approval of Federal agencies) will create a defacto curriculum that meets new test requirements

Category of Possible Impact of NCLB	Cost	Impact
6. Special Education		
6a. Increase Identification for IDEA ✓ Higher numbers = Higher local cost to citizens ✓ Alternative assessment creation	$62,832,000 - ongoing (4,400 students @ $14,280) 2% increase of identified students at 201% of average cost per pupil @ $6,800	Legally persuasive pressure to increase identification of students under IDEA because of a school's inability to meet AYP standards. It will be easy to push for identification of new students under IDEA using federal law. As a result we expect a 2% increase in IDEA identified students.
7. Impact on local budgets		
7a. Shift of role, function and control of local budgets	Priceless	The current system of support for public education is a zero sum approach where districts are given a fixed sum of money to do the best they can for all kids. The new system requires in effect a free and appropriate like education (FAPE) for all kids. This shift sets the stage for a significantly increasing obligation for local taxpayers.
7b. Unfunded or under-funded will carry federal mandate & cause shift of local $	Rising local tax rate	Will result in loss of local discretionary decision making and shift obligation to towns. As a result school communities will be forced to shift resources to federal initiatives and away from local programs.
7c. Increase costs of litigation	Rising state aid for schools	Provides the solid platform to challenge state funding as being "inadequate" because of a failure to meet AYP in all schools
8. Requirement to share certain information about students with military services	More money and Increased time	School districts have to recreate local policy and reissue parent and student written notifications regarding "directory information". Since positive assent is required the effort will cause an increased workload for all high school guidance and administrative offices.
9. Requirement to alter residency laws and rules for homeless students	More money and Increased local obligation	Local school districts have the legal obligation to provide transportation costs for homeless students who choose to attend their prior school of attendance.

10. Budget Summary - Total ESEA Funding			
	FY02	**Under Fully Funded FY03**	**Net Increase**
Amount Directly to NH School Districts	101,296,522 (88.8%)		
Amount to NH DOE for Administration	12,666,205 (11.2%)		
Total	$113,962,727.		

Planned Actions by the NHSAA Executive Board and members based on analysis as of 11/19/02

Step #1: Share with NHDOE for awareness and revision of data as necessary

Step #2: Share document with:

a.) NHSAA Members and NHSBA to involve members and encourage use of information locally

b.) Broader public in local discussions

c.) Legislature - Federal & State Representatives who are policy leaders in shaping New Hampshire's response and federal rule making

d.) Selected Groups including media

Step #3: Encourage each School District to:

