

June 29, 1998

No. 47

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

VETOES, MEETINGS, AND NOTICES

LAI D ON TABLE

SB 508-FN, relative to foundation aid to schools and the Augenblick formula.

HB 1280-L, clarifying the procedures for background criminal checks for school employees and volunteers.

VETOES

June 26, 1998

To the Honorable Members of the General Court:

I have this day vetoed Senate Bill 301, An Act relative to the teacher renomination and the application of teacher professional and performance standards.

Professional improvement of our state's teaching corps is a high priority of my administration. Research has shown that the single most important measurable cause of increased student learning is teacher quality. Since I have become Governor, the State Board of Education has already taken steps to institute higher standards for people entering the teaching profession. These include a new competency-testing requirement that will go into effect in September and a new content testing requirement that will go into effect next July.

In addition, the State Board of Education is undertaking a complete review of professional standards for the recertification of all educators, including teachers, instructional specialists, and administrators. The State Board already has begun drafting new rules that will increase both rigorousness and accountability in the recertification process for veteran teachers. The proposed rules will require an increase from a cumulative 50 hours to 75 hours of professional development for continuing educator recertification. More importantly, the State Board will require that educators engage in professional development work that is aligned with local district improvement plans adopted by local school boards, rather than being able to fulfill their professional development hours by attending seminars that are simply of interest to the individual teacher.

My administration is working on a Best Schools initiative that will be aimed at the professional development of teachers and administrators employed in our public schools to arm them with state-of-the-art skills and knowledge in educational leadership and instructional practices. By placing our children in the care of a better-trained educational workforce, we can expect to see positive gains in student achievement.

The Advancing Better Classrooms legislation I submitted this session includes measures to improve performance and accountability in our schools. If those measures are enacted into law, the Department of Education will be required to issue an annual report card evaluating schools and school districts. Several states have found that this type of report card is the most effective motivator for improved performance of teachers and administrators, even more so than financial incentives. In addition, local school districts will develop local school improvement plans with the involvement of parents, employers, and other community members. Districts that do not make progress toward the goals set in their local school improvement plans will receive technical assistance from the State.

A lengthy and costly process for terminating ineffective teachers does not serve anyone. It does not serve our children, who deserve only highly competent teachers. It does not serve teachers themselves, who deserve to teach in a professional environment where they are surrounded by colleagues who strive to excel. Teachers should have no expectation of life-time tenure.

S.B. 301, however, offers a simplistic response to the complicated problem of ensuring good teachers.

S.B. 301 would prohibit local school districts from agreeing to provide probationary teachers with any explanation for their non-renewal and would prohibit local school districts and local teachers' associations from agreeing to include binding arbitration as a means of resolving disputed teacher terminations in future collective bargaining agreements. As such, S.B. 301, would conflict with our long tradition of local control.

S.B. 301 fails to address the need for sound teacher evaluation policies and does nothing to streamline the non-renewal process in districts that currently do not use binding arbitration.

Fewer than half of New Hampshire school districts currently have binding arbitration terms in their collective bargaining agreements. Therefore, S.B. 301 does nothing to streamline the process for teacher termination in most of our school districts.

All of the participants in our public school system must be made more accountable if we are to improve education in New Hampshire. Parents, students, teachers, administrators, local school boards, and the State all share the responsibility for ensuring that the education we offer our children is excellent.

While it is teachers who provide direct instruction to our students, it is the responsibility of administrators to ensure the performance of teachers and other staff and the responsibility of local school boards to set standards and hire teachers and administrators.

S.B. 301 fails to address the responsibilities of administrators and school boards to ensure that only the best teachers are in our classrooms. School districts in New Hampshire that have sound teacher evaluation systems experience few challenges to their decisions to terminate teachers. When a school district has a good teacher evaluation policies and administrators who carry out those policies, carefully monitoring and documenting the performance of teachers, teachers who are non-renewed understand and accept the reason for the termination.

A sound teacher evaluation system expedites the process of teacher non-renewal. When teacher evaluations are not done or if the evaluations are not conducted well, ineffective teachers

remain in the classroom. It is the children who bear the burden when sound school management and governance practices are not in place.

It makes little sense to prohibit local school districts from agreeing to provide probationary teachers with any explanation for their non-renewal. Districts that would like to provide probationary teachers with reasons for their non-renomination should be able to do so. I understand that some districts hesitate to provide probationary teachers with explanations for their non-renewal because of a fear that stating a reason for non-renewal might be construed as grounds for an appeal. This problem can be addressed by prohibiting probationary teachers from using such reasons as grounds for appeals. This would preserve local control over teacher contracts while streamlining the process for terminating probationary teachers.

I recognize that there is more we can and should do to make sure that only qualified, competent teachers are in our classrooms. We need to find amore effective way to address the issues of streamlining teacher termination and the need for sound teacher evaluation policies. To accomplish this, I have established a committee of New Hampshire citizens consisting of representatives of all concerned parties to work on this problem over the next several months and make recommendations for necessary changes in state law. I am pleased to report that the superintendent of the Merrimack Valley regional School District, Randy Bell, has agreed to chair this effort.

