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ATTORNEYS AT LAW

Serving New Hampshire School Districts and Municipalities Since 1955

2017 LEGISLATIVE UPDATE

TO: Superintendents, Assistant Superintendants, Business Administrators

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DATE: August 14, 2017

The purpose of this memorandum is to briefly summarize the most significant 2017 legislation that impacts School Districts. It is not, however, a list of all legislation enacted in 2017 that may impact School Districts. Each heading includes the 2017 Chapter number which can be accessed at the Legislature's website, www.gencourt.state.nh.us "State Legislation Dashboard." In the "Advanced Bill Search," check off "Chapter #:" and type in the Chapter number for the full text.

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I. Students

Objectionable Course Material (Chapter 9)

Effective June 16, 2017, RSA 186:11, IX-c was amended to require school districts to provide advance notice to parents and guardians of course material involving human sexuality or human sexual education. School districts are required to amend their objectionable materials to include notification to parents and guardians not less than two weeks in advance of use of curriculum course materials for instruction of human sexuality or sexual education. The policy must also address the method of delivering notification to a parent or guardian. To the extent practicable, a school district must also make curriculum course materials available to parents or guardians upon request.

Educational Assignments for Suspended Pupils (Chapter 12)

Effective June 16, 2017, RSA 193:13, I(a) was amended to require school districts to make educational assignments available to suspended students during the period of their suspension.

Statewide Assessments and Student Transcripts (Chapter 16)

Effective June 16, 2017, RSA 193-C:6 was amended to provide that the statewide assessment results of a student or the student's school district will not be included as part of the student's transcript unless the student, if 18 years of age or older, or the student's parent or legal guardian if the student is under 18 years of age, consents.

Pre-Engineering Technology Curriculum (Chapter 46)

Effective July 11, 2017, RSA 188-E:14 and RSA 188-E:15 were amended to change several references to the pre-engineering technology curriculum and advisory council and require the development and implementation of a pre-engineering and technology curriculum for public school students in kindergarten through grade 12.

Technical Corrections to Education Tax Credit and Changes to School Assignment (Chapter 63)

Effective August 1, 2017, RSA 193:14 was repealed and thereby removed the prohibition on a student attending a school other than the school to which the student was assigned by the local school board. Additionally, the amendment makes various technical changes to the education tax credit statutes so that the definition of education expenses includes the cost of college, tutoring, distance education. The chapter also amends the date for businesses to submit education tax credit applications and the date for completing the donation.

Administration of Statewide Assessment (Chapter 88)

Effective August 4, 2017, RSA 193-C:6 was amended to change the schedule for school districts to administer the statewide assessment and to require school districts to develop and administer an assessment in grades 3 through 8 in those years in which the statewide assessment is not administered.

The statewide assessment will now be administered once in elementary school, once in middle school, and once in high school. For those years in grades 3 through 8 in which the school district does not administer the statewide assessment, the school district, in consultation with the Department of Education and as part of the statewide education improvement and assessment program, shall develop and administer its own assessment or shall administer a standardized assessment that identifies a pupil's range of learning and yields objective data to use in improving instruction and learning.

Non-Proficient Readers (Chapter 100)

Effective August 7, 2017, RSA 193-C:3, IV(i) is amended to change the statewide assessment program goals to allow for a locally administered assessment developed in consultation with the Department of Education for third grade pupils and to provide differentiated aid to schools under RSA 198:40-a for pupils not proficient on the reading component of the statewide or locally-administered assessment. The amendment also requires school districts receiving aid under RSA 198:40-a, II(e), to submit documentation to the Department of Education showing that the district has implemented a reading instructional program for third grade pupils who tested as "not proficient" on the reading component of either the statewide or locally-administered assessment.

