



# NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 103 YEA OTP  
HB 125 YEA ITL  
HB 129 YEA ITL  
HB 148 YEA ITL  
HB 276 YEA OTP  
HB 297 YEA ITL



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HOUSE SESSION - THURSDAY, FEBRUARY 2, 2017

\*\*\* Special Announcement: 2017 New Hampshire Liberty Forum 2/2-2/4 Raddison Hotel, Manchester \*\*\*

"Leading Liberty" is the theme of the 2017 NH Liberty Forum this weekend in Manchester, NH. The New Hampshire Liberty Alliance is a sponsor of the event and will have a table in the vendor area. Legislators may purchase tickets or attend the cash bar legislator cocktail hour from 6-7PM in the Expo Center on Friday Feb 3rd without a ticket. We look forward to seeing you at the event.

## HB 103, relative to school district policies regarding objectionable course material.

Education: OTP 12-7

# HB 103

# YEA OTP

**PRO-LIBERTY:** Under this bill a parent may temporarily remove their child from a classroom rather than having to argue for the removal of objectionable materials.

- This bill addresses the notification gap in RSA 186:11 IX-c that allows parents to select alternative materials for his/her child at their own expense. It does not censor the entire class' materials.
- This does not present any new or additional costs to districts as they already have notification systems in place that may be used, including but not limited to beginning of the year course syllabi and material lists.
- This bill allows parents to make informed decisions regarding their children's education, and bring choices closest to the student for the best educational fit.

## HB 129-FN, repealing the education tax credit.

Education: ITL 12-7

# HB 129

**ANTI-LIBERTY:** This bill would repeal the successful K-12 scholarship program.

- This bill represents a fourth attempt at repeal since the Education Tax Credit Scholarship program went into effect.
- The Education Tax Credit Scholarship program has helped many families have access to better educational opportunities.
- Similar tax-credit scholarship programs have been deemed constitutional by their home states and by the US Supreme Court.
- Free choice by families and students is the very best form of accountability, and leads to the best outcomes. By contrast, one-size-fits-all centralized government control of education has led to spiraling administrative costs and worsening outcomes.
- Education should serve the interests of students, not government unions.
- The scholarship program is funded through private donations, not tax dollars. Other states with Blaine Amendments have ruled tax-credit scholarship programs to be constitutional because monies are distributed to parents who choose the schools and not the schools directly.

# YEA ITL

## HB 148, relative to chartered public school teacher qualifications.

Education: ITL 12-7

# HB 148

**ANTI-LIBERTY:** This bill mandates that all teachers at NH charter schools must be credentialed by the state.

- Currently, charter schools are permitted to consider qualified non-traditional candidates who may bring a valuable and diverse perspective to the teaching profession. This is exactly the kind of flexibility that has made charter schools more successful than school districts.
- By increasing protectionism and artificial barriers to entry, this bill would raise education costs.
- It is often difficult to find certified STEM field teachers. This can currently be mitigated by the large pool of industry STEM experts without certification who are available and could potentially do a better job than candidates with an arbitrary certificate. This bill would remove this option.
- Teacher hiring requirements are a critical part of innovation and flexibility unique to chartered public schools. Teacher credentials alone are not correlated with student performance.

# YEA ITL

## HB 276, relative to student exemption from the statewide assessment.

Education: OTP 12-7

# HB 276

**PRO-LIBERTY: This bill allows parents to opt their children out of the statewide assessment.**

- At least seven states (Utah, Wisconsin, Pennsylvania, Minnesota, Oregon, Washington, and California) already have opt-out provisions. No state or school district has lost federal funding due to lower participation rates, nor over opt-out provisions.
- The statewide assessment is an accountability tool for districts, not individual students. Parents have rights that districts cannot control, such as determining whether or not their child takes a statewide assessment. This bill recognizes the rights of parents and protects students and districts from penalty.

## YEA OTP

## HB 297-FN, repealing the education tax credit program.

Education: ITL 12-7

# HB 297

**ANTI-LIBERTY: This bill would immediately repeal the successful K-12 scholarship program.**

- This bill is the same as HB 129-FN except with an immediate effective date. It should be opposed for all of the same reasons listed for that bill in this issue of the Gold Standard.

## YEA ITL

## HB 125, relative to chartered public school boards of trustees.

Executive Departments and Administration: ITL 13-4

# HB 125

**ANTI-LIBERTY: This bill changes the method of appointment for members of the Boards of Trustees of chartered public schools from a method that favors local control and parent involvement to a centralized appointment system controlled by the Governor and Executive Council.**

- Government is most accountable and accessible when it is most local. Local control is generally preferable to state control. Currently, chartered public school boards appoint their own members with at least 25% of the members being parents of students at the school and up to 25% of the members being current local public school board members. This mix helps ensure that the school is meeting the needs of the students who are attending the school.
- Not only would this bill hyper-politicize chartered public schools, it is a way the executive branch could remove parents and taxpayers from the governance of their children's schools. It would be no more appropriate for the Governor to appoint members to the board of local K-12 schools.

## YEA ITL

## Follow-up on the 1-26-17 House Gold Standard

It has come to our attention that one or more representatives believe there were errors in the January 26th New Hampshire Liberty Alliance (NHLA) Gold Standard (gold sheet) and some have asserted that the presence of an error calls into question the overall credibility of the Gold Standard. In both of the cases that were brought to our attention, we believe that those raising the concerns are the ones who are in error.

First, we heard that concern was expressed relative to our position on HB 278, repealing criminal defamation. We made reference to a civil case *Nash v. Keene Publishing Corporation*, pointing out that the court held that statements of opinion rather than fact do not qualify as criminal defamation. While it is fair to question whether an opinion of the court in a civil case would have applicability in interpretation of criminal statute we stand by our opinion as it is one shared by the New Hampshire Attorney Generals office.

<http://doj.nh.gov/media-center/press-releases/2014/documents/20140212-report-levasseur-allegations.pdf>, page 11, footnote 2 which reads:

*Criminal Defamation, pursuant to RSA 644:11, criminalizes someone who purposely communicating to another person any information which a person knows to be false and knows will tend to expose any other living person to public hatred, contempt, or ridicule. Statements of opinion rather than fact do not qualify as defamation. See Nash v. Keene Publishing Corp., 127 N.H. 214 (1985).*

Next, on the house floor, a concern was expressed that the Gold Standard said "*If the Shurtleff amendment is passed you would not be allowed to transport a weapon from your vehicle into the State House*" — This is a mischaracterization of the bullet associated with the rule change. The Gold Standard did not make the claim that failed House rule 63 amendment would prohibit carrying firearms from vehicles into the State House. Specifically, what the bullet in question said was: "The rule change would have broader impact than the text implies as legislators would **effectively** be prohibited from carrying firearms from their vehicles into the state house prior to complying with the ill-defined training requirement." The burden of unholstering a weapon in a public building, storing it with House security and retrieving it at the end of the day does nothing to improve safety but it does increase the complexity for legislators wishing to carry.

We often ask legislators to be aware of the unintended consequences of legislation and in this case, it is clear that the failed rule change would have deterred some members from carrying at all. It is of course plausible that the legislator who raised this concern simply did not have time to fully read the bullets given the burden on his time in drafting the last minute rule change that many legislators saw for the first time on the day of the session.

The NHLA makes every effort to ensure the correctness of the Gold Standard and in this case, we stand by the bullets in question. We do not claim that we will never make an error and we would not call into question the credibility of legislators who make honest errors of their own while trying to advocate for their legislation.