

JUN 17 2019

CRM Final Proposal No. 2019-5
Date Filed 6-17-19

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

7/15

Notice Number 2019-5 Rule Number Ed 1400

1. Agency Name & Address:

State Board of Education
c/o NH Department of Education
101 Pleasant Street
Concord, NH 03301

*Substantive comments on
attached sheets after the rules.*

2. RSA Authority:

RSA 193-E:2-a, V

3. Federal Authority:

4. Type of Action:

- ☒ Adopt
☐ Amendment
☐ Repeal
☐ Readoption
☐ Readoption w/amendment

5. Short Title: Learn Everywhere Program for High School Graduation Credit

6. Contact person for copies and questions:

Name: Amanda Phelps

Title: Administrative Rules
Coordinator

Address: Department of Education
101 Pleasant Street
Concord, NH 03301

Phone #: (603) 271-2718

7. Yes ☐ No ☐ Agency requests review by Committee legal staff in the Office of Legislative Services and delayed Committee review pursuant to RSA 541-A:12, I-a.

8. The rulemaking notice appeared in the Rulemaking Register on 1-10-19

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET
AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)**

9. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

10. Yes ☐ N/A ☒ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

11. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).

12. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

APPENDIX II-C (Continued)

RULEMAKING NOTICE FORM - Page 2

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

| | | | |
|----------|--------------------------------|-----------------|--|
| Name: | Amanda Phelps | Title: | Administrative Rules Coordinator |
| Address: | Department of Education | Phone #: | (603) 271-2718 |
| | 101 Pleasant Street | Fax#: | (603) 271-4134 |
| | Concord, NH 03301 | E-mail: | amanda.phelps@doe.nh.gov |
| | | TTY/TDD Access: | Relay NH 1-800-735-2964 or dial 711 (in NH) |

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 20, 2019**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **February 14, 2019 at 9:30 a.m.**
Place: **Department of Education, State Board Room, 101 Pleasant Street, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 18:226, dated 01/02/19

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the political subdivisions of the state. These rules provide the procedures for program approval for any for-profit or non-profit entity that wishes to offer credit for high school graduation, however no entity is required to seek approval. There is therefore no violation of Part I, Article 28-a.

Fiscal Impact Statement for State Board of Education rules governing Learn Everywhere Program.
[Ed 1400]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable, since these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

Note to JLCAR: Additional staff comments are attached after the rule text. Public testimony can be found in a separate attachment.

Adopt Ed 1400 to read as follows:

CHAPTER Ed 1400 LEARN EVERYWHERE PROGRAM FOR HIGH SCHOOL GRADUATION CREDIT

PART Ed 1401 PURPOSE AND SCOPE

Ed 1401.01 Purpose. Part Ed 1401 through Part Ed 1407 provide rules of procedure to ensure uniform application of RSA 193-E:2-a, V(b) relative to the approval of alternative programs for granting credit leading to graduation, referred to as learn everywhere programs. The commissioner shall develop and implement this program in conjunction with the state board of education.

Ed 1401.02 Scope.

(a) These rules shall apply to any for-profit or non-profit entity that offers an educational program, consistent with these rules, that meets the minimum standards for approval to grant credit leading to graduation.

(b) These rules shall apply to students, emancipated minors, or students with disabilities in accordance with their individualized education program (IEP) as determined by the IEP team.

(c) Approved learn everywhere programs shall result in certificates that lead to high school graduation credit or that assist a student in making progress towards one or more of the student's annual goals or appropriate measurable postsecondary goals as set forth in the student's IEP and determined by the IEP team.

(d) These rules shall apply to all school districts or local education agencies (LEAs).

PART Ed 1402 DEFINITIONS

Ed 1402.01 Definitions.

(a) "Commissioner" means the commissioner of the department of education.

(b) "Competency" means the expected content, concepts, and skills to be mastered in a course.

(b) "Department" means the department of education.

(c) "Individualized education program (IEP)" means "individualized education program" as defined in 34 CFR 300.22 and which meets the requirements in Ed 1109.

(d) "Learn everywhere program" means a state board approved alternative program for granting credit leading to graduation.

(e) "Local education agency (LEA)" means "local education agency" as defined in 34 CFR 300.28.

(f) "OAPL" means the office of academics and professional learning at the department of education.

Edit: "Office of academics and professional learning (OAPL)"

(g) “Program” means a sequence of instruction over a period of time, which meets the competencies of a subject or subjects listed in Ed 306.27(t) resulting in a granting of credit leading to high school graduation.

(h) “School” means a New Hampshire public school, public academy, or chartered public school that contains any of the grades 9 through 12.

(i) “State board” means the New Hampshire state board of education.

PART Ed 1403 PROGRAM APPROVAL

Edit: “described”

Ed 1403.01 Initial Application Requirements.

(a) An applicant, as defined in Ed 1401.02(a), seeking state board approval for an alternative program shall complete and submit the “Application for Learn Everywhere Program” March 2019 edition, to the department for review, and include:

- (1) The sponsoring organization’s purpose, mission statement, or both;
- (2) The name and contact information of the individual responsible for oversight and administration of the program for which approval is sought;
- (3) A description of demonstrated qualifications and a statement assuring that the instructor satisfies those qualifications, which shall not be construed to imply that instructors require a New Hampshire educator license; and
- (4) A criminal history records check policy that includes a statement affirming that the sponsoring entity shall not allow instruction or student contact by a person who has been charged pending disposition for, or convicted of any violation or attempted violation of any of the offenses as outlined in RSA 189:13-a, V pursuant to a criminal history records check conducted by the department of safety as outlined in Saf-C 5703.06 through Saf-C 5703.11.