Civics Course Requirement (Chapter 107)

Effective August 7, 2017, RSA 189:11 is amended to require a one-half credit course of instruction in United States and New Hampshire government/civics for high school graduation. At a minimum, the course must include instruction in the following areas:

- (a) Opportunities and responsibilities for civic involvement.
- (b) Skills to effectively participate in civic affairs.
- (c) The U.S. Constitution and the principles stated in the Articles and Amendments of the U.S. Constitution that provide the foundation for the democratic government of the United States.
- (d) The New Hampshire Constitution and the principles stated in the Articles of the New Hampshire Constitution that provide the foundation for the democratic government of New Hampshire.
- (e) The structure and functions of the 3 branches comprising federal and state governments: legislative, judicial, and executive.
- (f) The role, opportunities, and responsibilities of a citizen to engage in civic activity.

- (g) The role and interactions of the State of New Hampshire and local governments within the framework of the U.S. Constitution and of extended powers and functions provided to local governments.
- (h) How federal, state, and local governments address problems and issues by making decisions, creating laws, enforcing regulations, and taking action.
- (i) The role and actions of government in the flow of economic activity and the regulation of monetary policy.

Career and Technical Education (Chapter 110)

Effective August 7, 2017, RSA 188-E is amended to change all references from “vocational” education to “career and technical” education.

Student Transcripts and Statewide Assessment (Chapter 142)

Effective August 15, 2017, RSA 193-C:6 is repealed and reenacted to provide that a student’s statewide assessment results will not be a part of a student’s transcript and that school districts are required to administer an assessment developed in consultation with the Department of Education in those years from grade 3 through grade 8 in which a statewide assessment is not administered. As discussed above in Chapter 18, the statewide assessment will be administered once in an elementary school grade, once in middle school, and once in high school.

School Attendance in Towns with No Public Schools (Chapter 182) (Croydon Bill)

Effective August 28, 2017, RSA 189:1-a, IV and RSA 193:3, VI-VII are added to allow a school board to execute a contract with another district or any approved nonsectarian private school approved by the school board as a tuition program as defined in RSA 193:3, VII (a new section) to provide for the education of a child who resides in the school district. The school board may raise and appropriate money for the purposes of the contract if the district does not maintain a “public school” at the child’s grade level in the resident district and the board decides it is in the best interests of the child.

RSA 193:3 VI and VII are added to define the process for approving a school as a tuition program. “Approved as a school tuition program” means a school that has been approved and contracted by the school board to provide students with the opportunity to acquire an adequate education as defined by RSA 193-E:2. A school meeting this definition is required to submit to the school board an annual student performance progress report in a format chosen by the school board that demonstrates that students are afforded educational opportunities that are substantially equal in quality to state performance standards for determining an adequate education.

A private school that receives tuition program students shall:

- (a) Comply with statutes and regulations relating to agency approvals such as health, fire safety, and sanitation;
- (b) Be a nonsectarian school;

- (c) Be incorporated under the laws of New Hampshire or the United States; and
- (d) Administer annual assessments in reading and language arts, mathematics, and science.

RSA 193:1, I(d), RSA 193:4, RSA 194:27, and RSA 198:4 are also amended to include language regarding nonsectarian private schools approved as tuition programs by the school board.

Career and Technical Education Program (Chapter 210)

Effective September 8, 2017, RSA 188-E:5, V is amended to change the high school attendance requirement for enrolling in a career and technical education program from two years to one year.

Effective July 1, 2017, RSA 188-E:25-29 were added to establish a dual and concurrent enrollment program allowing certain high school students to enroll in courses for college credit. Participation in the program will be offered to high school and career and technical education center students in grades 11 and 12 in STEM (science, technology, engineering, and mathematics) related courses. Students are provided funding for enrollment in no more than two dual or concurrent enrollment courses in each grade. Students may take more than two courses each year at their own expense. The State will pay up to \$250.00 per student to the Community College System of New Hampshire (CCSNH) for each completed course which will serve as the full tuition for the course.