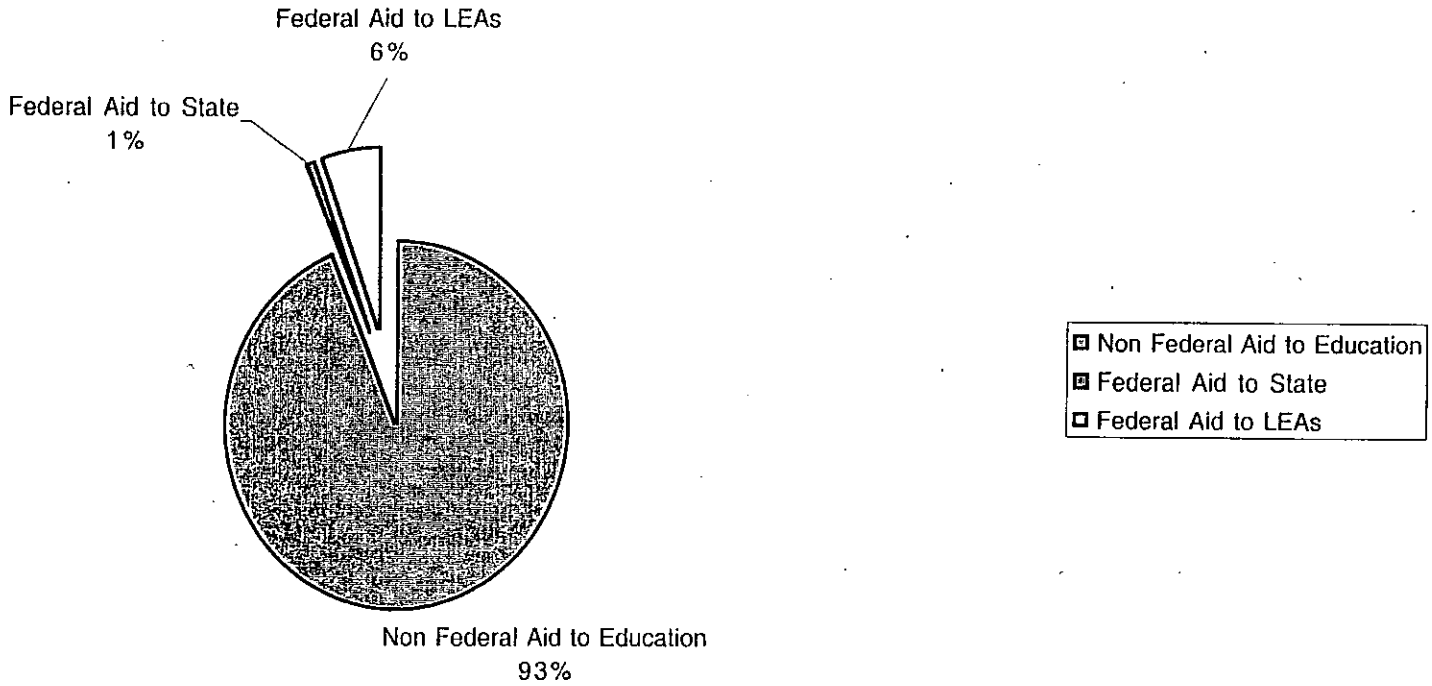
a.) Analyze local impact of costs using the identified areas of impact and share with community.

b.) Post and vote upon a Warrant Article designed to encourage state and federal officials to actively resist any unfunded or under-funded federal mandates (e.g., NCLB and IDEA).

Step #4: Work with federal and local representatives to inform decisions and shape state and federal action that will create rules, laws and applications to the Federal DOE in order to comply with NCLB.

Appendix A

Total Revenue for NH Public Education



SAU 56
Rollinsford-Somersworth
School Districts

51 West High St.,
Somersworth, NH 03878-2341

Phone: 603-692-4450
Fax: 603-692-9100
Email: cott@sau56.k12.nh.us

Charles A. Ott, Ed.D.

SUPERINTENDENT

Written Test. #3

Testimony Related to HB 786
Tuesday, Feb. 17, 2003

Dr. CHARLES A. OTT

The intent of NCLB is unassailable: to afford poor children equal opportunity in school. Despite the 1,200 pages of law and thousands of pages of regulations, this is the goal. The goal of No Child Left Behind is frequently described as noble. Perhaps it is. What is ignoble, however, is to promise more than one can deliver. It is, in fact, immodest and misleading to do so.

The goals mandated by NCLB are Utopian. Beware of Utopian dreams. They come with a cost to freedom. I believe NCLB harbors such a cost to our freedom in New Hampshire.

My colleagues have spoken of the financial costs associated with meeting the regulations of NCLB. I want to address two costs that I believe are even greater:

- the erosion of local control, and
- the denigration of our public schools.

There is more at stake here than money.

I believe in the Tenth Amendment of the United States Constitution, which guarantees that those powers not prescribed to the federal government are reserved to the states and the people. I believe in local decision-making. I believe that the people who pay 95% of the bill should establish the majority of the rules.