(b) In addition to the application requirements outlined in 1403.01a), an applicant shall also submit:

Edit: Insert parenthesis

(1) In the area of instructional program:

- a. Identification of the education, program, or opportunity from Ed 306.27(t) for which students completing the learn everywhere program shall receive high school credit(s);
- b. An outline of each program for which approval is sought, which includes goals, competencies, and a description of expected student outcomes;
- c. A plan for recording student progress in meeting expected student outcomes; and
- d. A description of assessments of student learning outcomes, including, but not limited to:

1. Instructor observation of project-based learning, including off-site learning projects;
2. Competency-based or performance based assessments;
3. Instructor observations of student performance;
4. Project evaluation rubrics used to evaluate program proficiencies; and
5. Other assessment approaches as determined by the learn everywhere program;

(2) In the area of admission:

- a. A description of methods for admission which shall not be designed, intended, or used to discriminate or violate individual civil rights in any manner prohibited by law;
- b. A description of how the program will liaison with the local education agency (LEA) for students with an education plan pursuant to section 504 of the Rehabilitation Act;
- c. A description of how the program will liaison with the LEA for a student with disabilities, consistent with the student's IEP to include, but not be limited to coordinating:
 1. Required special education programs;
 2. Support services; and
 3. Least restrictive environment; and
- d. A statement that the program understands that it has certain responsibilities, pursuant to Section 504 of the Rehabilitation Act, if it receives Federal funds, or the Americans with Disabilities Act, as amended, to provide students with disabilities with equal access and equal opportunities to participate in the learn everywhere program, including by providing the student with reasonable accommodations;

(3) In the area of minimum standards:

- a. A description of how the program meets the minimum standards for graduation credit for the program as referenced in Ed 306.31 through Ed 306.48;
- b. Number of credits the program will fulfill; and
- c. A competency-based grading description;

(4) In the area of facilities:

- a. A description of facilities to be used for educational instruction and a description of how the facilities will meet the priorities of the program;
- b. A statement affirming that the facilities shall comply with all applicable federal and state health and safety laws, rules, and regulations, including, but not limited to the following:
 1. Fire safety; and
 2. Barrier-free access under Abfd 300, code for barrier-free design, and the Americans with Disabilities Act of 1990(ADA), as amended by the ADA Amendments Act of 2008; and
- c. Participation in the learn everywhere program shall not require facility requirements not otherwise required by state or federal law; and

(5) In the area of insurance:

- a. Proof of insurance for protection of children in care and in amounts as recommended by the program's insurance provider, which provider shall be licensed to do business in the state of New Hampshire and which the department shall be an additional named insured so as to receive notice of policy changes or cancellations;

Edit: "the parent/legal guardian of, or the emancipated student, ____/____"

- b. A policy for signature of parents or legal guardians of students, or emancipated minors, referred by an LEA to an approved Learn Everywhere program, which states "I (the parent/legal guardian of ____/____, an emancipated student,) covenant and agree at all times to indemnify and hold harmless the (school district), their school boards, officers, directors, agents, employees, all funding districts and sources, and their successors and assigns, (the "indemnified parties") from any and all claims, demands, actions and causes of action, whether in law or in equity, and all damages, costs, losses, and expenses, including but not limited to reasonable attorneys' fees and legal costs, for any action or inaction of the state approved Learn Everywhere program, its board, officers, employees, agents, representatives, contractors, guests and invitees, or pupils."

Ed 1403.02 Review by Department of Application for State Board Approval.

(a) Upon receipt of an application, the department shall form an ad hoc learn everywhere program approval committee comprised of the following members appointed by the commissioner or designee:

(1) From the department:

- a. The administrator of the office of academics and professional learning (OAPL), or designee, who shall serve as chair of the committee;
- b. Department representatives with content area expertise, curriculum competency expertise, or both;

(2) Additional members, whose reasonable availability shall not interfere with the timely review of the application pursuant to RSA 541-A:29:

Edit: "including"

- a. A representative from the extended learning opportunity network; and
- b. No less than 1 and no more than 2 New Hampshire state board licensed educators licensed in the content area enumerated on the application, where at least one shall be currently teaching in that content area in a school, as defined in Ed 1402.01(h).

(b) Pursuant to RSA 541-A:29, the department shall review the application submitted for state board approval within 30 business days of receiving the application to verify completeness and:

- (1) If the application is incomplete, shall notify the applicant by email of the requirements for completion; and
- (2) If the application is complete, shall notify the applicant by email that the application is received and complete.

Edit: "the applicant during the"

(c) The department shall provide support to the application process.

(d) The learn everywhere program approval committee shall convene and shall evaluate the completed application for review by the board using the following criteria:

- (1) The purpose or mission statements express a clear and focused purpose for the program that supports student learning;
- (2) The description of the facilities includes sufficient detail to indicate that priorities will focus on a facility that is appropriate for the activities and students to be served;
- (3) The program outline being proposed aligns with the selected Ed 306.27(t) subject and the subject program as outlined in Ed 306.31 through Ed 306.48;
- (4) There are educational goals, competencies, and methods for assessment that will be used to measure student progress toward meeting program goals and competencies;
- (5) An adequate description is provided for staff member qualifications;
- (6) Verification of a criminal background check policy and an assurance that it will be disclosed to parents upon enrollment; and
- (7) A description of how the program will meet individual student needs and to ensure that the program meets the requirements of Ed 1403.01(b)(2)b.