Each high school should provide a designated individual to serve as the point of contact on matters related to the program, including, but not limited to, student counseling, support services, course scheduling, managing course forms and student registration, program evaluation, course transferability, and assisting with online courses. Each high school must annually notify students and parents of the dual and concurrent enrollment opportunities.

No later than July 1, 2018, the school board of each school district must develop and adopt a policy permitting students residing in the district who are in grade 11 or 12 to participate in the dual and concurrent enrollment program. The policy must, at a minimum, include compliance with measurable educational standards and criteria approved by the CCSNH and that meet the same standard of quality and rigor as courses offered on campus by the CCSNH. The policy must also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy must include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication requirements, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

The Department of Education and CCSNH must develop a model dual and concurrent enrollment agreement that must be used by CCSNH and school boards.

Non-Academic Surveys (Chapter 251)

Effective September 16, 2017, RSA 186:11, IX-d is amended to require that school district policies governing the administration of non-academic surveys or questionnaires to students include language providing that no student shall be required to volunteer or submit to a non-academic survey or questionnaire without written consent of a parent or legal guardian. The policy must also include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The policy must also allow a parent or legal guardian to opt out of the youth risk behavior survey.

Common Core Standards (Chapter 252)

Effective September 16, 2017, RSA 193-E:2-a, IV is amended to prohibit the Department of Education and the State Board of Education from requiring the implementation of the common core standards in any school or school district in the state. If the local school board elects not to implement the common core standards or the common core state standards adopted by the State Board of Education, the local school board shall determine, approve, and implement alternative academic standards. The State Board of Education is also prohibited from amending any existing academic standards or approving any new academic standards without prior review and recommendation of the legislative oversight committee. RSA 198-C:8, XII is also added to make it a duty of the legislative oversight committee to review and make recommendations relating to academic standards under consideration by the State Board of Education.

II. Right-To-Know Law

Right-to-Know Law Minutes (Chapter 165)

Effective January 1, 2018, RSA 91-A:2, II-a is added to allow a member of the public body to object to a discussion in a meeting of the public body, including nonpublic session, if the member believes the discussion violates RSA 91-A. Upon request of the member who is objecting to the discussion, the public body must record the member's objection in the meeting minutes. If the public body continues discussion despite the objection, the objecting member may continue to participate in the discussion without being subject to the penalties of RSA 91-A:8, IV or V. If the objection takes place in nonpublic session, the objection must be recorded in the public minutes and should contain only the objecting member's name, a statement that the member objected in nonpublic session, and a reference to the provision of RSA 91-A:3, II, that was the basis for the discussion.

Public Meeting Minutes and Notices on Websites (Chapter 234)

Effective January 1, 2018, RSA 91-A:2, II-a is added to clarify the procedure for posting minutes and meeting notices on the public body's website. If a public body maintains a website or contracts with a third party to maintain a website on its behalf, it shall either post its approved

minutes in a consistent and reasonably accessible location on the website or post and maintain a notice on the website stating where the minutes may be reviewed and copies requested. If a public body chooses to post meeting notices on its website, it must do so in a consistent and reasonably accessible location on the site. If it does not post notices on the website, it shall post and maintain a notice on the website stating where the meeting notices are posted.

III. Finances

Department of Education Adequacy Appropriations (Chapter 28)

Effective April 27, 2017, Chapter 28 required the Department of Education to appropriate funds for additional adequate education grants to several municipalities for costs incurred in fiscal year ending June 30, 2016. The funds are not considered unanticipated revenue and the school district's acceptance of the money waives any claims the school district may have against the State of New Hampshire for adequate education payments between September 1, 2008 and June 30, 2016.

Capital Reserve Fund Appropriations (Chapter 127)

Effective August 15, 2017, RSA 35:5, 35:7, and 35:12 are amended to make it clear that school districts may only make appropriations into capital reserve funds under a special warrant article.