S.B. 301 simply does not address the real problems in teacher performance, but rather diverts attention away from those real problems. Therefore, today I am vetoing Senate Bill 301.

Respectfully Submitted,

Jeanne Shaheen

Governor

June 26, 1998

To the Honorable Members of the General Court:

I have this day vetoed Senate Bill 417, An Act continuing the court modernization fund and its source of funding from penalty assessments and making an appropriation for maintenance of the new judicial branch administration building.

Over the last two years the three branches of government have come together in the Interbranch criminal and Juvenile Justice Committee in an unprecedented effort to coordinate the State's efforts to address criminal and juvenile justice issues.

A working committee of the ICJJC has devoted considerable time and effort over the past year to the important task of assessing how the computer systems of the various criminal and juvenile justice agencies can better communicate with each other.

The legislative branch should be duly proud of the technological gains the judicial branch has achieved this decade because of the innovative funding method enacted by the legislature. It is apparent, however, that the computer needs of some agencies in the criminal justice system are still unmet.

In 1989 the legislature, in order to help fund technology and other equipment for the judicial branch, increased the penalty assessment added to fines imposed for criminal and motor vehicle offenses and violations of municipal ordinances pursuant to RSA 188-F:31, I by 3 percent. That 3 percent was dedicated to the court modernization fund established under RSA 502-A:37, which expressly limits use of the fund to the "development and upgrading of the judicial branch." RSA 502-A:37, I.

Recognizing that the both the use and the needs of the fund should be periodically reviewed, the legislature established a prospective repeal date of 1994.

In 1992, the legislature extended the prospective repeal of the 3 percent penalty assessment that is currently dedicated to the judicial branch to July 1, 1998. The three branches projected at that time that the revenue generated through July 1, 1998 from the 3 percent penalty assessment would be sufficient to pay off in full the debt service incurred by the judicial branch in 1991 to purchase a state-of-the-art computer system.

Those projections proved correct. Indeed, they were conservative. The revenue stream generated by the 3 percent penalty assessment since 1992 has vastly exceeded the debt service incurred by the judicial branch to purchase its new computer system.

S.B. 417, however, would extend the judicial branch's entitlement to the 3 percent penalty assessment for three more years, despite the fact that the judicial branch, which has complete control over the court modernization fund, has used the fund in part for operating expenditures such

as salaries, benefits and travel, rather than reserving funds for the continuing debt service for it's new computer system.

Right now there is only \$73,656 in outstanding debt service payments due in FY 2002 and FY 2003 on the judicial branch's computer system that cannot be paid for out of the existing balance in the court modernization fund. This amount could have been more than offset by the \$178,860.62 the court took out of the modernization fund for salaries, benefits and travel in FY 1991 alone.

It must be noted that the biennial budget passed last year by this legislature appropriated another \$1.3 million to the judicial branch for computers. At a hearing before the House Finance Committee on February 13, 1997, the judicial branch presented testimony that \$1.3 million in the biennial budget was needed for computers because of the fact that the court modernization fund was due to expire on July 1, 1998. One year later we are told that the court modernization fund and 3 percent penalty assessment-which has been generating in excess of \$400,000 annually-must be extended for the benefit of the judicial branch for another three years.

It is incumbent on all parts of state government, including the judicial branch, to prudently and wisely expend the limited financial resources we take from the pocketbooks of the citizens of New Hampshire. All three branches of state government must have the discipline to operate within their means.

Other state agencies in the criminal justice system have much more pressing technological needs than does the judicial branch. It would be better fiscal policy to reinstate the 3 percent penalty assessment for the benefit of those agencies in the next session of the legislature than it would be to extend it now for the benefit of the judicial branch.

Because there is no sound reason to extend the judicial branch's entitlement to the 3 percent penalty assessment, I am today vetoing S.B. 417.

Respectfully submitted,

Jeanne Shaheen

Governor

MEETINGS

TUESDAY, JUNE 30, 1998

THE DEPARTMENT OF TRANSPORTATION, Portsmouth City Hall, Council Chambers, 1
Junkins Avenue, Portsmouth

7:00 p.m. Combined Public Officials/Public Informational
Meeting, Regarding Park N Ride Facility With Bus Terminal.