I believe in the genius of our federal republican form of government that allows each state to be a *laboratory of democracy*. NCLB represents an unprecedented erosion of state and local control of educational decision-making. Within these 1,200 pages, the federal government prescribes:

- what to test (and by extension, what to teach; for what gets tested, gets taught)
- who to test
- how often to test
- what manner of testing is acceptable
- how test scores are to be interpreted
- how to measure Adequate Yearly Progress
- who is a highly qualified teacher
- who is a highly qualified para-professional
- which reading programs will bear the imprimatur of the federal government as scientifically sound

NCLB imposes on local districts, without the approval of locally elected officials, sanctions mandating that local districts:

- offer public school choice
- pay for the transportation
- pay for private supplemental services
- replace school staff,
- re-open as a charter school,
- contract with a private management company, or
- turn the operation of the school over to the NH Department of Education

Please do not assume that this 1,200 page law is a list of suggestions. It is a mandate and the only choice is to *pick your poison.*

Now, my second and related point. The Congressional Research Service estimated that the Adequate Yearly Progress provision of NCLB would classify over 90% of our nation's schools as failing. This is contained in a report from your colleagues in the National Conference of State Legislatures. Lest you think this is an exaggeration, consider this: succeeding on AYP means that not only do the students at each grade level taken as a whole meet the cut score for proficiency, but also each of nine subgroups.

	Grade 3				
	All	SPED	Poverty	LEP	Minority
Reading	1	2	3	4	5
Mathematics	6	7	8	9	10
Retention	11	12	13	14	15
	Grade 4				
	All	SPED	Poverty	LEP	Minority
Reading	16	17	18	19	20
Mathematics	21	22	23	24	25
Retention	26	27	28	29	30
	Grade 5				
	All	SPED	Poverty	LEP	Minority
Reading	31	32	33	34	35
Mathematics	36	37	38	39	40
Retention	41	42	43	44	45

Consider a typical elementary school in New Hampshire. Conservatively, there could 45 ways to fail to make AYP—each of these cells. Statisticians would talk about degrees of freedom, but I ask you: how do like those odds? Yes, there is a provision in the law called Safe Harbor, which stipulates that if a sub-group reduces the number of students not reaching proficiency by 10%, they do not fail AYP. In the first year of implementation, Safe Harbor might reduce the number of schools identified, but achieving that 10% reduction year after year will eventually become impossible.

The purpose of any authentic goal is to establish a positive expectation and to galvanize effort toward achieving that goal. The goals mandated by NCLB fail the authenticity test.

Identifying the vast majority of our public schools as failing may please the perennial critics of public education and those who would like to get their hands on public monies, but it will only erode support for that school—weaken it. And, I ask what effect does it have on the children and the staff going to a school that has been labeled in the media as "failing." But more importantly, is it true? Is that school failing? What if in that school, the students had made exceptional gains? Would that be a failing school?

Many of us have argued that we should be measuring those things that a school should be held accountable for. Schools cannot be held accountable for social conditions. Schools are one of society's tools for improving social conditions. We have argued for a gains-based or value-added approach to school accountability. The attitude of the federal department toward this idea has been cool at best. Thanks to our commissioner and deputy commissioner and many of my colleagues, we are not giving up on this way of measuring student performance as one component of our NH plan. Please watch with me to see if the federal department exercises its frequently cited flexibility, when they rule on our AYP plan on May 31st.

I said earlier that I reject Utopian dreams, but I embrace idealism. I embrace the ideal of freedom, the federal republic, and local control—time-honored-- Jeffersonian democratic ideals.

I support this bill. It simply encodes what the proponents have repeatedly asserted. No un-funded mandates. No erosion of local control. How could they possibly object to this bill. I support it and I thank you for having the courage to bring it forward.

1009 words

NCLB\Testimony Related to HB 786

Written Testimony # 4

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

Dean Michener
Interim Executive Director

March 4, 2003

To: Chairman Steven L'Heureux and Members of the House Education Committee

From: Dean Michener

Subject: NHSBA Support of HB 786

Thank you for the opportunity to express NHSBA's support of HB 786, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

NHSBA cooperated with, and supports the conclusions of, the NH School Administrators Association in its report, "Analysis of the Cost Impact of ESEA – No Child Left Behind Act on New Hampshire." While NHSBA fully supports the spirit of NCLB and the issues of accountability and achievement, the fact remains that this legislation will result in numerous unfunded, and under-funded, mandates that will result in increased expenditures at the local level. While the federal government has increased funding for education, this amount pales beside the magnitude of the new mandates, especially in the areas of assessment, highly qualified teachers, supplemental services and technology. The federal government spends only 1.5% of its budget on K-12 education and contributes approximately 6 percent of the revenue that funds NH's K-12 education programs. This level of financial commitment does not come close to justifying the extraordinary level of control in the delivery of our local education programs that is contained in NCLB.

