



2010 Priorities for New Hampshire's Children **End of Session Report**

Creating and supporting the 2010 Priorities for New Hampshire's Children was a year-long effort that began last June when workgroups met in four issue areas to begin looking for legislative opportunities for the 2010 session. The workgroups met three more times each, into the fall of 2009, to engage in collaborative development of the Priorities. At the final fall workgroup meetings, proposed Priorities were vetted and recommended for adoption at the Annual Fall Children's Summit, where a lead Priority in each issue area was also chosen. These eleven Priorities were published in print and on the web. Priority Leaders presented the 2010 Children's Priorities to legislators at a January statehouse briefing. During the legislative session, NH CAN staff provided technical assistance to the Priority Leaders and their legislative sponsors, as well as engaging NH CAN Partners and others through weekly email updates. The final step in the process are the June workgroup sessions to review the outcomes, celebrate the successes and begin exploring opportunities for the 2011 legislative session.

ECONOMIC SECURITY

NH CAN works to ensure that all children will live in situations where they have economic resources for safe and affordable housing, sufficient and nutritious food, adequate transportation and other services necessary for their physical, social, emotional and cognitive development.

Lead Priority: Ensure TANF Funds Support Needy Children and Families

To ensure economic security for all children, NH CAN supported legislation to restrict the use of federal TANF funds to promote state-based TANF-related programs and activities, specifically those that support a safety net for children and help move adults from assistance to work.

Outcome: HB 1598, Relative to the use of TANF funds, was recommended ought-to-pass on a 20-0 vote of the House Health and Human Services Committee, passed by the House and then referred to the House Finance Committee. It came out of House Finance with a 21-4 inexpedient-to-legislate recommendation that was later upheld by the House. The bill faced opposition from the Department of Health and Human Services and concerns from the Finance Committee on its fiscal impact. Though the bill died, the efforts of Priority Leader MaryLou Beaver, of the Family Assistance Advisory Council, and Prime Sponsor Representative Tom Donovan, Claremont, increased awareness of the challenges facing the TANF program and its clients. HB 1598 was co-sponsored by Representatives Jim Pilliod, Belmont; Carla Skinder, Cornish and Barbara French, Henniker.

Priority: Provide Child Support Laws That Protect Children

- Current guidelines and laws provide limited guidance for the courts in determining child support for parents who share equal, or nearly equal, residential responsibility for a child. NH CAN supported legislation to change child support calculations for these families and legislation to increase the self support reserve, remove the cap on child care expenses and clarify the use of education and training needs as deductions from child care expenses.

Outcome: Four bills were introduced to implement these changes in child support law. Priority Leader Jack Lightfoot, Child and Family Services, coordinated work on these bills.

- HB 1491, Relative to child support and responsibility for extraordinary child-rearing expenses in cases of shared parenting, passed the House with amendment and was unexpectedly tabled at the last minute in the Senate, where it died. The bill with amendment defined equal or near equal residential responsibility and established a formula to calculate child support in these cases. Representative Carolyn Gargas, Hollis, was the bill's prime sponsor and it was co-sponsored by Representative Barbara Richardson, Richmond.

- HB 1197, Relative to child support in cases of shared parenting, took another approach to the same issues addressed in HB 1491 and was recommended 18-0 inexpedient-to-legislate by the House Children and Family Law Committee in favor of the approach adopted in HB 1491. The full House supported the committee's ITL recommendation. Representative David Bickford, New Durham, sponsored the bill.
- HB 1193, Relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to the implementation of the 2009 NH Support Guidelines Review and Recommendations, was signed into law by the Governor on May 7. The bill, with an amendment adopted in the House and passed in the Senate, removes the cap on allowable child care expenses used as a credit in calculating child support and expands the definition of "work-related" child care expenses to include education and training activities. The bill further creates a legislative oversight committee relative to the 2009 NH Child Support Guidelines review and recommendations. HB 1193 was sponsored by Representative Mary Stuart Gile, Concord.
- HB 1216, Relative to the amount of the self-support reserve in child support cases, was signed into law on May 19 by the Governor, after passing both the House and Senate. The bill was originally recommended inexpedient-to-legislate 9-7 by the House Children and Family Law Committee but a House floor fight over that recommendation resulted in the failure of the ITL motion and a 257-51 roll call vote in favor of ought-to-pass. The bill passed the Senate on a voice vote. Prime Sponsor Representative David Bickford, New Durham, led the effort to overturn the committee report. HB 1216 raises the amount a parent can "reserve" for self-support from 100% to 115% of the federal poverty guideline.