Medicaid Reimbursement to Schools (Chapter 187)

Effective August 28, 2017, RSA 167:3-k is added to establish a "Medicaid to schools for medical services" program for covered services provided for children in public schools. The purpose of the program is to seek reimbursement for services provided by school districts and SAUs to children which are reimbursable under federal law but which would otherwise be fully funded by the district. The program will be voluntary and administered by the Department of Health and Human Services in the same, or similar manner as the Medicaid to schools program established in RSA 186-C:25. Services may only be provided in conformity with any medical criteria for Medicaid reimbursement and after obtaining informed parental consent.

Keno Grants to Full-Time Kindergarten Students (Chapter 229)

Effective July 1, 2017, RSA 198:48-c was added to establish a program to provide grants to full-day kindergarten students from Keno revenues. In fiscal year 2019, in addition to any funds received pursuant to RSA 198:40-a, the Commissioner of the Department of Education will calculate and distribute a grant of \$1,100.00 per kindergarten pupil based on the enrollment number of eligible full-day kindergarten pupils on the first day of the school year. The superintendent or designee will certify the enrollment number of kindergarten pupils to the commissioner.

For fiscal year 2019, once pupils enrolled in an approved full-day kindergarten program have been counted in the school district's average daily membership in attendance, a school district, or a chartered public school based on its kindergarten average daily membership enrollment number, shall receive, in addition to any funds received pursuant to RSA 198:40-a, an additional grant of \$1,100 per kindergarten pupil attending a full-day kindergarten program.

A school district or chartered public school that operates an approved full-day kindergarten program for which it receives funding under the new statute must permit a pupil to attend kindergarten for a half-day.

For fiscal year 2020 and each fiscal year thereafter, in addition to any funds received pursuant to RSA 198:40-a, the Department of Education will distribute a total kindergarten grant, pursuant to RSA 198:40-a, for the remaining 1/2 of each average daily membership not counted under RSA 198:40-a to each school district or chartered public school that operates an approved full-day kindergarten program. If, however, the amount of revenue raised through keno is insufficient to fully fund the distribution of grants, the revenue shall be prorated proportionally based on entitlement among the districts entitled to a grant but in no case will it be less than \$1,100.00 per student.

IV. Elections

Revisions to the Method of Appointing a Moderator Pro Tempore (Chapter 3)

Effective May 30, 2017, RSA 671: 33, III was amended to revise the method for appointing a moderator pro tempore. In the event of a vacancy in the office of moderator, the school district clerk will serve as moderator or shall appoint a moderator pro tempore until a replacement is chosen.

Ratification of Postponed March 14, 2017 Meetings and Elections (Chapter 20)

Chapter 20:6 ratified and confirmed the elections of all individuals for elections postponed due to the weather emergency on March 14, 2017. All other actions, votes, and proceedings for meetings originally scheduled on March 14, 2017 can be ratified by the school board following "a properly noticed" public hearing. A "properly noticed" hearing requires 72 hours advance notice of the hearing printed in a newspaper of general circulation in the district and on the district's internet website, if one exists. The school board's decision to legalize, ratify, and confirm the prior election results must be in writing and posted in the same manner as the results of the election.

Phone Number and Email Address on Absentee Ballots (Chapter 49)

Effective July 11, 2017, RSA 657:4, I was amended to provide absentee ballot applicants with the option to provide a phone number and email address on the absentee ballot application.

Cooperative School District Adoption of Town Checklist (Chapter 64)

Effective August 1, 2017, RSA 671:15 was amended to eliminate provisions relating to cooperative school district adoption of a town checklist and clarifies that the session for correction of the checklist in districts follows the same requirements as the town's session. According to the Deputy Secretary of State, since New Hampshire has a statewide centralized database, the removed provisions were no longer relevant and their removal was considered legislative "housekeeping."

Out-of-State Drivers' Licenses (Chapter 67)

Effective July 1, 2018, RSA 659:13, I(b) was amended to require that when a voter presents an out-of-state driver's license or nondriver's identification card to a ballot clerk, the ballot clerk must record the state of issuance in the statewide centralized voter registration database within 30 days of the election.