(e) Pursuant to RSA 541-A:29, within 60 days of the notification of a completed application, the department shall notify the applicant in writing of the date and time of the meeting where the application will be discussed and voted on by the state board.

(f) The administrator of OAPL shall submit the evaluation report to the commissioner who shall submit such report and a recommendation to the state board along with the application materials for review.

Ed 1403.03 State Board Approval.

(a) The review of applications shall be an item on the agenda of a regularly-scheduled state board meeting.

(b) The state board shall approve, conditionally approve, or deny the application and notify the applicant in writing of its decision.

(c) The state board shall approve the application, after reviewing the application and the department's evaluation under Ed 1403.02, if it determines the application is in compliance with Ed 1403.01.

(d) If the application is not in compliance with the standards referenced in Ed 1403.03(c), the application shall be conditionally approved if the state board determines that the remaining issues can be addressed in a timeframe not to exceed 90 days from notification by the state board, otherwise the application shall be denied.

(e) If the state board Edit: Remove extra spaces.

Conditionally approves an application, the state board shall include in the notification:

Edit: lowercase

(1) A written explanation of the reasons for conditional approval;

(2) The conditions the applicant shall meet for final approval; ~~and~~

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(3) The deadline for submission of the conditional approval response; and

(4) The consequence for failure to comply with the conditional approval requirements.

(f) If the state board denies an application, the state board shall include in the notification:

(1) A written explanation of the reasons for the denial;

(2) The areas deemed deficient by the state board; and

(3) An explanation that the applicant may reapply for approval at any time.

(g) When the state board receives the conditional approval response from the applicant, the state board shall review the response at the next regularly scheduled state board meeting for discussion and vote and shall notify the applicant in writing of either a final approval, conditional approval, or a denial of the application.

(h) The applicant may appeal a denial or conditional approval by the state board in accordance with Ed 213.

Ed 1403.04 Renewal of an Alternative Program for High School Graduation Credit.

(a) 90 days prior to the expiration of a provisional ~~license~~ approval, or a full approval, an applicant seeking renewal of a learn everywhere program approval shall complete and submit the "Application for Learn Everywhere Program" March 2019 to the department along with the following:

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Edit: ", pursuant to Ed 1404.01(a),"

Edit: ", pursuant to Ed 1404.01(b),"

(1) A statement signed by the sponsor entity stating that there have been no changes to any of the programs or documentation required, as outlined in Ed 1403.01, since the previous application period; or

(2) A statement signed by the sponsor entity stating there have been changes to one or more approved programs, a list of the changes, and supporting documentation as outlined in Ed 1403.01.

(b) Upon receipt of a renewal application, the department shall follow the review procedures as outlined in Ed 1403.02.

(c) The state board shall consider renewal applications following the procedures outlined in Ed 1403.03.

(d) The state board shall not issue a renewal of a one-year provisional approval without reviewing all evaluations received pursuant to 1407.01.

Ed 1403.05 Changes to Application Information. Any changes to any of the information enumerated in Ed 1403.01 shall be submitted in writing to the department for review and shall be submitted to the state board following the procedures enumerated in Ed 1403.03.

PART Ed 1404 PROGRAM APPROVAL, REVOCATION, AND WITHDRAWAL

Ed 1404.01 State Board Approval.

(a) If the state board approves an initial application or a conditional approval of an initial application for establishing an alternative program for high school graduation credit, the state board shall issue a 1-year provisional approval, which can be renewed following the procedures outlined in Ed 1403.04.

(b) If the state board approves a renewal application or a conditional approval of a renewal application for an alternative program for high school graduation credit, the state board shall issue a 5-year approval, which may be renewed every 5 years following the procedures outlined in Ed 1403.04.

(c) If the state board conditionally approves a renewal application for a learn everywhere program, the state board shall issue a conditional approval, not to exceed 180 days, with a specific deadline for conditions to be met.

(d) A list of approved learn everywhere programs and their approval status shall be maintained on the department's website.

PART Ed 1405 REPORTING REQUIREMENTS

Ed 1405.01 Alternative Program for High School Graduation Credit Reporting Requirements. Each approved program shall annually, in September, submit to the state board a report which shall include, at a minimum, the following:

Edit: delete

(a) A brief statement explaining how the program is meeting the goals of its mission statement; and

Edit: "The number"

- (b) Number of students enrolled in the program and the number of students awarded certificates leading to high school credits for the previous school year.

PART Ed 1406 STUDENT ENROLLMENT REQUIREMENTS

Ed 1406.01 Responsibility of the LEA.

(a) If a child with an IEP notifies the school of his or her intent to participate in a learn everywhere program, the LEA shall:

- (1) Follow the procedures enumerated in Ed 1109.03(h) and 34 CFR 300.324 to schedule an IEP team meeting; and
- (2) If requested by the child's parent or member of the IEP team, invite a representative from the learn everywhere program to attend the IEP team meeting.

(b) If the IEP team decides to redraft, revise, amend, or modify the IEP, the IEP team shall:

- (1) Determine what, if any, special education, related services, supplementary aids and services, accommodations, and modifications the student needs to participate in the program; and
- (2) Be responsible for providing the student with the special education, related services, supplementary aids and services, accommodations, and modifications the IEP team has determined the student needs pursuant to (1) above.