EDUCATION

NH CAN works to ensure that all children in New Hampshire participate in education programs from birth through early adulthood that are appropriate to their academic and social-emotional needs and promote their optimal growth and development.

Lead Priority: Reduce Bullying

To provide a quality education for all children, NH CAN supported changes to NH's "Pupil Safety and Violence Prevention Act" which would strengthen NH schools' responsibilities on bullying.

Outcome: HB 1523, Revising the pupil safety and violence prevention act, passed the House with an amendment and was further amended and passed by the Senate. The Senate's changes were concurred to by the House and the bill awaits the Governor's signature. Priority Leaders Malcolm Smith and Monica

Zulauf of the Family Education Collaborative worked closely with Prime Sponsor, Representative Donna Schlachman, Exeter, to accommodate concerns throughout the legislative process and create amendments that retain the bill's critical provisions and in many ways strengthen its impact. HB 1523 clarifies the definitions by describing all types of bullying and addresses the goal of preventing "hostile educational environments" in our schools. Cyberbullying is added to the statute; school districts are provided greater guidance to improve their policies and procedures for reporting, investigating, documenting and responding to incidents of bullying. It also requires training for school personnel, student and parents and directs the Department of Education to collect data on substantiated incidents of bullying. HB 1523 was co-sponsored by Representatives Judith Day, North Hampton; Jayne Spaulding, Bedford; Nancy Stiles, Hampton; Pam Price, Nashua and Senators Maggie Hassan and Molly Kelly.

Priority: Provide Consistent Education Funding for All Schools

NH CAN monitored legislative efforts to reduce or divert funding from public schools and maintain the legislatively adopted cost of an adequate education.

Outcome: Bills were introduced in both the House and Senate to extend the "collar" on adequacy payments to schools. Priority Leader Mark Joyce, of the NH School Administrators' Association, monitored these bills. The "collar", adopted as part of the passage of SB 539 in 2008, limited the amount any community could gain in aid to no more than 15% of the prior year and also held harmless communities that would lose aid under the new law. The "collar" is scheduled to sunset at the end of the current biennium, increasing aid to some communities and lowering aid to others. The Senate passed SB 465 to extend the collar by one year but the House amended the bill to delete this provision. The House also voted HB 1677 and HB 1674, which sought to extend the "collar", inexpedient-to-legislate.

SB 465, as amended by the House, would have established a joint House/Senate committee to study the sustainability of existing state funding for education. It would also allow those districts anticipating less adequacy aid in FY 2012 to carry forward an unreserved fund balance in FY 2010 and 2011. In a surprising move, the House refused to accede to the Senate's request for a committee of conference on the bill as amended by the House and the bill died.

Priority: Maintain Education Aid Programs

State categorical aid programs fund school construction, reimburse exceptional special education costs and support vocational education tuition and transportation. NH CAN monitored legislative efforts to reduce or divert funding for these critically important programs.

Outcome: Priority Leader Mark Joyce, of the NH School Administrators' Association, monitored bills calling for changes to categorical aid programs.

SB 486, Relative to the school building aid program, as introduced in the Senate called for a two year suspension of aid to new construction projects. The bill as amended and adopted by the House calls for a one year suspension, from June 30, 2010 through June 30, 2011. Both the House and Senate acted in response to the recent first time ever bonding of building aid by the state, a practice widely viewed as unsustainable and to the rising cost of the program. A study of funding and eligibility criteria for school building aid is already underway and the bill also makes minor changes to that study. Senator Molly Kelly was the Prime Sponsor of SB 486 and it was co-sponsored by Senators Harold Janeway and Lou D'Allesandro. The bill as adopted by the committee of conference implements a one year suspension in state aid for new projects. Passage of this bill marks a break in the long established state and local partnership on school construction.

