August 4, 1998

No. 53

STATE OF NEW HAMPSHIRE

Legislative

SENATE CALENDAR

REPORTS, AMENDMENTS, MEETINGS, AND NOTICES

THE SENATE WILL MEET IN SESSION ON THURSDAY, AUGUST 6, 1998, AT 1:00 P.M.

LAID ON TABLE

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

REPORTS

EDUCATION

HB 1075 FN-A-L, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire.

SPLIT REPORT, Ought to pass with amendment, Senator Rubens for the committee. Vote 3-3

SPLIT REPORT, Ought to pass with amendment, Senator McCarley for the committee. Vote 3-3

JUDICIARY

CACR 45, relating to the right of every educable child in the public schools to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every educable child in the public schools to an adequate education shall be enforced by appropriate legislation, that the legislature may delegate to the state's political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable. Vote 6-1

Inexpedient to legislate, Senator Podles for the committee.

AMENDMENTS

Senate Education

August 3, 1998

1998-2328s

08/01

Amendment to HB 1075-FN-A-LOCAL

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

AN ACT defining a constitutionally adequate public education, providing additional funding for education aid and/or property tax relief and relative to teacher renomination and the application of teacher professional performance standards.

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

1 Preamble.

The long-standing policy of New Hampshire regarding education is that an educated populace is essential to the long-term health and prosperity of the state. In addition it is recognized that there needs to be a partnership between the state and its communities in how funding for local education is to be paid for with the state continuing its policy of funding with state funds a portion of the cost for those communities that are considered to be "property poor" and in which there is a high incidence of low per capita income residents. Local property taxes assessed and collected by the communities will continue to be a primary source of income for local school districts but must be proportional in substance and just and reasonable in application.

Recognizing that it is the state's obligation to provide a constitutionally adequate education, this act establishes a framework to ensure that the children of New Hampshire will have the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in society.

Local control of public schools is the best method of ensuring parental and community involvement in the education of the children of New Hampshire. The use of property value as well as per capita income as a base for the calculation of the contribution of New Hampshire citizens to support their schools encourages and nurtures local and parental interest and participation in the education of children. That participation is a crucial component of effective schools. The roles of the state board of education and the state department of education are to work with local officials, parents, and other members of the community to ensure that the public schools provide children with the best education possible.

Local spending decisions should remain under the control of the voters in each of the school districts. In those districts where there has been a strong commitment to education, even at the expense of other community programs, state funding should be able to be used for property tax relief if the local citizens decide not all of the additional funding is needed for the schools.

2 New Chapter; Providing Constitutionally Adequate Public Education to All the Students of New Hampshire. Amend RSA by inserting after chapter 193-D the following new chapter:

CHAPTER 193-E

ADEQUATE PUBLIC EDUCATION

193-E:1 Policy and Purpose.

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come; this policy should be reflected in the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks.

II. Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to define a constitutionally adequate education and establish a legislative oversight committee in order to assure that all students will have available an adequate education.

193-E:2 Criteria for an Adequate Elementary and Secondary Education.

I. Accountability.

(a) The future prosperity and well-being of the state and its citizens depends overwhelmingly on the talents and skills of its workforce. The state must strive for excellence in the quality of educational institutions and standards of educational achievement.

(b) The state recognizes an appropriate means for providing an adequate education is through an integrated educational system of shared responsibility between the state, local communities, school districts, parents, and students, working in partnership to help improve a

public school system that graduates responsible and productive citizens with skills demanded in the marketplace and skills necessary to cope with contemporary society.

(c) The role of parents in the education of their children should not be neglected. School practices that encourage parents to participate in their children's education will result in involved parents, motivated students, and higher levels of achievement. Local communities and schools shall adopt policies to support parent and community involvement.

II. Competent teachers.

(a) The department or board of education shall develop programs for educator preparation and professional development to ensure teachers are teaching to the standards required and to improve student performance.

(b) Each school district shall have qualified administrative and teaching professionals who focus on student achievement and on implementing the school's educational program. Teachers shall be knowledgeable in child development, classroom management, and leadership; teachers shall use appropriate instructional strategies and be supported by consistent professional development activities.

(c) Local communities shall encourage a stable teacher workforce to remain long enough to effectively apply the district's curriculum, to know students and parents well, to be a member of the school community, and to become an effective teacher in the district.

(d) School districts shall evaluate and assess the effectiveness of the educational program, teachers, instructional methods, and organizational structure.

(e) Teachers shall select instructional strategies and assessment methods appropriate for their students.

III. Curriculum/student performance.

(a) The state board of education shall develop a well-defined curriculum which provides guidance for teachers, principals, superintendents, school boards, and communities, which includes student results and assessment indicators, and which assures that all students are receiving consistent experiences throughout the district.

(b) The state's minimum standards for the approval of schools shall represent the basic requirements of an adequate education, while at the same time, encouraging aspiration to high and rigorous objectives.

(c) The state's minimum standards for the approval of schools shall assure that each student shall have:

(1) Sufficient ability to read, write, and speak the English language to communicate effectively;

(2) Sufficient knowledge of mathematics, science, and technology to enable the student to function in a complex and rapidly changing society;

(3) Sufficient knowledge of geography, history, basic economics, and the governmental processes to enable the student to understand issues and to become a positive contributor on issues that affect him or her and the community, state, and nation;

(4) Sufficient experience in the arts to enable the student to appreciate the significance and heritage of differing cultures; and

(5) Sufficient academic and vocational skills to enable the student to make informed choices regarding further formal education, to pursue a life's work intelligently, and to be able to compete in a technological, information, and idea-based marketplace.

IV. Assessment. Measurement and assessment of academic performance shall reflect the necessity that students be able to read by the third grade. Reading comprehension strategies should be assessed in all subjects, such as reading and solving word problems in math.

V. Facilities. The physical environment shall be clean and healthy and shall meet fire, safety, air quality, and accessibility codes. In addition, it shall provide an environment designed to keep students safe from emotional and physical harm.

193-E:3 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

(a) The chairperson of the house education committee, or a designee.

(b) The chairperson of the senate education committee, or a designee.

(c) One member of the house of representatives, appointed by the speaker of the house.

(d) One member of the senate, appointed by the senate president.

(e) One member of the house finance committee, appointed by the speaker of the house.