(c) The IEP team may decide not to redraft, revise, amend, or modify the IEP for reasons including, but not limited to:

- (1) The program would not assist the student in making progress towards one or more of the student's annual goals or appropriate measurable postsecondary goals in the student's IEP, regardless of whether the program will result in the student earning a high school credit;

Edit: "The program is"

- (2) Is not necessary for the student to receive a free appropriate public education (FAPE); or

Edit: "The program is not"

- (3) Not be safe for the student, even if the student were provided with special education, related services, accommodations, and other supports and services.

(d) If a student's parent disagrees with the determination of the IEP team regarding the student's placement in a learn everywhere program, the parent may follow the procedures outlined in Ed 1121 through Ed 1123 regarding complaints, alternative resolutions, and due process hearings.

PART Ed 1407 PROGRAM COMPLETION CERTIFICATES AND ISSUING CREDIT

Ed 1407.01 Program Completion Certificates.

(a) Within 30 days of a student's successful completion of a program and submission of a learn everywhere program evaluation, a completion certificate shall be issued to the student.

(b) Certificates shall be signed by the person designated in Ed 1403.01(a)(2) and the instructor(s) of the program.

(c) Certificates shall contain course identification and credit information, including, but not limited to:

- (1) Course title;
- (2) Course minimum standard alignment as indicated in Ed 1403.01(b)(3);
- (3) Number of credits awarded; and
- (4) Either:
 - a. “Mastery” to indicate completion of the program having met or substantially met all competencies which results in a granting of credit; or
 - b. “Pass” to indicate the program was completed at a level that shows growth toward one or more of a student’s annual or appropriate measurable post-secondary goals in accordance with an IEP, which does not result in the granting of credit.

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Ed 14067.02 Issuing Credit for Graduation.

See "Additional Staff Comments" attached after the rule text.

(a) Schools shall accept at least 1/3, and may accept as much as 100 percent if approved by the superintendent, of the total number of credits required for high school graduation, if requested by a student pursuant to (c) below.

(b) Approved New Hampshire schools shall grant students with valid completion certificates from approved learn everywhere programs high school credit leading to graduation in the area enumerated on the certificate. Credits earned from learn everywhere programs shall appear on high school transcripts but shall not negatively affect the student’s grade point average.

(c) The student shall submit the completion certificate to the high school where they wish to be granted credit, or they shall not receive credit.

(d) Program completion certificates earned by students while not enrolled in a school, as defined in Ed 1402.01(h), shall only be granted credit if approved by the school superintendent.

PART 1408 DEPARTMENT MONITORING OF APPROVED LEARN EVERYWHERE PROGRAMS

Ed 1408.01 Monitoring.

(a) To determine if all standards are met as specified in the application and approval and as specified in Ed 1403.01 each approved learn everywhere program shall be reviewed and have an on-site monitoring visit conducted by OAPL as follows:

- (1) One on-site visit during the one-year provisional approval; and

(2) At the discretion of the department any time during any approval period.

(b) OAPL shall issue a written report of findings to the monitored program indicating compliance or noncompliance with statutes and rules relative to all programmatic components of the approved learn everywhere program to the commissioner.

(c) The commissioner shall submit the report of findings to the state board no later than 30 days after receiving the report.

(d) If the state board determines from the report that the program is not being implemented as approved, the department shall initiate an investigation as outlined in Ed 1409.

PART Ed 1409 COMPLAINTS, REVOCATION, AND WITHDRAWAL

Ed 1409.01 Complaints and Investigations.

(a) Complaints shall be submitted in writing to the department under one or more of the following circumstances:

- (1) The program commits a material violation of any of the conditions, standards, or procedures set forth in its application;
- (2) The program or sponsor organization knowingly violates Ed 1403.01(a)(4);
- (3) The program or sponsor organization fails to disclose or violates its disclosed criminal history records check policy;
- (4) The program or sponsor organization makes a material misrepresentation in its application;
- (5) The program or sponsor organization becomes insolvent; or
- (6) The program is found to be in violation of any law that undermines the purpose of the program.

(b) All complaints shall be investigated, and, upon receipt of the complaint, the department shall notify the program and sponsor organization within 15 days of receipt of the complaint that an investigation has been opened.

(c) After completion of an investigation, the department shall present its findings to the state board of education at the next regularly scheduled state board meeting.

(d) If the board determines that the program or sponsor organization has not met one or more of the circumstances enumerated in Ed 1407.01(a) the program or sponsor organization shall be notified in writing within 10 days of the board's finding.

Edit: "9"

Ed 1408.02 Suspension, Revocation, and Withdrawal.

(a) The department may immediately suspend a program approval if the department finds that public health, safety, or welfare requires emergency action and incorporates a finding to that effect, pursuant to RSA 541-A:30, III.

Edit: "9"

(b) The state board shall revoke a program approval prior to the expiration of its term if the board determines that the program meets any of the circumstances outlined in Ed 1407.01(a), and shall notify the program or sponsor organization in writing within 10 days of the board's determination.

(c) The state board may place a program on probationary status for up to one year if the board determines that the complaint can be addressed with the implementation of a remedial plan, after which, if the plan is unsuccessful, the program approval shall be revoked.

(d) A program or sponsor organization may appeal the board's decision pursuant to Ed 213.