Senator Gregg continues to affirm that NH will receive all the federal money that is necessary to implement NCLB. But just last month, in a conversation with the Senator, he refused to support or sponsor a bill that would limit a school district's NCLB expenditures to only those federal funds the district received. Unfortunately, the Federal Government has a very poor record of funding its commitments, most notably its own special education mandate that has been in effect since the mid 1970's. While much has been made of the biggest increase ever in federal aid this year, please remember that this increase is on top of a small commitment that has always been short of promises made. IDEA (special education) will receive an increase of $1.4 billion to reach a total of $8.9 billion in fy '03, but this record new level of funding will only bring the federal share to 18% when we were promised 40%.

As for NCLB, when the act was passed, it contained an authorization for a $5 billion increase in fy '03 and $2.5 billion in fy '04. The amount appropriated in the budget is $1.8 billion, or just 36% of what was deemed necessary when the act was passed. Title I was authorized for $16 billion, but will now receive only $11.7 billion.

Much has also been made of the increased flexibility we will have in using federal funds and redirecting them to cover costs associated with the new regulations. Somehow the federal government seems to forget that this cannot be done without impacting existing services. Those monies are currently used for programs and services that are benefiting children – redirecting the money elsewhere results in a loss of service to those students. Programs in technology, tutoring and lower class sizes would have to be forfeited. Such a "flexible" use of this money only results in supplanting funds, not supplementing them.

The No Child Left Behind Act imposes new costs on local districts and thus the resident taxpayers. Increasing costs will necessarily be shifted to the local school tax, and decisions on local priorities and choices in the school budget will become ever more difficult. I have never met a school board member who wants to see a child left behind. The issues addressed in this legislation are local control and funding. It is school board members who are on the educational funding and policy front lines, and no one else better understands the competing needs of a community struggling to fund its schools. Please support the intentions of HB 786 and pass this legislation.

Howard L. Wilson
POBox 91
Andover,NH 03216
603-735-5427
stoneanarch@tds.net

Education Committee
207 LOB March 4, 2003 2PM

Re: HB 786

The Andover School District,will beat out the legislature in having a vote on this idea,of not funding this un-funded Federal mandate. And our school district meeting is set for March 8,starting at 1 PM.

In section III. & V.of this bill,it is noted that the State will not undertake expenditure,until such expenditure has been approved by both House & Senate Education committees. Therefore,where is State Dept of Education getting the funds to test all the students in the state,per the mandate of NO Child Left Behind ?! And to remain in line with mandate in HB 786,to expend no General Fund monies for this act ?

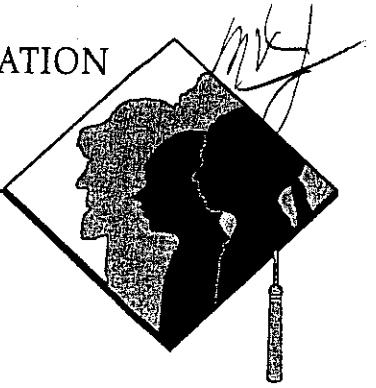
I fully approve of HB 786,and urge its passage. But the questions remain.

For Liberty,

Howard L. Wilson

NEW HAMPSHIRE SCHOOL ADMINISTRATORS ASSOCIATION

CHAMPIONS FOR CHILDREN



February 18, 2003

Re: HB786

Dear Members of the New Hampshire Legislature:

I am testifying in support of House Bill 786, on behalf of the members of the New Hampshire School Administrators Association and the New Hampshire Special Education Administrators.