(f) One member of the senate finance committee, appointed by the senate president.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house education committee and the chairperson of the senate education committee. The first chairperson shall be the chairperson of the house education committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by June 30, of each even-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration, and to any other individual or organization as the committee deems advisable.

3 District Foundation Aid. Amend RSA 198:36, IV to read as follows:

IV. The foundation amount shall be [~~$4,000~~] ***$5,000*** per weighted pupil.

4 New Subdivision; Educational Funding Commitments. Amend RSA 9 by inserting after section 13-f the following new subdivision:

Educational Funding Commitments

9:13-g Educational Funding Commitments to Local Communities.

I. The budget to be submitted by the governor to the legislature under this chapter shall include proposals that satisfy the state education funding commitment defined in RSA 9:13-g, III.

II. No operating budget appropriating and authorizing the expenditures of general funds for any fiscal year shall become law unless such budget includes appropriations of expenditures that satisfy the state education funding commitment defined in RSA 9:13-g, III.

III. For purposes of this subdivision, the term "state education funding commitment" means the amount determined under RSA 198:36 with respect to the applicable fiscal year.

5 Funding for Local Education Betterment.

I. There is established a local education betterment fund for the purpose of ensuring adequate funding for public education at the local level. All moneys in this fund shall be used to supplement foundation aid amounts distributed to schools under RSA 198:36 during fiscal year 2000. It is the intent of the legislature that the moneys deposited into this fund be used to ensure, to the greatest extent possible, that in fiscal year 2000 each school shall receive a level of state funding which is at least equal to, but not less than, the state funding received in fiscal year 1999.

II. Thirty-two million dollars of general fund revenues not otherwise constitutionally or statutorily dedicated collected in each of the fiscal years 1998 and 1999 shall be deposited into this fund for the purposes established in paragraph I.

III. This fund shall be administered by the commissioner of the department of education and funding shall be allocated in accordance with the provisions of the foundation aid formula in RSA 198:34 through 198:37.

IV. Any surplus remaining in this fund shall, upon termination of the fund, be distributed in accordance with RSA 284:21-j. Notwithstanding the provisions of RSA 284:21-j, all moneys lapsing from this fund shall be distributed in accordance with RSA 198:34 through 198:37.

6 Dismissal of Teacher; Procedures for Renomination or Reelection Added. Amend RSA 189:13 to read as follows:

189:13 Dismissal of Teacher.

I. The school board may dismiss any teacher found by them to be immoral or incompetent, or one who shall not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing.

II. A teacher shall be an employee at will at all times during a teacher's first year of employment with a school district.

III. For the purposes of collective bargaining agreements, or other contracts with teachers, negotiated or signed after the effective date of this paragraph, a school district shall not be required to provide a reason for not renominating or reelecting any teacher not qualifying for notification and hearing under RSA 189:14-a, I(b) or 189:14-a, II, and provisions in collective bargaining agreements or contracts providing such rights to teachers shall be null and void upon the expiration date of that collective bargaining agreement or contract.

7 Grievance Procedures; Arbitration of Decision Not to Renominate Prohibited. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ***No grievance resulting from the failure of a teacher to be renominated or reelected pursuant to RSA 189:14-a, shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provisions in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.***

8 Repeal. Section 5 of this act, relative to funding for local education betterment, is repealed.

9 Effective Date.

I. Section 8 of this act shall take effect July 1, 2000.

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

1998-2328s

AMENDED ANALYSIS

This bill:

I. Defines a constitutionally adequate public education.

II. Establishes criteria for the inclusion of education funding commitments to local communities in the budgetary process.

III. Establishes a local education betterment fund using $32,000,000 of general fund revenue from each of the fiscal years 1998 and 1999.

IV. This bill prevents school districts from being forced to provide a reason for not renominating or reelecting a teacher after the expiration of a teacher's probationary period and provides that the decision not to renominate a teacher shall not itself be subject to binding arbitration.

Senate Education

August 3, 1998

1998-2327s

08/01

Amendment to HB 1075-FN-A-LOCAL

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

1 Preamble.

In December 1997, the New Hampshire supreme court declared that the right to an adequate education is a fundamental right of all New Hampshire children. Furthermore, the supreme court determined that it is the state's duty to define and to provide a constitutionally adequate education. The supreme court held that, under part II, article 5, of the New Hampshire constitution, all taxes levied by the state, with respect to funding a constitutionally adequate education, must be proportional in substance and just and reasonable in application. The supreme court reaffirmed that, under the principles of separation of powers, the legislature has wide latitude in choosing the means by which the funding of a constitutionally adequate education is to be achieved.

An educated populace is essential to the long-term health and prosperity of the state. Recognizing that it is the state's obligation to provide a constitutionally adequate education, this act establishes a framework to ensure that the children of New Hampshire will have the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in society.

Local control of public schools is the best method of ensuring parental and community involvement in the education of the children of New Hampshire. We should encourage and nurture local and parental interest and participation in the education of children. That participation is a crucial component of effective schools. The roles of the state board of education and the state department of education are to work with local officials, parents, and other members of the community to ensure that the public schools provide children with the best education possible.

2 New Chapter; Providing Constitutionally Adequate Public Education to All the Students of New Hampshire. Amend RSA by inserting after chapter 193-D the following new chapter:

CHAPTER 193-E

ADVANCING BETTER CLASSROOMS

193-E:1 Policy and Purpose.

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks.

II. Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to ensure that appropriate means are established to provide a constitutionally adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes, through school approval and student proficiency standards and curriculum guidelines, the framework for the delivery of educational services at the local level. School districts then have flexibility in implementing diverse educational approaches tailored to meet student needs.

193-E:2 Criteria for a Constitutionally Adequate Education. A constitutionally adequate education shall provide all students with the opportunity to acquire:

I. Skill in reading, writing, and speaking English to enable them to communicate effectively and think creatively and critically.

II. Skill in mathematics and familiarity with methods of science to enable them to analyze information, solve problems, and make rational decisions.

III. Knowledge of the biological, physical, and earth sciences to enable them to understand and appreciate the world around them.

IV. Knowledge of civics and government, economics, geography, and history to enable them to participate in the democratic process and to make informed choices as responsible citizens.

V. Grounding in the arts, languages, and literature to enable them to appreciate our cultural heritage and develop lifelong interests and involvement in these areas.

VI. Sound wellness and environmental practices to enable them to enhance their own well-being, as well as that of others.