Vacancies On Board of Supervisors of the Checklist (Chapter 72)

Effective August 1, 2017, RSA 669:64 was amended to require the remaining members of the board of supervisors of the checklist to fill a vacancy on the board within 45 days.

Disabled Voters (Chapter 196)

Effective September 3, 2017, RSA 657:22 and RSA 659:20-a are amended to modify procedures for assisting disabled voters who appear at the polling place to vote in person but are unable to access the polling place. The statute no longer requires a disabled voter to have a physical disability. The absentee ballot delivered to the voter by the town or ward clerk shall be processed using the same procedures as any other absentee ballot except that the cutoff time listed in RSA 657:22 (5:00 p.m. on election day) to accept absentee ballots shall not apply.

Electronic Poll Book Devices (Chapter 200)

Effective August 4, 2017, RSA 652:27 was added to authorize cities and towns to conduct a trial of electronic poll book devices for voter registration and check-in for elections. Statutory provisions relating to paper entries on a paper checklist are waived in order to accommodate an electronic poll book, provided the same information required of the voter is obtained and recorded by the electronic poll book and can be retrieved and printed at any time including during an election.

Nonpublic data related to individual voter data must remain confidential.

An electronic poll book vendor shall not have access to any voter data except as specifically necessary to setup, maintain, or train for an electronic poll book program. An electronic poll book vendor cannot release or retain data. The electronic poll book is required to have the ability to generate a paper voter checklist completely marked to reflect participation in

the election up to the time of any system failure or malfunction. A sufficient number of high speed printers must be available in the polling place to produce a back-up paper checklist for the use in the event of a system failure. A marked checklist must be printed on the completion of every election along with any reports required by statute and shall be retained by the clerk.

Cities and towns will assume the costs associated with electronic poll books. Electronic poll book trial programs may proceed only if the electronic book system and application has been approved by an evaluator of electronic election systems using requirements established by the Secretary of State. Cities and towns must file with the Secretary of State all documents necessary to show that the requirements in the statute have been met 30 days prior to implementing an electronic poll book system.

No later than November 1, 2021, the Secretary of State must file a report with the legislature laying out plans for the implementation of an electronic poll book system based on successful electronic poll book trials.

Domicile for Voting (Chapter 205)

Effective September 8, 2017, RSA 654:2 is amended to modify the definition of domicile for voting purposes and to prohibit a person present in New Hampshire for temporary purposes from obtaining a domicile for voting purposes. The amendment also makes numerous modifications to the requirements for documenting the domicile of a person registering to vote. Additionally, a person who maintains a voting domicile where he or she came from cannot gain a domicile for voting purposes in New Hampshire no matter the duration of the person's presence in New Hampshire. "Temporary purposes" include being present in New Hampshire for 30 or fewer days for purposes of tourism, visiting family or friends, performing short term work, or volunteering or working to influence voters in an upcoming election.

A person who has been present and residing in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

Individuals who register to vote within 30 days of an election or on election day must fill out the election day registration form to show that they live in the communities that they claim as their domiciles.

Individuals who do not have documentation may still register to vote on election day by completing an acknowledgement of domicile evidence obligation on the registration form. The voter is required to mail or present evidence of their intention to make the address claimed their domicile within 10 days following the election, or within 30 days in towns where the clerk's office is open fewer than 20 hours weekly.

If the voter does not follow up by providing the evidence, the supervisors of the checklist must attempt to verify that each such individual was domiciled at the provided address by:

- (a) Examining public records held by the town or city clerk;
- (b) Requesting two or more municipal officers or their agents or state election officers or their agents to visit the provided address and verify that the individual was domiciled there on election day;
- (c) Referring the registrant's information to the Secretary of State for further investigation.