As previously mentioned, it is not NHSAA's intention to be in an adversarial position with elected representatives from New Hampshire or our appointed government employees in Washington and Concord. Rather, it is the association's sincere purpose to highlight some of the serious shortcomings of the recently approved No Child Left Behind Act, and to seek remedies before it is too late.

In brief, our concern is that this law is full of unfunded and under-funded mandates from the federal government that will cause significant cost increases to local taxpayers, now and increasingly in the future. These increased demands for new local tax dollars will have adverse effects on children and taxpayers alike.

It is important to note that the law itself is 1,200 pages long and to date, there are thousands of pages of published rules and regulations. It is clearly the growing opinion of citizens in New Hampshire and throughout the country, that the rule-makers who are defining this law are creating costly, under-funded mandates and regulations for school communities that far outstretch the intention of the authors of the legislation and the spirit of this important law.

Our concerns are grouped into five (5) major areas:

Concern #1: <u>There are unfunded or under-funded mandates contained in the law.</u> At the early stages of NHSAA's investigation, we were able to identify that there are significant cost increases being mandated by the voluminous rules and regulations that accompany the 1,200-page law. It is our assertion that for every $77.00 of new aid, there are in fact over $575.00 of new costs per student that must be borne by the State of New Hampshire and/or the local taxpayers of school districts. This cost is a conservative estimate since it does not include costs associated with the necessary required targeted assistance for schools identified as schools in need of improvement. See our website (http://www.nhsaa.org) for more information.

Concern #2: <u>The total amount of federal aid that is allocated to schools cannot be redirected to cover all the costs of new regulations without impacting existing services.</u> In fact, current and historic federal aid has been constructively used by schools for over 30 years to fund important services to students (e.g. tutoring in math or reading or reducing class sizes). These are not "free" or "discretionary" resources. This money is not currently sitting idle. If schools are required to "move" these resources to cover new regulations, there will be an unavoidable loss of services to children who are currently benefiting from these programs.

Concern #3: <u>The NCLB Act erodes local control of public education.</u> It is inconceivable to virtually all citizens in New Hampshire that the federal government, which provides only about 6% of these resources for public education, should be controlling a majority of the decisions made, while local taxpayers pay 94% of the bill. The decisions made by federal and state

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TEL: (603) 753-4479 • FAX: (603) 753-4611

government employees are currently costing citizens tax dollars and changing local priorities. It is our firm belief that these regulations will result in significant future increases to New Hampshire taxpayers...without their vote, without their approval, without their consent.

Concern #4: The Federal Government fails to fund its special education mandate. We have long been concerned with the federal government's gross neglect in funding its share of the responsibility for special education. In fact, the federal government is funding only a small fraction of the promise it made to citizens of our country over 25 years ago. (A promise not unlike the one that is being made with the NCLB Act.) Citizens everywhere know first hand the tremendous negative impact this lack of funding has had on local school budgets and local taxpayers wallets. Despite two decades of pressure from citizens, the federal government has yet to fulfill its promise to pay 40% of the cost, in an annual guaranteed fashion. It is entirely reasonable for citizens everywhere to be suspicious of this newest attempt at federal control that is accompanied by promises most likely to be unfulfilled. It is important to note that the Federal Government was short $39.5 million in its special education aid to New Hampshire alone, in FY2002.

Note

Concern #5: NCLB Act imposes new costs on local taxpayers. These unfunded and under-funded mandates will have an adverse effect on children and communities alike. Shifting financial obligations onto local taxpayers, who have a fixed capacity to pay, will cause elimination of important local school improvement programs and services. There is only so much money. New Hampshire citizen taxpayers work very hard to raise money to support their school districts. Any person who has ever attended a public meeting knows that communities constantly make difficult choices about what to fund and what to cut from public budgets. The last thing a New Hampshire budget committee or school board member needs is another unfunded mandate from the federal or state government.

As we all work to embrace a new year and build sound public policy in support of public education; we believe that now is the time to correct the deficiencies in this law and to require our federal officials to promise to pay for any increased costs resulting from federal regulations. All we respectfully request is that federal and state elected representatives guarantee to pay for all of the costs that will be required in order to meet the regulations that accompany this law. I am confident that all readers will agree that this is a simple, clear and reasonable request.