VII. Skills for lifelong learning, including interpersonal and technological skills, to enable them to learn, work, and participate effectively in a changing society.

193-E:3 Delivery of a Constitutionally Adequate Education. In order to implement New Hampshire's policy of providing all students with the opportunity to acquire a constitutionally adequate education, each school district shall implement the following quality standards:

I. By June 30, 2000, and every 3 years thereafter, each school district, through a process involving parents, teachers, employers, and other community members, shall prepare and implement a local education improvement and assessment plan and file such plan with the department of education. The department of education shall comment to the district on the plan in a

timely fashion. Districts may reference the statewide education improvement and assessment plan established in RSA 193-E:4, I, in preparing the district plan. At a minimum, the plan shall include:

(a) Curriculum and achievement standards for all students.

(b) School and district performance goals based on reported data on educational indicators listed in paragraph II.

(c) Procedures for aligning curriculum, instructional practices, and student and programmatic assessments, including annual reporting of results.

(d) Local assessment measures which focus on individual student performance.

(e) Role of support services and programs.

(f) Role of instructional leadership.

(g) Strategies to promote family and community involvement.

(h) Staff supervision and evaluation and performance-based professional development.

II. By April 1, 2000, and annually thereafter, each school district shall report to the department of education its data for the previous 12 months on its school and district performance indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education.

(a) Performance indicators shall include the following areas:

(1) Attendance and drop-out rates.

(2) School environment indicators, such as safe-schools data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace.

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

(c) These indicators and assessment measures shall be reported along with other data collected and analyzed by the department of education in the annual report on the condition of education established in paragraph V.

III. Each elementary, middle, junior high, and/or high school in the school district shall meet the standards for school approval adopted by the state board of education.

IV. Beginning December 1, 2001, and annually thereafter, the commissioner of education shall determine the extent to which each school district is meeting the quality standards established in paragraphs I, II, and III. Any school district that does not meet the quality standards shall be designated by the commissioner of education as a district in need of assistance. The commissioner of education, annually, shall provide a report of such determinations to the department of revenue administration.

V. No later than December 1, 2000, and annually thereafter, the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph II, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 45 days of the issuance of the annual report on the condition of education, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

VII. A school district that meets or exceeds the quality standards shall receive formal recognition from the state board of education and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board of education and the governor. Such school districts, schools, or teachers may be eligible to receive funds from a special projects and district improvement fund administered by the department of education. Such funds shall be used to disseminate best practices throughout the state.

VIII.(a) A school district, in response to the annual report on the condition of education, may request from the department of education the assistance available under paragraph IX.

(1) If a school district requesting assistance has not been designated as a school district in need of assistance pursuant to paragraph IV, then the assistance requested under this section and provided by the department of education shall be based on availability of resources as determined by the commissioner of education.

(2) If a school district requesting assistance has been designated as a district in need of assistance, then that school district shall receive the assistance it requests from the department of education in accordance with subparagraph IX(a)(3).

(b) If a school district has received notice pursuant to paragraph XI, then that school district shall receive assistance from the department of education in accordance with subparagraph IX(a)(3).

IX. The department of education and the state board of education shall work cooperatively with either a school district requesting assistance or a school district designated as a district in need of assistance as follows:

(a)(1) Within one month of a school district's request for assistance pursuant to subparagraph VIII(a)(1), the commissioner of education may appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(2) Within one month of a school district's request for assistance pursuant to subparagraph VIII(a)(2), the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(3) Within one month of the issuance of a notice to a school district pursuant to paragraph XI, the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan. If the state board of education does not approve a corrective action plan, then the commissioner of education shall work with the school district to revise its corrective action plan. If the school district fails to revise its corrective action plan or the state board of education does not approve the revised corrective action plan, then the commissioner of education shall submit a corrective action plan, including methods for implementing it, to the state board of education for approval without further action of the school district.

(b) If an approved corrective action plan includes the use of a technical assistance advisor, then the commissioner of education shall appoint a technical assistance advisor who is authorized to access the state special projects and district improvement fund to provide assistance to the local school district staff in the implementation of the corrective action plan until the goals of the corrective action plan are met.

(c) If an approved corrective action plan includes the use of a peer review team, then the commissioner of education shall name a peer review team consisting of an appointee of the local school district, an appointee of the state board of education, and a third member chosen

by the local and state appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

X. If, by the time of the annual school district meeting in a town or by April 30 in a city, the governing body of a school district that has been designated a district in need of assistance in accordance with paragraph IV has not submitted a request for assistance under paragraph VIII, then the legislative body of the school district may vote to direct the governing body to submit a request for assistance under paragraph VIII. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with paragraphs VIII and IX.

XI. A school district shall have one year from the date of the designation as a district in need of assistance pursuant to paragraph IV to remedy identified problems at the local level. If a school district is designated as a district in need of assistance and that school district does not request assistance under paragraph VIII within one year of that designation, then on December 1 of the year following the designation, if that school district continues to be designated as a district in need of assistance, the commissioner of education shall issue a notice to that school district and shall initiate a process for assistance pursuant to subparagraph IX(a)(3), without further action of the school district.

XII. School districts are authorized to dedicate additional resources to schools and to develop educational programs beyond those required for a constitutionally adequate public education.

XIII. Nothing in this chapter shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district.

193-E:4 Assistance to Local School Districts. In order to assist local school districts, the department of education shall implement the following:

I. By June 30, 2000, and every 3 years thereafter, the state board of education shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department of education will help schools and school districts improve student achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

II.(a) Notwithstanding any other provision of law, no later than June 30, 2001, and every 5 years thereafter, the state board of education shall review and update school approval standards based on input from parents, employers, educators, and other citizens.

(b) The state board of education shall work with a joint select committee of the house and senate education committees, whose members shall be appointed by the speaker of the house and the president of the senate, to identify amendments that should be made to the school approval standards to reflect the provisions of RSA 193-E. Further, any proposed amendments should be reviewed by the house and senate education committees, which may submit comments on the proposed amendments to the state board of education. The state board of education shall consider such comments in revising proposed amendments to the school approval standards.

III. Beginning no later than January 1, 1999, the commissioner of education shall ensure that the state curriculum frameworks adopted pursuant to RSA 193-C shall be reviewed on a staggered, 5-year cycle such that no more than 2 frameworks are being reviewed at the same time.

IV. No later than June 30, 1999, the state board of education shall adopt rules establishing the requirements for data keeping and the form of the report as required in RSA 193-E:3, II.