In any case where the supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud, the supervisors must promptly report the incident to the Secretary of State and the Attorney General, who will cause such further investigation as is warranted. After receiving confirmation from the Secretary of State that an individual is not domiciled at the address provided, the supervisors will initiate removal of the person from the checklist by sending the person the notice required by RSA 654:44.

RSA 659:34, I(f)-(g) are also amended to make it voter fraud to falsify domicile; to register to vote on election day using the affidavit to satisfy proof of being qualified, represent on the affidavit that the person possesses proof that he or she does not have in his or her possession at the polling place, and purposely and knowingly fail to provide the follow-up document to the town; or to purposefully and knowingly provide false information in a written and signed statement or other document that another person is domiciled at an address that is owned, leased, rented, or managed by the individual.

V. Study Committees

Seatbelts on School Buses Committee (Chapter 21)

Effective April 25, 2017, Chapter 21 established a committee to study requiring passengers on school buses to wear seat belts. The membership of the committee is four members of the House of Representatives and one member of the Senate. The committee must report its findings and any recommendations for proposed legislation on or before November 1, 2017.

Right-To-Know Law Committee (Chapter 126)

Effective June 16, 2017, Chapter 126 established a committee to study processes to resolve Right-To-Know complaints. The membership of the committee is three members of the House of Representatives, one member of the Senate, the attorney general or designee, one municipal official appointed by the New Hampshire Municipal Association, one school board member appointed by the New Hampshire School Boards Association, one county official appointed by the New Hampshire Association of Counties, one member who has brought suit pro se under RSA 91-A:7 appointed by the governor, one member representing the New Hampshire Press Association, one member representing Right-To-Know New Hampshire, one member of

the New Hampshire Civil Liberties Union, and one citizen member appointed by the governor. The commission will study alternative processes to resolve Right-to-Know complaints with a goal towards decreasing burdens and costs of courts, agents, and citizens. The committee will report its findings and any recommendations for proposed legislation on or before November 1, 2017.

Education Funding Committee and Department of Education Organizational Committee (Chapter 190)

Effective June 30, 2017, Chapter 190 established a committee to study education funding and the cost of an opportunity for an adequate education. The membership of the committee consists of seven members of the House of Representatives and one member of the Senate. A report is due on or before November 1, 2018.

The Chapter also established a committee to study the organizational structure of the Department of Education and the duties and responsibilities of the Commissioner of the Department of Education. The membership consists of one member of the Senate and four members of the House of Representatives. A report is due on or before November 1, 2017.

Additionally, RSA 21-N:4, XIII was added to authorize the Commissioner of the Department of Education, with the advice of the State Board of Education and after consultation with the Deputy Director and affected division directors, to transfer or assign functions, programs, or services within or between any division.

Rescheduling Elections and Absentee Ballots Committee (Chapter 216)

Effective July 10, 2017, Chapter 216 established a committee to study the rescheduling of elections. The membership of the committee will consist of two members of the Senate and three members of the House of Representatives. The committee will consider the circumstances under which the State, a town or city, or a school district should reschedule an election, the process for rescheduling elections, who should be authorized to reschedule an election, and the best way to mitigate potential adverse consequences upon bond issue caused by any election issue relating to the March 14, 2017 storm. A report and any recommendation for proposed legislation is due by November 1, 2017.

Effective July 11, 2017, RSA 657:7, II(b), RSA 657:17, and RSA 659:50, III were amended to clarify the signature verification requirements for absentee voters. The signature on the application for an absentee ballot must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected. Any person who assists a voter with a disability in executing the application must make and sign a statement acknowledging the assistance.

VI. Employment

Code of Ethics for Education Personnel (Chapter 22)

Effective June 24, 2017, RSA 21-N:9, II (cc) and RSA 186:11, X (e) were added to authorize the State Board of Education to adopt rules establishing a code of ethics for certified educational personnel. The educational code of ethics will apply to all teachers, supervisors, administrators, and other personnel licensed or seeking licensure in the education profession in New Hampshire. The professional code will include a statement of purpose and standards defining each of the four primary principles:

- (a) Responsibility to the education profession and educational professionals.
- (b) Responsibility to students.
- (c) Responsibility to the school community.
- (d) Responsibility and ethical use of technology as it relates to students, schools, and other educational professional.