Appendix I

| Rule | Statute |
|---------|---------------------|
| Ed 1400 | RSA 193-E:2-a, V(b) |

**ADDITIONAL STAFF COMMENTS
TO FINAL PROPOSAL 2019-5
re: Legislative Intent and Public Interest**

Legis. Intent Regarding Ed 1407.02(a):

Ed 1407.02(a), seen on p. 9 above, requires that a school grant credit earned through a Learn Everywhere Program for up to 1/3 of the graduation credits needed, if requested by a student. This may be contrary to legislative intent because RSA 193-E, when read in its entirety, appears to imply that only the school boards have the power to set curriculum and thus award credit to students. (See Attachment p. 4-6).

Violation of a Specific Statute - JLCAR Rule 402.02(a):

RSA 193-E:2-a, V(a) reads: "...Each school district shall be responsible for maintaining, updating improving and refining curriculum. The curriculum shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the minimum standards for public school approval for each area of education identified in [the minimum standards set by the Board]. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used." (See Attachment p. 5).

RSA 193-E:2-a, V(b) reads: "The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the approval of alternative programs for granting credit leading to graduation." (See Attachment p. 5 and SB 435 (Chapter 224), Attachment p. 13-15).

It is presumed that the legislature would not create a law that contradicts an existing law without explicitly stating its intent to do so. Paragraph V(b) follows directly after paragraph V(a) and was added to section V of RSA 193-E:2-a in 2018. It could be inferred that the legislative intent was to allow the Board to adopt rules to approve alternative programs, but that in doing so it would not eliminate the school boards' authority to approve the program, and thereby the curriculum, that would lead to the granting of credit. Therefore, Ed 1407.02(a) may be contrary to legislative intent by violating RSA 193-E:2-a V(a).

Violation of a Statutory Purpose Clause - JLCAR Rule 402.01(b):

Further, RSA 193-E:1, II states the purpose of the statute is to create a bifurcated system where the state establishes minimum standards and the local school districts implement those standards through a diverse range of curriculum. Thus, mandating that a school grant credit when it has had no say in approving the curriculum of the course or program for which credit is being granted may be contrary to the legislative intent of RSA 193-E by violating a statutory purpose. (See Attachment p. 4).

Violation of the Overall Purpose of a Statute - JLCAR Rule 402.01(c):

A review of the legislative history (see Attachment p. 13-25) seems to support the theory that the proposed rule may be contrary to legislative intent by violating the overall purpose of RSA 193-E. The legislative history of RSA 193-E:2-a, V(b) is brief, but it could be interpreted as showing a legislative intent in favor of school boards having the final say on the granting of credit. The public hearing notes for the House Committee on Education state that Commissioner Edelbut of the Department of Education discussed the following (see Attachment p. 27):

- "Possibly educator advisor groups with links to businesses.

- Who and how credit granting to be done would be done via State BOE rule making.
- DOE would develop rubrics around a program ... and what competencies would be mastered."

The Senate Education Committee notes state the following (see Attachment p. 34-35):

- "Senator Reagan asked who currently approves the credit for such programs. Commissioner Edelblut explained that the state would draw up a rubric and be able to delegate the implementation of this to the Department, who would then publish these opportunities." and
- Mr. Kevin Flynn of the BIA testified that his organization was in support of the legislation because "this legislation encourages districts to come up with learning opportunities and to make them a priority."

None of the written legislative history clearly states who would be granting the credit earned through a Learn Everywhere Program. But, the legislative history also does not indicate an intent that school districts would lose their authority under RSA 193-E:2-a, V(a) to have the final say on the granting of credit.

Conclusion:

If JLCAR concludes that Ed 1407.02(a) is contrary to legislative intent pursuant to JLCAR Rule 402.01(b) & (c), Violation of Statutory Purpose, or JLCAR Rule 402.02(a), Violation of a Specific Statute or Regulation, then JLCAR **may** issue a preliminary objection under RSA 541-A:13, IV(b). (See Attachment p. 7 and 10).

Public Interest Regarding Ed 1400:

Consideration of Public Comment - JLCAR Rule 403.01(a)(3)

One other issue that was raised during the OLS review process of this proposed rule was whether all who wished to comment were allowed to testify or submit testimony during the public hearing for this proposed rule on February 14, 2019. **OLS staff has not found evidence that the Board did not accept testimony or fully consider testimony.** However, there is a comment in the Board's meeting minutes for the Board's May 8, 2019 meeting which states: "Ms. Honorow stated she is still concerned about whether or not Superintendent Cascadden's concerns about competencies have been addressed **as well as concern that others might have been denied an opportunity to provide input.**" (See Attachment p. 120). It is unclear if this comment was referring to the February 14, 2019 public hearing or not.

Conclusion:

JLCAR may wish to ask whether all were allowed to testify or submit testimony for the February 14, 2019 public hearing and whether all testimony was fully considered as required by RSA 541-A:12, I. If JLCAR concludes that all persons were not allowed to testify at the public hearing or that the public comments were not fully considered pursuant to JLCAR Rule 403.01(a)(3), Responsiveness, then it **may** issue a preliminary objection under RSA 541-A:13, IV(c). (See Attachment p. 7 and 11-12).

Conflict with Existing Rules - JLCAR Rule 403.02(b)(2):

Ed 306.02(i) defines "extended learning" to mean "the primary acquisition of knowledge and skills through instruction or study outside of the traditional classroom methodology, including, but not limited, to:

- (1) Independent study;
- (2) Private instruction;
- (3) Performing groups;

- (4) Internships;
- (5) Community service;
- (6) Apprenticeships; and
- (7) Online courses". (See Attachment p. 156).

Proposed Ed 1402.01(d) defines "learn everywhere program" to mean "a state board approved alternative education program for granting credit leading to graduation." (See proposed rule text p. 1).