V. No later than December 1, 2001, the state board of education shall adopt rules for the approval of corrective action plans as required in RSA 193-E:3, IX(a).

VI. The department of education shall implement credible procedures to review compliance with school approval standards.

VII. A special projects and district improvement fund shall be established in the department of education and continually appropriated to the department. The department of education shall use moneys appropriated for this fund to provide grants pursuant to RSA 193-E:3, VII. The department of education shall also use moneys appropriated for this fund to support the implementation of corrective action plans. The technical assistance advisor assigned to work in these school districts shall be authorized to access this fund in accordance with procedures established by the department of education.

193-E:5 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

(a) The chairperson of the house education committee, or a designee.

(b) The chairperson of the senate education committee, or a designee.

(c) One member of the house of representatives, appointed by the speaker of the house.

(d) One member of the senate, appointed by the senate president.

(e) One member of the house finance committee, appointed by the speaker of the house.

(f) One member of the senate finance committee, appointed by the senate president.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house education committee and the chairperson of the senate education committee. The first chairperson shall be the chairperson of the house education committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by June 30, of each even-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

3 Interim State Grants to Municipalities for Education.

I. For the fiscal year beginning July 1, 1999, distributions of assistance grants to school districts shall be made pursuant to this section and RSA 198:36 whichever is greater.

II. The sum of $90,000,000 is hereby appropriated to the department of education from the fund established in RSA 284:21-j for the fiscal year beginning July 1, 1999, for distribution to municipalities through the foundation aid formula. Such sum shall be in addition to any other moneys appropriated to the department of education.

III. The distribution provided for in paragraph I shall be paid at the time provided for under RSA 198 and shall be in lieu of the amounts provided therein.

IV. No municipality shall receive less money under the distribution provided for in paragraph I than it would under the foundation aid formula funded at the level provided for in fiscal year 1999.

V. No expenditure of funds received by a municipality under paragraph I in excess of the level provided for in the state biennial budget for the fiscal years 1998-1999 shall be made unless approved by the legislative body of the local school district to which such funds are apportioned. Notwithstanding RSA 197:3, a special school district meeting may be held pursuant to RSA 197:2 for this purpose without court approval.

VI. There are hereby appropriated the funds necessary to make the payments required under this section. The governor is authorized to draw a warrant for such sum out of any money in the treasury not otherwise appropriated.

4 What Taxes Assessed. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the [~~state~~] ***commissioner of revenue administration*** and county treasurers respectively; all taxes duly voted in their towns; and all school[~~, schoolhouse,~~] and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

5 Statistical Reports. Amend RSA 189:28 to read as follows:

189:28 Statistical Reports. School boards of every school district or city, and the board of trustees of approved public academies, shall, on or before September 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the [~~operation of each school district~~] ***fall***

enrollment, teacher and administrator census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15. ***Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete." The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."***

6 Reports Required. Amend RSA 198:4-d, III to read as follows:

III.(***a***) A financial report for each city and school district shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before September 1 of each year[~~, unless the filing date is extended by the commissioner of education for just cause. Failure to file may subject the noncomplying city or school district to the penalty provided in RSA 198:4-f~~]. ***Each statistical report submitted under this section shall include a certification signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academies that states: "I certify, under the pains and penalties of perjury, to the best of my knowledge and belief, that all of the information contained in this document is true, accurate, and complete."***

(b) When a school district is audited by an independent public accountant, the information required under this section shall be reviewed during the school district's annual audit and shall be commented on by the auditor.

7 New Paragraph; School Accounting Standards. Amend RSA 198:4-d by inserting after paragraph III the following new paragraph:

III-a. The department of education and the department of revenue administration together shall develop and recommend school accounting standards. The departments shall report to the speaker of the house, the senate president, and the governor concerning such accounting standards on or before December 1, 1999.

8 Copies of Audited Financial Statements. Amend RSA 198:4-d, V to read as follows:

V. [~~If~~] ***When*** a city or school district is audited by an independent public accountant, it shall submit a copy of the audited financial statements in accordance with RSA 21-J:19, III ***and RSA 198:4-d, III(b)***.

9 Gender Reference Change. Amend the introductory paragraph of RSA 21-J:3 to read as follows:

In addition to the powers, duties, and functions otherwise vested by law, including RSA 21-G, in the commissioner of the department of revenue administration, [~~he~~] ***the commissioner*** shall:

10 Duties of Commissioner. Amend RSA 21-J:3, V to read as follows:

V. Exercise general supervision over the administration of the assessment and taxation laws of the state, ***the appraisal for ad valorem taxation purposes of property within the state,*** and over all assessing officers in the performance of their duties, except the board of tax and land appeals, to the end that all assessments of property be made in compliance with the laws of the state.

11 Duties of Commissioner. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually the valuation of the property in the several towns, cities, and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property [~~as assessed~~] in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes ***or payments in lieu of taxes*** as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. ***In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.***

12 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XXIV the following new paragraph:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16 - 19 whenever, in the commissioner's belief, the valuation of property for equalization purposes in a particular city, town, or unincorporated place is disproportional to the valuation for equalization purposes in other cities, towns, or unincorporated places in the state.

13 Division of Property Appraisal; Department of Revenue Administration. RSA 21-J:9 is repealed and reenacted to read as follows:

21-J:9 Division of Property Appraisal. There is established within the department the division of property appraisal, under the supervision of a classified director of property appraisal who shall be responsible for the following functions, in accordance with applicable laws:

I. Assisting and supervising municipalities and appraisers in appraisals and valuations as provided in RSA 21-J:10 and RSA 21-J:11.

II. Appraising state-owned forest and recreation land under RSA 227-H and RSA 216-A.

III. Annually determining the total equalized valuation of properties in the cities and towns and unincorporated places according to the requirements of RSA 21-J:9-a.

IV. Preparing a standard appraisal manual which may be used by assessing officials, and holding meetings throughout the state with such officials to instruct them in appraising property.

14 New Section; Equalization Procedure. Amend RSA 21-J by inserting after section 9 the following new section:

21-J:9-a Equalization Procedure. The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA 21-J:3, XIII:

I. The commissioner shall annually conduct a sales-assessment ratio study which shall include arm's length sales or transfers of property that occurred 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made.