Reductions were proposed to other categorical education aid programs as part of the overall effort to reduce the current biennium's deficit, estimated at nearly \$300 million. These changes were contained in SB 450 as amended by the House. The bill called for catastrophic special education aid to be cut by nearly \$4 million, reducing the state's reimbursement from the current 85% of eligible expenditures to 79% of current year entitlements. A cut of nearly twice this amount was contained in the Governor's originally proposed amendment to SB 450. This cut will impact on other areas of local budgets since these expenses cannot be modified or reduced as they are based on required programs currently being delivered to special education students. SB 450 also reduces state aid for vocational education tuition and transportation by just over \$600,000. A committee of conference on HB 1128, the House's budget reduction bill, also considered these cuts. Budget negotiations were at impasse as of this report.

HEALTH AND WELLNESS

NH CAN works to ensure that all children will receive quality physical, mental, behavioral, developmental and dental services that keep them free of preventable disease and sustain their health.

Lead Priority: Improve Children's Health Insurance

NH CAN supported study commission legislation to explore changes to NH Healthy Kids that would improve access to the program. Also, we sought to ensure that children who lose their Healthy Kids coverage can immediately enroll in their parents' employer-based private insurance.

Outcome: SB 436, Relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance, passed with amendment in the Senate and then passed the House with a further amendment. The Senate concurred with the House amendment and the bill awaits the Governor's signature. Priority Leader Lisa Kaplan Howe, NH Voices for Health,

worked with the bill's prime sponsor, Senator Gilmour, on the amendments which make small changes to the commission's membership. The bill was opposed by the Department of Health and Human Services as duplicative of their work but legislators agreed it is a good time to consider and plan for new approaches to put New Hampshire in a position to take advantage of future federal funding. The commission will explore additional options available to states through the federal CHIP Reauthorization Act of 2009. These include coverage for eligible pregnant women and newborns as well as a dental-only program for children with private health insurance but no dental coverage. The bill also extends the period for enrollment in employer sponsored coverage following loss of eligibility for Healthy Kids. SB 436 was co-sponsored by Senators Bob Odell; John Gallus; Betsy DeVries; Martha Fuller Clark and Representatives Larry Emerton, Goffstown; Cindy Rosenwald, Nashua; Alida Milham, Gilford; and Donna Schlachman, Exeter

Priority: Reduce the Risk of Childhood Obesity

With childhood obesity on the rise, NH CAN supported legislation to require that Body Mass Index (BMI) be assessed for children in grades 1,4,7, and 10, as one strategy to address the problem. This practice was recommended by a two year legislative commission on the issue.

Outcome: HB 1479, Requiring that body mass index be assessed in all pupils in grades 1,4,7, and 10, was recommend inexpedient-to-legislate by the House Education Committee, a recommendation upheld by the full House. The committee, supported by the House, felt measuring BMI should be a physician based practice in coordination with parents. The inability of the state to gather data from physicians was not considered compelling enough reason to mandate this practice in all schools at this time. Priority Leader Shawn LaFrance, of the Foundation for Healthy Communities, and Prime Sponsor Representative Joan Schulze, Nashua, will continue to explore strategies for reducing childhood obesity. The bill was co-sponsored by Representatives Nancy Stiles, Hampton; Barbara French, Henniker; Edith Hogan, Nashua; Jim Pilliod, Belmont; and Senator Maggie Hassan.

Priority: Increase Treatment of Autism Spectrum Disorders

The nearly one hundred New Hampshire children born each year and diagnosed with a form of autism can benefit from early intensive intervention but often do not receive the full range of recommended treatments. NH CAN supported legislation to clarify the current mental health parity law to cover these treatments.