Ed 306.04(a)(14) reads: "...the local school board shall adopt and implement written policies and procedures relative to...(14) [p]roviding alternative means of demonstrating achievement of identified graduation competencies toward the awarding of a credit for a high school diploma or equivalent such as extended learning opportunities, career and technical education courses, and distance education no later than July 1, 2015 to meet the requirements of RSA 193:1, (h)". (See Attachment p. 158).

Ed 306.04(a)(15) reads: "...the local school board shall adopt and implement written policies and procedures relative to...(15) [h]ow a credit can be earned, as provided in Ed 306.27(e)". (See Attachment p. 158).

Ed 306.27(e) reads: "The local school board shall require that graduation be based on mastery of required graduation competencies as demonstrated through the accumulation of credits as outlined in Table 306-3 and by a certified educator. Each high school shall determine how completion of a classroom course, career and technical education courses, independent study, distance learning course, or extended learning opportunity can support student achievement and demonstration of district or graduation competencies." (See Attachment p. 164).

(**Note:** Both Ed 306.04 and Ed 306.27 are being amended by Final Proposal 2019-57, also currently before JLCAR. However, the relevant sections here have **not** been amended by FP 2019-57.)

It appears that Final Proposal 2019-5 **may** conflict with the existing rules regarding extended learning opportunities, because the definitions of "extended learning opportunities" and "learn everywhere program" do not appear to be mutually exclusive and could overlap. Ed 306.27(e) requires a school to "determine how completion of a[n]...extended learning opportunity can...demonstrat[e]...district or graduation competencies" for the purpose of determining "[how] a credit can be earned", pursuant to Ed 306.04(a)(15). Proposed Ed 1407.02(a) would require a school to take up to 1/3 of the credit asked for without the opportunity to determine if the district or graduation competencies have been met. (See proposed rule text p. 9). This conflict would create a situation where a school would be required to both approve a credit and also accept that same credit without approval.

Conclusion:

If JLCAR concludes that the proposed rule Ed 1400 conflicts with existing rule Ed 306 pursuant to JLCAR Rule 403.02(b)(2), and therefore cannot be uniformly applied, then JLCAR **may** issue a preliminary objection under RSA 541-A:13, IV(c). (See Attachment p. 7 and 12).

Note to JLCAR on Legislative History:

JLCAR Rule 402.01(c) allows for only the written legislative history to be evaluated in determining legislative intent of a statute. However, JLCAR staff did review two other sources to determine if there was a clear legislative intent.

From the audio recording of the last Senate hearing regarding this legislation on March 20, 2018, it appears that all of the discussion about the new Learn Everywhere Programs took place within the context of current alternative learning programs that allow for the individual schools to decide whether or not to accept the credit for these programs. Therefore, it is possible that the original legislative intent was that the schools/school boards would be allowed the final say in whether to accept credit for curriculum completed in an alternative program that took place outside of the school environment.

This intent is further supported by a letter to the Board of Education dated June 10, 2019 from Senator Kahn, Chair of the Senate Education and Workforce Development Committee, Representative Myler, Chair of the House Education Committee, and Representative Luneau, Vice Chair of the House Education Committee. (See Attachment p. 36-37). This letter lays out the reasons that these legislators felt that the intent of the legislature was not being upheld by the proposed rule and points to SB 140 of the 2019 legislative session as a reaction to the Board's apparent interpretation of RSA 193-E:2-a, V(b).

SB 140 was passed by both the House and the Senate but was vetoed by the Governor on July 10, 2019. (See Attachment p. 38-41). This means that it will not become law at this time. However, it also supports the legislative intent discussed above because this bill would have clarified the original intent by changing RSA 193-E:2-a, V(b) to read: "Each local school board shall determine whether to grant academic credit for alternative, extended learning, and work-based programs."

(Contained in the Attachments are all of the Board of Education meeting minutes which contain discussion of the Learn Everywhere Program, including the draft meeting minutes for the June 13, 2019 meeting when the Final Proposal Text was voted on. The final version of the June 13, 2019 meeting minutes was voted on by the Board on July 11, 2019. As of July 15, 2019 only the draft meeting minutes were available to JLCAR staff. See Attachment p. 42-154.)

**Application for Learn Everywhere Program
for High School Graduation Credit
Cover Form**

Fully complete the following sections and attach the required additional supporting documentation to this cover form. Incomplete applications or applications missing information will be returned.

| Contact Information |
|---|
| 1. Name of Organization: |
| 2. Name of Individual Program Contact: |
| 3. Physical Address: |
| 4. Mailing Address (if different from above): |
| 5. Phone Number: |
| 6. Fax Number: |
| 7. Email Address: |
| 8. Organization Purpose: |
| 9. Organization Mission: |

Edit: Insert revision date.

Instructions for Applying for Approval as a Learn Everywhere Program

Completed application packets are reviewed by a team under the direction of the Office of Academics and Professional Learning within the Bureau of Instructional Support prior to being sent to the State Board of Education for review. Incomplete applications or applications with missing supporting documentation will be returned.