II. In determining the arm's length sales or transfers that are included in the sales-assessment ratio study, the commissioner may use a randomly selected sample of such sales and transfers the size of which shall be determined by the total taxable parcels in the city, town, or unincorporated place.

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made, the commissioner may choose one or more of the following options:

(a) Include appraisals of any of the taxable property of such city, town, or unincorporated place in the sales-assessment ratio study. Such appraisals shall be based on full and true market value pursuant to RSA 75:1 and shall be performed by department appraisers. The property to be appraised shall be selected by the commissioner.

(b) Consider recent equalization ratio activity in adjoining cities, towns, or unincorporated places.

(c) Include arm's length sales or transfers in the city, town, or unincorporated place, within 2-1/2 years preceding April 1 of the year preceding the tax year for which such equalization is made.

IV. The commissioner shall use the inventory of property transfers authorized by RSA 74:18 in determining the equalized value of property and may consider such other evidence as may be available to the commissioner on or before the time the final equalized value is determined.

15 Appraisals of Property for Ad Valorem Tax Purposes. RSA 21-J:11 is repealed and reenacted to read as follows:

21-J:11 Appraisals of Property For Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract.

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

(a) Assure that appraisals comply with all applicable statutes and rules;

(b) Assure that appraisers are complying with the terms of any appraisal contract;

(c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and

(d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the provisions required of all contracts for appraisal services and the methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

16 New Paragraph; Reports Required. Amend RSA 21-J:34 by inserting after paragraph XIV the following new paragraph:

XV. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the department to conduct the annual sales-assessment ratio study required by RSA 21-J:9-a. This report shall be filed within 45 days after receipt from the department.

17 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, I to read as follows:

I. The general court finds that the students, parents, general citizenry, local school teachers and administrators, local governments, local school boards, school administrative units, and state government have a [~~joint and~~] shared responsibility for the quality of education delivered through the public education system in the state of New Hampshire.

18 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, II(c) to read as follows:

(c) The paramount goal of the state shall be to provide [~~quality~~] ***an adequate*** education for all school-age children in the state, [~~to the end that each such child shall be provided the opportunity to reach the child's full educational potential and shall have been exposed to the widest possible variety of educational and cultural experiences~~] consistent with [~~sound basic education~~] ***RSA 193-E***.

19 Department of Education; Findings; Policy Statement. Amend RSA 21-N:1, II(e) to read as follows:

(e) ***In accordance with RSA 193-E,*** the department shall work to establish credible processes for measuring and rating schools[~~, monitoring continued performance, and approving schools based upon measurable elements known to be related to instructional effectiveness. In the process of monitoring and evaluating schools, department personnel shall strive to operate in a nonintrusive fashion in order to minimize disruption of daily classroom routine~~].

20 Duties of Commissioner; Department of Education. Amend RSA 21-N:4, VIII to read as follows:

VIII. Administer the provisions of RSA 193-C relative to the statewide educational improvement and assessment program ***and RSA 193-E, relative to advancing better classrooms***.

21 Repeal. RSA 21-N:6, V, relative to standards for approving elementary and secondary schools, is repealed.

22 New Subparagraph; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (aa) the following new subparagraph:

(bb) The provision of an adequate education as authorized by RSA 193-E:4.

23 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II. To hear and determine [~~any~~] appeals ***by towns*** relating to the [~~equalization of valuation performed~~] ***equalized valuation of property determined*** by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any town aggrieved by [~~an~~] ***its*** equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of [~~the town's notification~~] ***notice*** of [~~the~~] ***its final*** equalized valuation by the commissioner. ***The board shall hear and make a final ruling on such appeal within 45 days of its receipt by the board. The board's decision on such appeal shall be final and not appealable.***

24 New Paragraph; Order for Reassessment. Amend RSA 71-B:16, IV to read as follows:

IV. When a complaint is filed with the board alleging that all of the taxable real estate or taxable property in a taxing district should be reassessed or newly assessed for any reason, provided that such complaint must be signed by at least 50 property taxpayers or 1/3 of the property taxpayers in the taxing district, whichever is less[~~.~~]***; or***

V. When the commissioner of revenue administration files a petition with it pursuant to RSA 21-J:3, XXV.

25 New Section; Inventory of Property Transfers. Amend RSA 74 by inserting after section 17 the following new section:

74:18 Inventory of Property Transfers.

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, an inventory of property transfers shall be filed with the department of revenue administration and with the office of the assessor or the selectmen in the municipality where the property is located for each transfer of real estate or interest in real estate. Each form may include the following information:

(a) The buyer and seller's names and post transaction addresses and the name and address of a contact person if the buyer or seller is a trust or corporation.

(b) A description of the exact location of the property by town, street, and the assessor's map, lot, and block number.

(c) The acreage included in the sale.

(d) An accurate description of the property included in the sale, the neighborhood where the property is located, and the type and style of the property sold.

(e) The buyer's ownership interest in the property.

(f) The sale price, date of transfer, and the amount mortgaged.

(g) The description of the type of transfer that has taken place.

(h) The amount of personal property included in the sale price.

(i) Whether the property was previously occupied and whether the property will serve as the buyer's primary residence.

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

(k) Whether any concessions were made in the sale.

(l) Whether the property was in current use.

(m) Whether land use taxes were considered in the sale.

(n) The buyer's dated signature certifying that the information indicated on the form is true.

II. The inventory of property transfers required by this section shall be filed with the department of revenue administration and with the office of the assessor or the selectmen in the municipality where the property is located by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the inventory of property transfers who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

IV. Failure to comply with this section shall not be construed to cloud title.

V. Any information provided to the department pursuant to this section shall be exempt from the right-to-know law, RSA 91-A.

26 Repeal. RSA 78-B:10-a, relative to the real estate transfer questionnaire, is repealed.

27 Duties of State Board of Education. Amend the introductory paragraph of RSA 186:11 to read as follows:

The state board of education shall, in addition to the duties assigned by [~~RSA 21-N:9~~] ***RSA 21-N:11***:

28 Repeal. RSA 186:11, XI, relative to local funds, is repealed.

29 Educational Improvement. Amend RSA 186:13, III to read as follows:

III. [~~EQUALIZATION AND GENERAL AID. For equalizing educational opportunity and improving the~~] ***EDUCATIONAL IMPROVEMENT. For educational improvement for*** public elementary and high schools.