For more information and copies of prior reports, please visit our website at (http://www.nhsaa.org).

Sincerely,

Mark V. Joyce

Dr. Mark V. Joyce
Executive Director

NCLB Warrant Article Activity

March 7, 2003

SAU	District	
2	Ashland	*
2	Inter-Lakes	*
5	Durham	
6	Claremont	*
6	Cornish	*
6	Unity	*
12	Londonderry	*
14	Epping	*
14	Fremont	*
18	Franklin	*
18	Hill	*
21	Hampton Falls	*
21	North Hampton	*
21	Seabrook	*
21	South Hampton	*
21	Winnacunnet Coop	*
24	Henniker	*
27	Litchfield	*
29	Chesterfield	*
29	Harrisville	*
29	Keene	*
29	Marlborough	*
29	Marlow	*
29	Nelson	*
29	Westmoreland	*
31	Newmarket	*
33	Raymond	*
34	Hillsboro	*
39	Amherst	*
39	Mont Vernon	*
39	Souhegan Cooperative	*
41	Brookline	
41	Hollis	
41	Hollis/Brookline	
44	Northwood	*
44	Nottingham	*
46	Andover	*
46	Merrimack Valley	*

SAU	District	
48	Campton	*
48	Pemi-Baker Coop	*
48	Plymouth	*
49	Governor Wentworth	*
50	Greenland	*
50	Newcastle	*
50	Newington	*
51	Barnstead	*
51	Pittsfield	*
53	Allenstown	*
53	Chichester	*
53	Deerfield	*
53	Epsom	*
53	Pembroke	*
54	Rochester	
55	Timberlane Reg	*
56	Rollinsford	*
56	Somersworth	*
59	Winnisquam	*
60	Fall Mtn. Reg	*
61	Farmington	*
61	Middleton	*
62	Mascoma Valley Reg	*
64	Milton	*
64	Wakefield	*
66	Hopkinton	*
68	Lincoln/Woodstock	*
70	Dresden	*
70	Hanover	*
70	Norwich,VT	*
71	Goshen-Lempster	*
73	Gilford	*
74	Barrington	*
77	Monroe	
79	Gilmanton	*
80	Shaker Regional	*
88	Lebanon	*

* On Warrant Article

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 786-FN-LOCAL

BILL TITLE: **relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.**

DATE: March 5, 2003

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. Alger

Seconded by Rep. Synder

Vote: 12-2 (Please attach record of roll call vote.)

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

Moved by Rep. Dunn

Seconded by Rep. Hagan

Vote: 17-0 (Please attach record of roll call vote.)

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

Moved by Rep. Alger

Seconded by Rep. Synder

Vote: 12-5 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sharon M. Carson, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 786-FN-LOCAL

BILL TITLE: **relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.**

DATE: ~~February 18, 2003~~

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Alger

Seconded by Rep. Synder

Vote: 12-7 (Please attach record of roll call vote.)

(3) **Motions:** (OTP, OTP/A, ITL, Interim Study (Please circle one.) Final Reconsideration

Moved by Rep. ~~Lawrence~~ Dunn Alger

Seconded by Rep. Hagan Synder

Vote: 12/Y (Please attach record of roll call vote.)

12-8

5

(2) 3-6-03

CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Sharon M. Carson
Rep. Sharon M. Carson, Clerk

(2) Motions: OTP, OTP/A, ITL, Reconsider

17-0 Who moved 1. Dunn
2. ~~Alger~~ Hagan

OFFICE OF THE HOUSE CLERK 2003 SESSION

EDUCATION

Bill #: HB 786-FN-L **Title:** Relative to Participation in NCLB

PH Date: 3 / 4 / 03 Exec Session Date: 03 / 05 / 03

Motion: OTP Amendment #:

