

HB 1397 – AS INTRODUCED

2014 SESSION

14-2396
08/05

HOUSE BILL **1397**

AN ACT establishing a committee to study whether the department of education is operating within its statutory authority.

SPONSORS: Rep. Cormier, Belk 8; Rep. Hoell, Merr 23; Rep. Cordelli, Carr 4; Rep. Pitre, Straf 2; Sen. Cataldo, Dist 6

COMMITTEE: Education

ANALYSIS

This bill establishes a committee to study whether the department of education is operating within its statutory authority.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT establishing a committee to study whether the department of education is operating within its statutory authority.

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

1 1 Title. This act shall be known as the “Department of Education Accountability Act.”

2 2 Findings. The general court finds that the department of education has been granted
3 authority by the general court and is required to operate within the scope of that delegated authority
4 and the commissioner of the department of education is required to take an oath promising to uphold
5 state and federal laws and the United States and New Hampshire constitutions.

6 3 Committee Established. There is established a committee to study whether the department of
7 education and the commissioner of the department of education are operating within their statutory
8 authority.

9 4 Membership and Compensation.

10 I. The members of the committee shall be as follows:

11 (a) Four members of the house of representatives, 2 of whom shall be members of the
12 majority party and 2 of whom shall be members of the minority party, appointed by the speaker of
13 the house of representatives.

14 (b) One member of the senate appointed by the president of the senate.

15 II. Members of the committee shall receive mileage at the legislative rate when attending to
16 the duties of the committee.

17 5 Duties. The committee shall study:

18 I. Whether the department of education is operating within the statutory authority granted
19 by the general court, including but not limited to the following issues:

20 (a) Whether the department of education eliminated the division of educational
21 improvement that was established under RSA 21-N:6 and replaced it with a division of instruction,
22 by exercising authority not granted by the general court.

23 (b) Whether there is statutory authority for the division of instruction to oversee 5
24 regional professional development centers, and whether these centers, which are commissioned to
25 provide direction to school districts to implement common core state standards without district
26 school board authorization, are in conflict with the established governance of school districts,
27 RSA 193-E, as authorized by the general court.

28 (1) Who authorized and funds the regional centers.

29 (2) How long have regional liaisons been participating in monthly superintendent,
30 principal, and CIA (curriculum, instruction and assessment) meetings in their respective regions to

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1 direct the implementation of common core state standards, without district school board authority.

2 (3) Where the records and minutes of meetings and comments of members
3 participating in such meetings are stored.

4 (4) Whether the records from such meetings are subject to RSA 91-A.

5 (5) Whether the regional centers tasked to remediate schools that are determined to
6 fail meet the standards under the stipulations of the federal ESEA Flexibility Waiver application
7 signed by the commissioner of education.

8 II. Whether the commissioner of education is complying with state and federal law and the
9 United States and New Hampshire constitutions, including but not limited to the following issues:

10 (a) Whether submission of a ESEA Flexibility Waiver application on September 6, 2012,
11 which provides the assurance that every school district in New Hampshire will implement common
12 core state standards within 3 years (pg. 166), is in conflict with state law, RSA 193-E:2-a, V: “The
13 curriculum frameworks shall serve as a guide and reference,” not a requirement to be involuntarily
14 imposed upon districts.

15 (b) Whether the department of education has hired regional liaisons tasked “to
16 implementing the CCSS” through “monthly superintendent, principal and CIA (curriculum,
17 instruction and assessment) meetings” (pg. 31) without the knowledge and consent of school district
18 boards and without maintaining records and minutes of meeting for public review, denying the
19 people a republican form of government as guaranteed under article 4 of the United States
20 Constitution;

21 (c) Whether the ESEA Flexibility Waiver establishes a new governance structure over
22 existing school districts without statutory authority.

23 (d) Whether districts will be required to administer statewide assessments, which are
24 not valid, appropriate, or objectively scored as required under RSA 193-C and provide, directly or
25 indirectly, the federal Department of Education with the assessment results.

26 (e) Whether school districts will be required to give the federal Department of Education
27 unrestricted access to private student data, under the cooperative agreement between Department of
28 Education and the Smarter Balanced Assessment Consortium, eliminating every student’s right to
29 privacy.

30 (f) Whether committing school districts to developing data-driven assessment based
31 teacher and principal evaluation systems conflicts with the right of people within their school
32 districts “to hire their own teachers, and of contracting with them” as provided in Part I, Article 6 of
33 the New Hampshire constitution.

34 (g) Whether the right to know is restricted, by failing to provide adequate transparency
35 of board of education meetings in either accurate and detailed minutes or video recordings while
36 major education reforms are being implemented across the state.

37 (h) Whether entering into and renewing agreements with the federal Department of

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1 Education, organizations, entities, groups and consortia that require the State of New Hampshire
2 and its political subdivisions to cede measures and percentages of autonomy and control over
3 education standards, data-collection, and assessments, in contravention to the New Hampshire
4 constitution.

5 6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
6 among the members. The first meeting of the committee shall be called by the first-named house
7 member. The first meeting of the committee shall be held within 45 days of the effective date of this
8 section. Three members of the committee shall constitute a quorum.

9 7 Report. The committee shall report its findings and any recommendations for proposed
10 legislation to the speaker of the house of representatives, the president of the senate, the house clerk,
11 the senate clerk, the governor, and the state library on or before November 1, 2014.

12 8 Effective Date. This act shall take effect upon its passage.