30 Repeal. RSA 186:13, IX, relative to tuition, is repealed.

31 Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal [~~educational opportunities~~] ***access to an adequate education***. It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally disabled children while taking into consideration the cost of that education when determining appropriateness.

32 Days of School. Amend RSA 189:1 to read as follows:

189:1 Days of School. The school board of every district shall provide [~~standard~~] ***approved*** schools for at least 180 days in each year[~~, at such places in the district as will best serve the interests of education and give to all the pupils within the district as nearly equal advantages as are practicable~~].

33 Duty to Provide Education. Amend RSA 189:1-a to read as follows:

189:1-a Duty to Provide Education. It shall be the duty of the school board to provide[~~, at district expense,~~] ***an adequate*** elementary and secondary education [~~to~~] ***for*** all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school; and further provided, that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

34 Reduction of Time. Amend RSA 189:2 to read as follows:

189:2 Reduction of Time. If the school board of any district shall decide that, by reason of special conditions or circumstances, the maintenance of [~~standard~~] ***approved*** schools for 180 days in said district is undesirable, said school board may so represent in writing to the state board. If, upon hearing, the state board, or the commissioner when authorized by the state board, shall be of the opinion that the representation is true, it may reduce the time of maintaining such schools in said district to such limits as it may deem wise. Provided, however, that the state board, or the commissioner if authorized, shall not reduce the days during which schools shall be in session, as provided in RSA 189:1, on account of workshops, conventions or teachers' institutes.

35 Repeal. RSA 189:3, relative to other modifications, is repealed.

36 Repeal. RSA 189:4, relative to decisions of the state board, is repealed.

37 Repeal. RSA 189:12, relative to fuel and repairs, is repealed.

38 Approved School. Amend RSA 189:24 to read as follows:

189:24 [~~Standard~~] ***Approved*** School. [~~A standard~~] ***An approved*** school***, in addition to meeting school approval standards adopted by the board of education pursuant to RSA 541-A,*** is one maintained for at least 180 days in each year, in a suitable and sanitary-building, [~~equipped with approved~~] ***supplied with*** furniture, books, [~~maps~~] and other [~~necessary appliances, taught~~] ***necessary instructional equipment and materials approved by the local school board, staffed*** by teachers, directed and supervised by principal and superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils.

39 Repeal. RSA 189:29, relative to the penalty for failing to file statistical reports, is repealed.

40 Statement of Purpose. Amend RSA 193-C:1, VI to read as follows:

VI. The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum. It is, rather, to establish what New Hampshire students should know and be able to do and to develop and implement effective methods for assessing that learning and its application so that local decisions about curriculum development and delivery can be made ***and assessment data can be used in accordance with RSA 193-E***.

41 Program Established; Goals. Amend the introductory paragraph of RSA 193-C:3, IV to read as follows:

IV. The assessment system shall generate data [~~which may~~] ***to*** be used:

42 Local Education Improvement and Assessment Plan; Assistance Program. Amend the introductory paragraph of RSA 193-C:9, I to read as follows:

I. Each school district in New Hampshire [~~is encouraged to~~] ***shall*** develop a local education improvement and assessment plan which builds upon and complements the goals established for the program, including:

43 New Subparagraph; Local Education Improvement and Assessment; Assistance Program. Amend RSA 193-C:9, I by inserting after subparagraph (d) the following new subparagraph:

(e) The components specified in RSA 193-E:3, I.

44 Local Education Improvement and Assessment Plan; Assistance Program. Amend RSA 193-C:9, II(c) and (d) to read as follows:

(c) A strong emphasis shall be placed on identifying [~~model teachers in the areas included in the statewide education improvement and assessment program~~] ***distinguished educators*** and providing them with opportunities to share their expertise and enthusiasm with local educators and community members [~~in developing local education improvement and assessment plans~~].

(d) ***The department shall work with local districts to improve the capacity of teachers and administrators to design and implement instructional programs to help all students reach high standards. Therefore, funds may also be used to implement statewide professional development initiatives including, but not limited to, mentoring programs for beginning educators and leadership development academies for teachers, administrators, and school board members.***

(e) In implementing this program, the department may enter into grants or contracts with ***school districts, school administrative units,*** institutions of higher education, regional consortia, and ***organizations and*** private businesses. Grant recipients and contractors shall work in coordination with, and under the broad supervision of, the department of education.

45 Repeal. RSA 194:20, relative to establishment of high schools, is repealed.

46 Contracts with Schools. Amend RSA 194:22 to read as follows:

194:22 Contracts With Schools. Any school district may make a contract with an ***approved public*** academy[~~,~~] ***or public*** high school [~~or other literary institution~~] located in this ***state*** or, when distance or transportation facilities make it necessary, in another state, and raise and appropriate money to carry the contract into effect. If the contract is approved by the state board***,*** the school with which it is made shall be deemed a high school maintained by the district.

47 Repeal. RSA 194:23-c, relative to standards and uniformity, is repealed.

48 Repeal. RSA 194:23-d, relative to state financial aid, is repealed.

49 Registers; Reports. Amend RSA 194:31 to read as follows:

194:31 Registers; Reports. All academies, private schools and public schools shall be furnished with copies of the school register, and shall make an annual statistical report to the department of education by September 1 ***as required in RSA 189:28***. [~~The school board of every school district or city, and the board of trustees of approved public academies shall have a 30-day grace period if it fails to file the report due under this section by September 1. At the end of 30 days the commissioner of the department of education shall notify the governing body that all state aid to education for the upcoming fiscal year shall be withheld until the report is filed.~~]

50 Charter Schools; Operations; Curriculum. Amend RSA 194-B:13, III to read as follows:

III. The board of trustees, in consultation with teachers and the principal, shall ***develop the charter school's annual budget and shall*** determine the charter school's curriculum [~~and develop the school's annual budget~~] ***including the components to be used to provide pupils with the opportunity to acquire an education consistent with RSA 193-E:2***.

51 Superintendent Services. Amend 194-C:4, II(d) to read as follows:

(d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, ***delivery of an adequate education,*** home education, minimum standards, student records, sexual harassment, and other matters as may from time to time occur.

52 Payment in Lieu of Taxes. Amend RSA 227-H:17 to read as follows:

227-H:17 Payment in Lieu of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. [~~In any year in which no state tax is levied,~~] Any town in which national forestlands and land held by the state for operation and development as state forestlands, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by the commissioner, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

53 Positions Established; Appropriations.

I. To carry out the financial and educational reporting requirements of this act, there are hereby established within the department of education the following permanent, full-time classified positions:

(a) Technical support specialist III; and

(b) Technical support specialist V.