Process:

1. Download an Application Cover Form from <http://www.education.nh.gov>
2. Complete the Application Cover Form and submit with all required supporting documentation (see below, step 3) to the Office of Academics and Professional Learning at the following address:

Attn: Tamara Feener
Office of Academics and Professional Learning
NH Department of Education
101 Pleasant Street
Concord, NH 03301

3. Attachments – Attach sufficient documentation to the application cover form to address each of the following requirements:
 - a. An introduction letter briefly stating the history of the organization and the intent of the program to be offered.
 - b. A description of demonstrated qualifications to instruct and a statement assuring that the instructor meets those requirements, which shall not be construed to imply that instructors require a New Hampshire educator license.
 - c. A criminal history records check policy that includes a statement affirming that the sponsoring entity shall not allow instruction by a person who has been charged pending disposition for, or convicted of any violation or attempted violation of any of the offenses as outline in RSA 189:13-a, V pursuant to a criminal history records check conducted by the department of safety as outlined in Saf-C 5703.06 through Saf-C 5703.11.
 - d. An outline of the instruction program to be offered, including
 - i. Identification of the program from Ed 306.31 through Ed 306.48 for which students completing the course subject will receive high school credit(s)
 - ii. An outline of each program for which approval is sought, which includes goals and a description of expected student outcomes
 - iii. A plan for recording student progress in meeting expected student outcomes
 - iv. A description of how students will be assessed to determine that they have met the program requirements
 - v. A description of the system for awarding grades to students, including but not limited to pass/fail, letter grade system, competency-based number system (4-1).
 - e. An outline of the admission requirements, including:
 - i. A description of methods for admission which shall not be designed, intended, or used to discriminate or violate individual civil rights in any manner prohibited by law

- ii. A policy that describes how the program will coordinate with local education agency (LEA) for students with an education plan pursuant to section 504 of the rehabilitation act, an individual education plan (IEP), or both, for matters pertaining to any required special education programs, support services, or both, including methods of compliance with all federal and state laws pertaining to children with disabilities
- f. An outline of the minimum standards, including:
 - i. A description of how the program meets the minimum standards for graduation credit for the program as referenced in Ed 306.31 through Ed 306.48
 - ii. Number of credits the program will fulfill
- g. A description of the program facilities, including:
 - i. A description of facilities to be used for educational instructional and a description of how the facilities will meet the priorities of the program
 - ii. If applicable, a statement affirming that the facilities shall comply with all federal and state health and safety laws, rules, and regulations, including but not limited to the following (noting that the participation in this program shall not construe additional facility requirements not otherwise required by state or federal law:
 - 1. Fire-safety; and
 - 2. Barrier-free access under Abfd 300 and the Americans with Disabilities Act of 1990(ADA), as amended by the ADA Amendments Act of 2008.

TITLE XV EDUCATION

CHAPTER 193-E ADEQUATE PUBLIC EDUCATION

Section 193-E:1

★ 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 minimum standards for public school approval, the state-established academic standards, and school district or school curriculum.

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 an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes minimum standards for public school approval and academic standards for inclusion and delivery of educational services at the local level. School districts then have responsibility and flexibility in implementing diverse educational approaches to instruction and curriculum tailored to meet student needs.

Source. 1998, 389:1. 2005, 257:15. 2007, 270:3. 2016, 84:6, eff. July 18, 2016.

Section 193-E:2

193-E:2 Criteria for an Adequate Education. –

An 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.

Source. 1998, 389:1. 2005, 257:15. 2007, 270:3, eff. June 29, 2007.

Section 193-E:2-a

★ 193-E:2-a Substantive Educational Content of an Adequate Education. –

I. Beginning in the school year 2008-2009, the specific criteria and substantive educational program that deliver the opportunity for an adequate education shall be defined and identified as the school approval standards in the

following areas:

- (a) English/language arts and reading.
- (b) Mathematics.
- (c) Science.
- (d) Social studies.
- (e) Arts education.
- (f) World languages.
- (g) Health education.
- (h) Physical education.
- (i) Engineering and technologies.
- (j) Computer science and digital literacy.

II. The standards shall cover kindergarten through twelfth grade and shall clearly set forth the opportunities to acquire the communication, analytical and research skills and competencies, as well as the substantive knowledge expected to be possessed by students at the various grade levels, including the credit requirement necessary to earn a high school diploma.

II-a. Instruction in support of kindergarten standards shall be engaging and shall foster children's development and learning in all domains including physical, social, cognitive, and language. Educators shall create a learning environment that facilitates high quality, child-directed experiences based upon early childhood best teaching practices and play-based learning that comprise movement, creative expression, exploration, socialization, and music. Educators shall develop literacy through guided reading and shall provide unstructured time for the discovery of each child's individual talents, abilities, and needs.

III. Public schools and public academies shall adhere to the standards identified in paragraph I.

IV. (a) The minimum standards for public school approval for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education. The general court shall periodically, but not less frequently than every 10 years, review, revise, and update, as necessary, the minimum standards identified in paragraph I and shall ensure that the high quality of the minimum standards for public school approval in each area of education identified in paragraph I is maintained. Changes made by the board of education to the school approval standards through rulemaking after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court. The board of education shall provide written notice to the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

(b) Neither the department of education nor the state board of education shall by statute or rule require that the common core standards developed jointly by the National Governors Association and the Council of Chief State School Officers be implemented in any school or school district in this 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 pursuant to RSA 541-A, the local school board shall determine, approve, and implement alternative academic standards.

(c) On or after the effective date of this subparagraph, the state board of education shall not amend any existing academic standards and shall not approve any new academic standards without prior review and recommendation of the legislative oversight committee established in RSA 193-C:7.

(d) In this paragraph, "academic standards" shall have the same meaning as in RSA 193-E:2-a, VI(b).