TUESDAY, JULY 7, 1998

**NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN
FOLKLIFE**, Room 307, LOB

3:00 p.m. SJR 20, Chapter 204, Laws of 1996, Regular
Commission Meeting

THURSDAY, JULY 9, 1998

THE DEPARTMENT OF TRANSPORTATION, Piermont Elementary School, NH Route 10,
Piermont, NH

7:00 p.m. Public Hearing

MONDAY, JULY 13, 1998

NH BRAIN & SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB

2:00-5:00 p.m. Public Hearing

THURSDAY, JULY 16, 1998

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

9:00 a.m. Regular Meeting

FRIDAY, JULY 17, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2), Rooms
306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, JULY 20, 1998

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4), Room 305, LOB

9:30 a.m. Meeting

VICTIM'S ASSISTANCE SUBCOMMITTEE OF THE GOVERNOR'S COMMISSION ON DOMESTIC VIOLENCE, Room 103, LOB

9:30 a.m. Meeting

Wednesday, August 5, 1998

FISCAL COMMITTEE OF THE GENERAL COURT, LOB, Room 210-211

9:00 a.m. Regular Business

Monday, August 10, 1998

PUBLIC WATER ACCESS ADVISORY BOARD, Director's Conference Room

10:00-12:00 p.m. Meeting

FRIDAY, AUGUST 21, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular Meeting

FRIDAY, SEPTEMBER 11, 1998

BOARD OF CLAIMS (RSA 541-B:3), Room 202, LOB

9:00 a.m. Quarterly Meeting

OSTEOPOROSIS EDUCATION AND ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB

10:00 a.m. Regular Meeting

FRIDAY, SEPTEMBER 18, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular Meeting

FRIDAY, OCTOBER 2, 1998

OSTEOPOROSIS EDUCATION AND ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB

10:00 a.m. Regular Meeting

TUESDAY, OCTOBER 13, 1998

PUBLIC WATER ACCESS ADVISORY BOARD, Director's Conference Room

10:00-12:00 p.m. Meeting

FRIDAY, OCTOBER 16, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular Meeting

MONDAY, OCTOBER 19, 1998

VICTIM'S ASSISTANCE SUBCOMMITTEE OF THE GOVERNOR'S COMMISSION ON DOMESTIC VIOLENCE, Room 103, LOB

9:30 a.m. Meeting

FRIDAY, NOVEMBER 6, 1998

OSTEOPOROSIS EDUCATION AND ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB

10:00 a.m. Regular Meeting

FRIDAY, NOVEMBER 20, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular Meeting

FRIDAY, DECEMBER 4, 1998

OSTEOPOROSIS EDUCATION AND ADVISORY COUNCIL (RSA 126-I:3), Room 103, LOB

10:00 a.m. Regular Meeting

FRIDAY, DECEMBER 11, 1998

BOARD OF CLAIMS (RSA 541-B:3), Room 202, LOB

9:00 a.m. Quarterly Meeting

MONDAY, DECEMBER 14, 1998

Public water access advisory board, Director's Conference Room

10:00-12:00 p.m. Meeting

FRIDAY, DECEMBER 18, 1998

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular Meeting

REVISED/AMENDED FISCAL NOTES NOW AVAILABLE IN THE SENATE CLERK'S OFFICE:

SB 53, SB 102, SB 161, SB 205, SB 32, SB 391, SB 452, SB 457, SB 505, HJR 24, HB 111, HB 177, HB 256, HB 443, HB 467, HB 485, HB 552, HB 559,, HB 565, HB 579, HB 587, HB 605, HB 606, HB 616, HB 630, HB 651, HB 670, HB 676, HB 682, HB 697, HB 707, HB 717, HB, 730, HB 734, HB 747, HB 749, HB 753, HB 774, HB 784, HB 1000, HB 1115, HB 1211, HB 1224, HB 1259, HB 1291, HB 1297, HB 1328, HB 1330, HB 1331, HB 1336, HB 1337, HB 1338, HB 1350, HB 1354, HB 1456, HB 1473, HB 1490, HB 1526, HB 1541, HB 1545, HB 1573, HB 1573, HB 1579, HB 1582, HB 1583, HB 1593, HB 1594, HB 1598, HB 1599, HB 1600, HB 1601, HB 1602, HB 1603, HB 1617, HB 1639, HB 1644, HB 1660, HB 1662, HB 1664

NOTICES

The third round of funding for the Health Care Transition Fund, Community Grant Program is about to begin. The Department of Health and Human Services, under the leadership of the Legislature, the Governor and the Executive Councilors, has initiated this grantmaking process to assist communities in their efforts to improve access to health care services. Grants will be awarded for up to eighteen months to encourage creativity and innovation in health care. Successful proposals will demonstrate broad community collaboration as an essential method of achieving project objectives. A *Request for Proposals* was mailed to the leadership of the New Hampshire House and Senate including Committee Chairs and 1,200 community organizations and providers. All legislators are invited to request a copy of the proposal by contacting Therese Smith of the Department's Office of Planning and Research at 271-5256 or access a copy through the Department's website at <http://www.state.nh.us/dhhs/deptlinks.htm>.

Senator Amy Patenaude

The Department of Administrative Services, Division of Information Technology Management (DITM) has just completed work on a paper entitled, The Year 2000 Report. This report is a compilation of a survey taken in the fall of 1997 to gauge the level of awareness and preparedness of state agencies relative to agency computers and the Year 2000 century date change.

Copies of the Year 2000 report are also available from the Legislative Budget Assistants Office, Room 102, State House. The report is also expected to be available soon in the electronic form on the State's web site.

Senator Ned Gordon