II. The sum of $115,000 for the biennium ending June 30, 1999, is hereby appropriated to the department of education to fund the establishment of the 2 positions created in paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of $240,000 for the biennium ending June 30, 1999, is appropriated to the department of revenue administration to fund the costs necessary to implement this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

54 Footnote Removed. Amend the totals of 1997, 350:1, 01, 07, 01, 03 to read as follows:

	FY 1998	FY 1999
TOTAL	1,458,027	1,500,790
ESTIMATED SOURCE OF FUNDS FOR		
PROPERTY APPRAISAL		
07 AGENCY INCOME [~~*~~]	770,000	770,000
08 AGENCY INCOME **	48,858	47,358

[~~*~~

~~IN THE EVENT THAT REVENUE, AND COSTS ASSOCIATED WITH STATE APPRAISALS, LEASE NEGOTIATIONS, AND LEASED FACILITY BUILD-OUT COMPLIANCE~~

~~MONITORING, IS LESS THAN BUDGETED, THE TOTAL APPROPRIATION SHALL BE REDUCED BY THE AMOUNT OF THE SHORTFALL IN EITHER ACTUAL OR PROJECTED BUDGET REVENUE. THE AGENCY HEAD SHALL NOTIFY THE BUREAU OF ACCOUNTS FORTHWITH, IN WRITING, AS TO PRECISELY WHICH LINE ITEM APPROPRIATION AND IN WHAT SPECIFIC AMOUNTS REDUCTIONS ARE TO BE MADE IN ORDER TO FULLY COMPENSATE FOR THE TOTAL REVENUE DEFICIT.~~]

**

REVENUE IN EXCESS OF THE ESTIMATE MAY BE EXPENDED WITH PRIOR APPROVAL OF THE FISCAL COMMITTEE AND THE APPROVAL OF THE GOVERNOR AND COUNCIL. THESE FUNDS SHALL NOT LAPSE UNTIL THE DEBT ON THE C.A.M.A. PROJECT HAS BEEN PAID IN FULL.

TOTAL	1,458,027	1,500,790

55 Authority. The attorney general has authority to enforce any and all provisions of this act, including but not limited to in accordance with New Hampshire law, through appropriate civil and equitable proceedings, injunctive relief.

56 Severability. If any provision of this act or the application thereof to any person or circumstance is deemed invalid, the invalidity does not affect the other provisions or applications of the act which can be given effect without the invalid provisions or applications and to this end the provisions of this act are severable.

57 District Foundation Aid. Amend RSA 198:36, IV to read as follows:

IV. The foundation amount shall be [~~$4,000~~] ***$5,250*** per weighted pupil.

58 Contingency Fund. Amend RSA 198:4-b to read as follows:

198:4-b Contingency Fund. Every school district usually by an article in the warrant, and the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. [~~Such fund shall not exceed one percent of the amount appropriated for school purposes, exclusive of capital expenditures and amortization of debt, during the preceding year.~~] A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

59 Repeal. RSA 21-J:13, XI, relative to the form and content of the real estate transfer questionnaire, is repealed.

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

1998-2327s

AMENDED ANALYSIS

This bill:

I. Establishes the criteria necessary for an adequate education.

II. Requires each school district to prepare and implement a local education improvement assessment program.

III. Establishes a special projects and district improvement fund to provide grants to school districts that meet or exceed quality standards.

IV. Establishes an interim plan for the distribution of state grants to be funded, in part, by sweepstakes revenues.

MEETINGS

tuesday, august 4, 1998

MARINE PATROL SERVICES STUDY COMMITTEE (HB 1605, Chapter 178:1, 1998), Room 202, LOB

9:00 a.m. Regular Meeting

UPDATING NEW Hampshire FENCE LAWS STUDY COMMITTEE (HB 1154, Chapter 62:1, 1998), Room 301, LOB

9:00 a.m. Organizational Meeting

EARLY CARE/EDUCATION OF PERSONNEL STUDY COMMITTEE (HB 1438, Chapter 82:1, 1998), Room 202, LOB

10:00 a.m. Organizational Meeting

NEW HAMPSHIRE CONSTITUTION EXAMINATION Room 208, LOB

10:00 a.m. Organizational Meeting

AUTHORITY, FUNCTIONS, DUTIES, FUNDING AND RESPONSIBILITIES OF THE BUREAU OF EMERGENCY MEDICAL SERVICES STUDY COMMITTEE (HB 1150, Chapter 30:1, 1998), Room 302, LOB

1:00 p.m. Organizational Meeting

TELEMEDICINE USE STUDY COMMITTEE (SB 383, Chapter 157:1, 1998), Room 103, LOB

1:30 p.m. Organizational Meeting

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. Meeting

Wednesday, August 5, 1998

NEW Hampshire COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (RSA 12-H:1), Room 304, LOB

8:30 a.m. Regular Meeting regarding Year 2000 Computer Problem

9:00 a.m. Regular Meeting regarding Communications Tower

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMITTEE (RSA 195-h:2), room 103, SH

8:30-12:00 Commission Meeting

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a), LOB, Room 210-211

9:00 a.m. Regular Business

DEAN MEMORIAL AIRPORT UPGRADE STUDY COMMITTEE (HB 1340, Chapter 45:2, 1998), Room 201, LOB

9:30 a.m. Organizational Meeting

FOSTER CARE SYSTEM TASK FORCE STUDY COMMISSION (SB 346, Chapter 277:1, 1998), Room 308, LOB

9:30 a.m. Organizational Meeting

CABLE CONSUMERS AND THE ENHANCEMENT OF CABLE ELECTRONIC SERVICES PROTECTION STUDY COMMITTEE (HB 1651, Chapter 52:1, 1998), Room 304, LOB

10:00 a.m. Organizational Meeting

PATIENTS' NEEDS STUDY COMMITTEE (HB 1335, Chapter 111:4, Laws of 1998), Room 201, LOB

1:00 p.m. Organizational Meeting

Thursday, AUGUST 6, 1998

ADEQUATE EDUCATION COSTS AND MUNICIPALITY GRANT DISTRIBUTION COMMISSION, (SB 462, Chapter 267:1, 1998), Room 104, LOB

9:00 a.m. Regular Meeting

Needle exchange pilot program advisory STUDY committee (HB 225, Chapter 315:3, 1997), Room 205, LOB