MEMBER	YEAS	NAYS
L'Heureux, Stephen R. Chairman		
Alger, John R M, V Chairman	✓	
Dearborn, Bruce L		
Flint, Gordon B	✓	
Carson, Sharon M		✓
Colcord, J D	✓	
Balboni, Michael A		
Leone, Richard C	✓	
McHugh, Claire B	✓	
Naro, Debra A		
Laurent, John J		✓
Tufts, J Arthur	✓	
Carter, Mark S		
Hagan, Barbara J	✓	
Ingbretson, Paul		
Snyder, Clair A	✓	
Jean, Claudette R	✓	
Clarke, Claire D	✓	
Rush, Deanna P	✓	
Scovner, Nancy M		
Dunn, James T	✓	
1st Vote	12y	2 NO

TOTAL VOTE:

Printed: 1/6/2003

OFFICE OF THE HOUSE CLERK

2003 SESSION

EDUCATION

Bill #: HB786-FN-L Title: Relative to Participation in NCLB

PH Date: 3/4/03 Exec Session Date: 3/5/03

Motion: OTP Amendment #:

MEMBER	YEAS	NAYS
L'Heureux. Stephen R. Chairman		
Alger. John R M. V Chairman	✓	
Dearborn. Bruce L	✓	
Flint. Gordon B	✓	
Carson. Sharon M	✓	
Colcord. J D	✓	
Balboni. Michael A		
Leone. Richard C	✓	
McHugh. Claire B	✓	
Naro. Debra A		
Laurent. John J	✓	
Tufts. J Arthur	✓	
Carter. Mark S	✓	
Hagan. Barbara J	✓	
Ingbretson. Paul	✓	
Snyder. Clair A	✓	
Jean. Claudette R	✓	
Clarke. Claire D	✓	
Rush. Deanna P	✓	
Scovner. Nancy M		
Dunn. James T	✓	
2nd Vote to Reconsider	17	0

TOTAL VOTE:
Printed: 1/6/2003

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OFFICE OF THE HOUSE CLERK 2003 SESSION

EDUCATION

Bill #: HB786-FN-L **Title:** Relative to Participation in NCLB

PH Date: 3 / 4 / 03 Exec Session Date: 03 / 05 / 03

Motion: OTP Amendment #:

MEMBER	YEAS	NAYS
L'Heureux, Stephen R. Chairman		
Alger, John R M, V Chairman	✓	
Dearborn, Bruce L	✓	
Flint, Gordon B	✓	
Carson, Sharon M		✓
Colcord, J D		✓
Balboni, Michael A		
Leone, Richard C	✓	
McHugh, Claire B		✓
Naro, Debra A		
Laurent, John J		✓
Tufts, J Arthur	✓	
Carter, Mark S		✓
Hagan, Barbara J	✓	
Ingbretson, Paul	✓	
Snyder, Clair A	✓	
Jean, Claudette R	✓	
Clarke, Claire D	✓	
Rush, Deanna P	✓	
Scovner, Nancy M		
Dunn, James T	✓	
Final Reconsideration Vote	12 Y	5 NO
TOTAL VOTE:		

Printed: 1/6/2003

Committee Report

MAJORITY
COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 786-FN-LOCAL**

TITLE: relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

DATE: March 5, 2003 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)

The bill simply requires the federal government to adhere to the same policy of no mandates without paying for them, as the State must honor. Furthermore, there is a federal law requiring payment for mandates and also such a statement in the "No Child Left Behind" law. However, testimony revealed uncertainty as to structures in the federal law on No Child Left Behind would, infact, apply. Therefore, even though No Child Left Behind appears to be well funded for the next two years, the future demands on state and local revenues is uncertain and likely to be significant, judging from the testimony.

Vote 12-5.