Weekly or Biweekly Wages (Chapter 45)

Effective July 11, 2017, RSA 275:43 was amended to permit employers to elect to pay wages to employees “at regular intervals not to exceed 14 days.” The amendment permits payment of wages on a biweekly basis without the necessity of requesting an exemption from the Department of Labor. A waiver is still required if payment will be less frequently than biweekly. The amendment also eliminates the statutory language which previously required employees to be paid within 8 days after the end of the week in which the work was performed.

Independent Investment Committee (Chapter 151)

Effective August 15, 2017, RSA 100-A:14-b, I is amended to establish that the term for members of the New Hampshire Retirement System’s independent investment committee is three years.

Alcohol and Drug Counselors (Chapter 194)

Effective August 29, 2017, RSA 330-C:16, I(a) and RSA 330-C:17, I are amended to increase the number of hours of alcohol and drug use education required for initial licensure as a master licensed alcohol and drug counselor or as a licensed alcohol and drug counselor from 270 hours to 300 hours. Additionally, RSA 330-C:21 is added to provide that qualified school and drug counselors from other states are able to practice in New Hampshire for not more than 60 days after application to the board of licensing for alcohol and other drug use professional, pending final approval.

Effective January 1, 2018, RSA 332-G:12 is added to require that occupational regulatory boards and commissions provide information on their website concerning reciprocity for persons holding a current and valid license or certification in another state.

Effective June 30, 2017, Chapter 194:5 established a committee to study licensure of alcohol and drug counselors. The committee membership consists of two members of the House of Representatives and one member of the Senate. The committee will report its findings and make recommendations for legislation no later than November 1, 2017.

Criminal History Records Checks (Chapter 245)

(See page 17 below.)

VII. Safety

Repealing the Licensing Requirements for Carrying a Concealed Pistol or Revolver (Chapter 1)

Effective February 22, 2017, RSA 159:6 was amended and RSA 159:4 was repealed to allow a person to carry a loaded, concealed pistol or revolver without a license unless such person is otherwise prohibited by New Hampshire statute. Chapter 1 also removed the requirement that an applicant for a license be a “suitable person to be licensed.”

Prior to this amendment, New Hampshire law already allowed individuals to openly carry firearms without a license. This amendment now allows individuals to carry concealed firearms without a license so that the vast majority of New Hampshire residents will no longer be required to obtain a license in order to carry a firearm.

Under the federal Gun Free School Zones Act (“GFSZA”) it is a crime for any individual to knowingly possess a firearm that has affected interstate commerce in a school zone. *See* 18 U.S.C. Section 922(q)(2)(A). A school zone is defined as the grounds of a public, parochial or private school and the property within a distance of 1000 feet from those grounds. In the absence of a license to carry a firearm issued by law enforcement, it is a violation of the Gun Free School Zones Act to be on school grounds with a firearm unless the individuals come within one of the other exceptions under the federal law.

The GFSZA has the following exceptions to the prohibition against an individual knowingly possessing a firearm in a school zone:

1. To firearms on private property not part a school grounds within a school zone;
2. To an individual possessing the firearm if licensed to do so by the state or locality in which the school zone is located when the state law requires that before the individual obtains the license the law enforcement authorities of the state or locality verify that the individual is qualified under the law to receive the license;

3. To firearms that are not loaded and are in a locked container or a locked firearm's rack that is on a motor vehicle;
4. To firearms in the possession of an individual for use in a program approved by the school;
5. To firearms possessed by an individual in accordance with a contract entered into between the school and an individual or employer of the individual;
6. To firearms in possession of law enforcement officers acting in their official capacity; or
7. To firearms that are unloaded and possessed by an individual traversing the school premises for the purpose of accessing public or private lands that are open to hunting.