10:00 a.m. Regular Meeting

SPECIAL EDUCATION COMMISSION (SB462, Chapter 267:2, 1998) Room 103, LOB

11:00 a.m. Regular Meeting

LAND USE MANAGEMENT AND PROTECTION AND PRESERVATION OF THE STATE'S FARMLAND, RURAL CHARACTER AND ENVIRONMENTAL QUALITY AGAINST LOW DENSITY SPRAWL, URBAN AS WELL AS RURAL, AND THE LOSS OF SENSE OF PLACE STUDY COMMITTEE (HB 1238, Chapter 197:2, 1998), Room 305, LOB

1:00 p.m. Regular Meeting

Monday, August 10, 1998

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2,I), Director's Conference Room

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

TUESDAY, AUGUST 11, 1998

Joint maintenance agreements in school district study committee (SB 448, Chapter 131:1, 1998), Room 101, LOB

9:00 a.m. Organizational Meeting

AUTHORITY, FUNCTIONS, DUTIES, FUNDING AND RESPONSIBILITIES OF THE BUREAU OF EMERGENCY MEDICAL SERVICES STUDY COMMITTEE (HB 1150, Chapter 30:1, 1998), Room 302, LOB

1:00 p.m. Regular Meeting

WEDNESDAY, AUGUST 12, 1998

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMITTEE (RSA 195-H:2), Room 203, LOB

9:00 a.m. Public Meeting

THURSDAY, AUGUST 13, 1998

ADEQUATE EDUCATION COSTS AND MUNICIPALITY GRANT DISTRIBUTION COMMISSION, (SB 462, Chapter 267:1, 1998) Room 104, LOB

9:00 a.m. Regular Meeting

LAND USE MANAGEMENT AND PROTECTION AND PRESERVATION OF THE STATE'S FARMLAND, RURAL CHARACTER AND ENVIRONMENTAL QUALITY AGAINST LOW DENSITY SPRAWL, URBAN AS WELL AS RURAL, AND THE LOSS OF SENSE OF PLACE STUDY COMMITTEE (HB 1238, Chapter 197:2, 1998), Room 305, LOB

10:00 a.m. Regular Meeting

tuesday, august 18, 1998

DRIVER TRAINING PROGRAM PARTICIPATION FOR OLDER DRIVERS STUDY COMMITTEE (SB 316, Chapter 212:1, Laws of 1998) Room 201, LOB

10:00 a.m. Organizational Meeting

INSURANCE COVERAGE FOR INFERTILITY STUDY COMMITTEE (SB 357, Chapter 92:1, 1998), Room 102, LOB

3:00 p.m. Regular Meeting

THURSDAY, AUGUST 20, 1998

Long range capital planning and utilization committee (Sub-Committee: Seacoast Harbors Management and Dredging), Room 201, LOB

9:30 a.m. Meeting

PAROLE SYSTEMS & INCREASED EFFICIENCY STUDY COMMITTEE (SB 319, Chapter 181:1, 1998), Room 204, LOB

10:00 a.m. Regular 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

MONDAY, AUGUST 24, 1998

SEVERE DEVELOPMENT DISABILITY ALLOCATION FUNDS COMMITTEE (RSA 171-A), Room 207, LOB

9:00 a.m. Meeting

OIL FUND DISBURSEMENT BOARD, Room 305, LOB

9:30 a.m. Regular Meeting

TUESDAY, AUGUST 25, 1998

PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW Hampshire'S PRIORITY NATURAL, CULTURAL AND HISTORICAL RESOURCES commission (SB 493, Chapter 161:2, 1998), Room 308, LOB

2:00 p.m. Meeting

DEPARTMENT OF TRANSPORTATION, Stewartstown Community School Multi-Purpose Room, Route 3, West Stewartstown

7:00 p.m. Public Hearing Regarding NH Route 145 Bridge Over Bishop Brook

THURSDAY, AUGUST 27, 1998

Long range capital planning and utilization committee (Sub-Committee: Seacoast Harbors Management and Dredging), Leave from LOB Lobby

8:00 a.m. Site Visit

SECURITIES FILING FEE ELIMINATION FISCAL IMPACT STUDY COMMITTEE (HB 1205, Chapter 250:4, 1998), Room 102, LOB

9:00 a.m. Organizational Meeting

TUESDAY, SEPTEMBER 1, 1998

NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. Meeting

TUESDAY, SEPTEMBER 8, 1998

PUBLIC-PRIVATE PARTNERSHIP TO CONSERVE NEW Hampshire'S PRIORITY NATURAL, CULTURAL AND HISTORICAL RESOURCES commission (SB 493, Chapter 161:2, 1998), Room 308, LOB

2:00 p.m. Meeting

WEDNESDAY, SEPTEMBER 9, 1998

NEW Hampshire PERMISSIBLE FIREWORKS REVIEW COMMITTEE (RSA 160-B:23), Richard M. Flynn Fire Academy, 222 Sheep Davis Road (Route 106), Concord

9:30 a.m. Meeting

ALLAN B. SHEPHARD COMMISSION (HB 687, Chapter 94:1, Laws of 1997), Derry Town Hall

10:00 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

TUESDAY, SEPTEMBER 15, 1998

HOME SCHOOL STUDENTS ACCESS TO PUBLIC SCHOOL FACILITIES & PROGRAMS STUDY COMMITTEE (HB 1247, Chapter 34:1, 1998), Room 205, LOB

3:00 p.m. Regular Meeting

DEPARTMENT OF TRANSPORTATION, Newport Town Hall Opera House, 15 Sunapee Street, Newport

7:00 p.m. Public Hearing Regarding NH Route 11

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 6, 1998

NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. Meeting

TUESDAY, OCTOBER 13, 1998

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2,I), 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

TUESDAY, NOVEMBER 10, 1998

NEW Hampshire COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. 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 (RSA 233-A:2,I), 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

NOTICES

SATURDAY, AUGUST 15, 1998

Granite State Taxpayers will hold its 6th Annual Chicken BBQ at Hopkinton State Fairgrounds, 11AM-5PM, rain or shine (all is under cover). Tickets are still just $20 for adults and $10 for children under 12. Come and enjoy a good old-fashioned New Hampshire BBQ, with plenty of fun, entertainment and polite politics.

Senator Sheila Roberge