Outcome: HB 569, Regarding insurance coverage requirements for diagnosis and treatment of autism spectrum disorders, was retained by the House Commerce and Consumer Affairs Committee from last session. The committee recommended ought-to-pass with amendment which was supported by the full House. When the bill reached the Senate it was further amended, an action later

concurrent with by the House. The bill as adopted codifies what will constitute compliance with required coverage of autism spectrum disorders under the mental health parity law. Coverage will include habilitative treatments, applied behavioral analysis, and behavioral, speech and occupational therapies in addition to currently covered treatments up to a cap of \$36,000 for children from birth - 12 years of age and up to \$27,000 for ages 13 – 21. The new law also contains provisions covering who may prescribe, the submission of treatment plans and the qualifications of those providing services. Priority Leader Kirsten Murphy, of the NH Council on Autism Spectrum Disorders, provided great leadership in the long journey of HB 569 and worked closely with Prime Sponsor, Representative Suzanne Butcher, Keene. The bill was co-sponsored by Representative Jill Hammond, Peterborough and Senators Maggie Hassan; Martha Fuller Clark; Molly Kelly; Kathy Sgambati; and Betty Lasky.

SAFETY AND WELL-BEING

NH CAN works to ensure the safety and well-being of all children. We believe that all children deserve the protection and supports they need to thrive from birth to adulthood.

Lead Priority: Monitor and Protect Essential Children's Services

With budget negotiations at impasse as of this report please see separate end-of-session Children's Budget Watch Report.

Priority: Lessen the Use of Restraints on Childrens Alliance of NH

There is a dangerous overuse and misuse of physical restraints on children, especially prone or face-down restraints that restrict a child's ability to breathe. To ensure safety for all children, NH CAN supported legislation aimed at reducing and reforming the statewide use of restraints.

Outcome: SB 396-FN, Limiting the use of child restraint practices in schools and treatment facilities, was passed with amendment by the Senate, and further amended by the House, whose changes the Senate then concurred with. The bill as adopted prohibits the use of dangerous restraint techniques that are known to cause injury or death, requires written policies, records and notice to parents and guardians and limits the use of handcuffs and similar devices during transport and court appearances to those instances when they are necessary for order and safety. The bill was strongly opposed by the Department of Health and Human Services, which maintained that the oversight responsibilities would require substantial resources. The adopted amendment specifies that DHHS, and the Department of Education, can establish a periodic review process.

Priority Leaders Mike Skibbie and Rebecca Whitley, of the Disabilities Rights Center, worked in coordination with Prime Sponsor, Senator Sgambati, to overcome this and other opposition and achieve final passage. The bill was co-sponsored by Senators Molly Kelly and Maggie Hassan, as well as Representatives Emma Rous, Durham; Judith Reeve, Laconia; Nancy Stiles, Hampton; and Liz Merry, Sanbornton.

Priority: Protect Children from Parental Abuse and Neglect

The courts, in deciding parental rights and responsibilities in cases where child abuse/neglect is alleged, have limited guidance in current statute and often perceive the parent who alleges abuse as uncooperative. For some families, this can put their child at risk of physical or sexual abuse. NH CAN supported legislation to create new judicial guidelines to provide protections for abused children in these cases.

Outcome: HB 1156, Relative to the determination of parental rights and responsibilities, was passed by the House with an amendment clarifying and updating some of the bill's language. The amended bill was then recommended for Interim Study by the Senate Judiciary Committee, a recommendation that was overturned on the Senate floor. The Senate then passed HB 1156 as amended by the House. The adopted bill provides protections for parents who make good-faith allegations of child abuse/neglect during court proceedings to determine parental rights and responsibilities. It keeps the focus on the best interest of the child by clarifying factors to be considered by the court. Priority Leader Jennifer Durant, of the NH Coalition Against Domestic and Sexual Violence, coordinated the testimony that was critical in achieving passage. The bill's prime sponsor, Representative Jayne Spaulding, Bedford, was supported by co-sponsor, Senator Sheila Roberge, who was instrumental in the Senate's passage of HB 1156. The bill was also co-sponsored by Representative Jane Johnson, Swanzey.