Prior to Chapter 1, individuals required a license in order to lawfully carry a concealed firearm. Licensed firearms carriers arguably qualified for exception number 2 above if they obtained a license after law enforcement authorities verified that they were qualified under law to receive the license. However, now, due to Chapter 1, a license issued by law enforcement is no longer required to carry a firearm, either openly or concealed. *See* RSA 159:6, III.

Despite Chapter 1, school officials need to remember that RSA 193:3, III mandates a 12 month expulsion from school of any pupil who brings or possesses a firearm in a safe school zone without written authorization from the Superintendent or designee.

School Emergency Response Plans (Chapter 14)

Effective June 16, 2017, RSA 189:64 was amended to require schools to submit their initial emergency response plans and their revised emergency response plans to the Department of Education by September 1 of each year. If after a school's annual review of its emergency response plan, the plan is unchanged, the school must notify the Department by September 1 each year that the plan is unchanged.

Reporting Child Abuse and Background Checks (Chapter 245)

Effective September 16, 2017, RSA 189:72 is added to require each public school and public chartered school to post a sign in a clearly visible location accessible to students containing information on how to report child abuse or neglect to the division for children, youth, and families.

Effective September 16, 2017, RSA 189:13-a is amended to change the requirements for criminal history records checks of school employees, volunteers, and other educational staff. There are three significant changes to the statute:

1. Instead of receiving a statement of the presence or absence of a disqualifying conviction or charge pending disposition of a qualifying offence, Superintendents will

- receive a report of any misdemeanors and/or felony convictions and any charges pending disposition as listed.
2. The governing body of a school district, chartered public school, or public academy must adopt a policy relative to hiring practices based on the results of the criminal history records check and the report of misdemeanors and felonies. The policy may include language stating that any person who has been convicted of any misdemeanor, or any list of misdemeanors, may not be hired. The policy may also include language stating that any person who has been convicted of a felony or any list of felonies shall not be hired.
 3. Criminal history record checks on student teachers are required prior to their placement in a school even though the student teacher's institute of higher education is also required to perform a criminal history record check.

VIII. Miscellaneous

General John Stark Day (Chapter 8)

Effective June 12, 2017, RSA 4:13-1 was amended change the observance of General John Stark day to the second Monday in April. Schools are encouraged to commemorate the day with appropriate educational activities.

Record Retention and Conversion (Chapter 96)

Effective August 7, 2017, RSA 33-A:5-a regarding municipal record retention obligations was repealed and reenacted to permit municipalities to transfer paper records to electronic format for retention and to modify requirements for the retention of electronic records. Paper records listed in the disposition and retention schedule in RSA 33-A:3-a may be transferred to electronic records and original paper records may be disposed of as the municipality chooses, subject to other requirements of state or federal laws. The electronic records must be stored in portable document format/archival (PDF/A) or another file format approved by the Secretary of State and municipal records board.

Electronic records listed on the disposition and retention schedule of RSA 33-A:3-a that are to be retained for 10 years or less may be retained solely electronically in their original format if so approved by the municipal committee responsible for the records. The municipality is responsible for assuring the accessibility of the records for the retention period. If the records retention period exceeds 10 years or the municipal committee does not approve retention of the record solely electronically in an approved format, the records must be transferred to paper, microfilmed, or stored in portable document format/archival (PDF/A) or another approved file format on a medium from which it is readily retrievable. At least once every 5 years from date of creation, the municipal committee shall review documents and procedures for compliance with guidelines issued by the Secretary of State and the municipal records board.

Payment Bonds (Chapter 242)

Effective September 16, 2017, RSA 447:16 is amended to require payment bonds for school district projects if the contract involves an expenditure of \$125,000. Currently, payment bonds are required for school district projects if the contract involves an expenditure of \$35,000.