Rep. John R. M. Alger
FOR THE MAJORITY

Original: House Clerk
cc: Committee Bill file

Education

HB 786-FN-LOCAL, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **OUGHT TO PASS**

Rep. John R. M. Alger for Education: The bill simply requires the federal government to adhere to the same policy of no mandates without paying for them, as the State must honor. Furthermore, there is a federal law requiring payment for mandates and also such a statement in the "No Child Left Behind" law. However, testimony revealed uncertainty as to structures in the federal law on No Child Left Behind would, infact, apply. Therefore, even though No Child Left Behind appears to be well funded for the next two years, the future demands on state and local revenues is uncertain and likely to be significant, judging from the testimony. **Vote 12-5.**

MINORITY
COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 786-FN-LOCAL**

TITLE: relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

DATE: March 5, 2003 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)

The minority would like to point out that the architect and sponsor of the No Child Left Behind Act is US Senator Judd Gregg. The minority points out that the "coalition of opposites" that testified in favor of HB 786 are the same coalition that has delivered education mediocrity to New Hampshire. All the representatives who testified in favor of HB 786 said they support "the concept" of No Child Left Behind, which presumably means they believe it will help our students, but only so long as it does not cost New Hampshire one dime. The minority believes that New Hampshire should be testing children and holding schools and parents accountable. If you believe similarly, than the No Child Left Behind Act is a federal assistance grant that helps New Hampshire do what it should be doing already.

Vote

Rep. Mark S. Carter
FOR THE MINORITY

Original: House Clerk
cc: Committee Bill file

Education

HB 786-FN-LOCAL, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **INEXPEDIENT TO LEGISLATE**

Rep. Mark S. Carter for Education: The minority would like to point out that the architect and sponsor of the No Child Left Behind Act is US Senator Judd Gregg. The minority points out that the "coalition of opposites" that testified in favor of HB 786 are the same coalition that has delivered education mediocrity to New Hampshire. All the representatives who testified in favor of HB 786 said they support "the concept" of No Child Left Behind, which presumably means they believe it will help our students, but only so long as it does not cost New Hampshire one dime. The minority believes that New Hampshire should be testing children and holding schools and parents accountable. If you believe similarly, than the No Child Left Behind Act is a federal assistance grant that helps New Hampshire do what it should be doing already **Vote** .

COMMITTEE REPORT

COMMITTEE: **Finance**

BILL NUMBER: **HB 786-FN-L**

TITLE: relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

DATE: March 24, 2003 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 insures that no state or local general funds will be spent to pay for complying with the requirements of the federal No Child Left Behind Act of 2001 (NCLB). In NCLB, the federal government promises to fully fund its costs. In addition, individual school districts may, by vote, exempt themselves from any state regulations implementing the provisions of such federal laws.

Vote 18-1.

Rep. Robert K. Dodge
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Finance

HB 786-FN-L, relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001. **OUGHT TO PASS**

Rep. Robert K. Dodge for Finance: This bill insures that no state or local general funds will be spent to pay for complying with the requirements of the federal No Child Left Behind Act of 2001 (NCLB). In NCLB, the federal government promises to fully fund its costs. In addition, individual school districts may, by vote, exempt themselves from any state regulations implementing the provisions of such federal laws. **Vote 18-1.**

COMMITTEE REPORT

COMMITTEE: **Finance**

BILL NUMBER: **HB 786-FN-L**

TITLE: relative to the participation of the state and its political subdivisions in the federal No Child Left Behind Act of 2001.

DATE: March 24, 2003 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 ~~is to~~ insure that no state or local general funds will be spent to pay for ~~federal education laws, such as~~ the No Child Left Behind Act of 2001, ~~that are to be fully funded by the federal government.~~ Individual school districts may, by vote, exempt themselves from any state regulations implementing the provisions of such federal laws.

Vote 18-1.

Rep. Robert K. Dodge
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

HB 786 FN-LOCAL

ROBERT K. DODGE – THIS BILL IS TO INSURE CRITICS OF THE NO CHILD LEFT BEHIND ACT OF 2001 WHO FEAR THAT ENTRY INTO THIS PROGRAM WHICH IS INITIALLY FULLY FUNDED BY THE FEDERAL GOVT WILL LEAD TO THE STATE HAVING TO ASSUME MOST OF THE COST. SHOULD THIS OCCUR THE BILL ALLOWS THE STATE AND INDIVIDUAL SCHOOL DISTRICTS TO EXEMPT THEMSELVES FROM THE PROGRAM