* V. (a) The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining the minimum standards for public school approval for each area of education identified in paragraph I. Each school district shall be responsible for maintaining, updating, improving, and refining curriculum. The curriculum shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the minimum standards for public school approval for each area of education identified in paragraph I. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

* (b) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the approval of alternative programs for granting credit leading to graduation.

VI. In this section:

(a) "Minimum standards for public school approval" mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

(b) "Academic standards" means what a student should know and be able to do in a course or at each grade level.

★ (c) "Curriculum" means the lessons and academic content taught in school or in a specific course or program.

Source. 2007, 270:2. 2016, 84:7. 2017, 252:1, eff. Sept. 16, 2017. 2018, 224:1, eff. Aug. 7, 2018; 269:2, eff. Aug. 17, 2018; 274:1, eff. Aug. 17, 2018; 280:1, eff. Aug. 20, 2018.

Section 193-E:2-b

193-E:2-b Cost of an Adequate Education. –

I. The general court shall use the definition of the opportunity for an adequate education in RSA 193-E:2-a to determine the resources necessary to provide essential programs, considering educational needs. The general court shall make an initial determination of the necessary specific resource elements to be included in the opportunity for an adequate education.

II. The general court shall create a process for the periodic determination of the specific resource elements essential to providing the substantive educational content of an adequate education. This review should occur no less frequently than every 10 years.

III. [Repealed.]

Source. 2007, 270:2. 2012, 264:1, VII, eff. Aug. 17, 2012.

Section 193-E:2-c

193-E:2-c Resource Elements. – The general court recognizes that schools with greater educational challenges will benefit from varying resources. Schools with varying educational challenges often exist within a single school district. The general court is committed to addressing the varying educational challenges that exist among the schools of the state.

Source. 2007, 270:2; eff. June 29, 2007.

Section 193-E:2-d

193-E:2-d Duties of the Legislative Oversight Committee. – [Repealed 2009, 198:4, eff. July 14, 2009.]

Section 193-E:3

193-E:3 Delivery of an Adequate Education. –

I. Annually, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The report shall not contain personally identifiable information including but not limited to name, gender, or social security number. The department of education shall develop a reasonable schedule to collect the reporting of data required by state and federal law. 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. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school students and annual drop-out rates for students in grades 7 and 8.

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

(d) Number and percentage of graduating high school students.

(e) Number and percentage of graduating high school students going on to postsecondary education, military service, and an advanced learning program leading to a value added skill or career certification.

7

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:13

541-A:13 Review by the Joint Legislative Committee on Administrative Rules. –

I. The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within 45 days of the filing of a final proposal under RSA 541-A:12, I, unless the deadline is waived for good cause pursuant to RSA 541-A:40. The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within 60 days of the filing of a final proposal under RSA 541-A:12, I-a, unless the deadline is waived for good cause pursuant to RSA 541-A:40. Objections to a rule may be made only once.

II. (a) If an agency has filed a final proposal and the committee has granted the agency's request, pursuant to RSA 541-A:12, I-a, the director of legislative services shall notify the agency of any potential bases for committee objection identified by the office of legislative services by forwarding a copy of the final proposal with the counsel's comments noted thereon at least 14 days prior to the committee meeting at which the proposal will be considered.

(b) In response to the comments, an agency may then file a proposed amended final proposal with the director for review by the committee and request that the committee approve the rule as amended. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda.

(c) The committee may:

- (1) Approve the rule as originally filed;
- (2) Approve the rule with amendment; or
- (3) Act under paragraph V.

(d) If the committee approves the rule as filed pursuant to RSA 541-A:12, or with amendment, it shall notify the agency in writing of its approval.

(e) Failure to give notice of either approval, conditional approval, or objection at the end of the 45-day or 60-day period under paragraph I shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (e), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

- (a) Beyond the authority of the agency;
- (b) Contrary to the intent of the legislature;
- (c) Determined not to be in the public interest; or

(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections:

(a) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, it shall so inform the agency. In lieu of a preliminary objection, the committee may vote to conditionally approve the rule with an amendment, provided that the committee specifies in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 30 days of the meeting, or in the case of a board or commission, 7 days following its next regularly scheduled meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to

make a preliminary objection on the date of the conditional approval. If the office of legislative services determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the office of legislative services shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present. If a preliminary objection is made, the committee may send a copy of the preliminary objection to the appropriate house and senate standing policy committees and, if so, shall give notice to the agency. Within 30 days of the date the preliminary objection was entered, the standing policy committees at properly convened executive sessions shall review the proposed rules and the preliminary objection and shall adopt recommendations or comments relative to the basis for the preliminary objection and shall communicate the same to the committee.

(c) The agency shall respond to the preliminary objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

(d) After submitting its preliminary objection response and prior to the final committee vote on the final proposal, and in all cases, prior to the adoption of the rule by the agency, the agency may request that the committee approve the rule with further amendment or issue a revised objection. The committee may approve the rule with further amendment only if the agency submits the request and proposed amendment, in writing to the committee at least 7 days prior to the committee meeting at which the agency presents the rule. Submission of such a request shall not preclude the agency from requesting a revised objection if the committee does not approve the rule as requested.

(e) A revised objection may be made only once by the committee and may be made only at the request of the agency. The agency shall respond and the committee may review the response in the same manner as a preliminary objection. No further amendment may be made by the agency after it responds to the committee except as provided in RSA 541-A:14, II.

(f) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services for publication in the next issue of the rulemaking register.

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

VII. (a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 50 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the joint resolution shall be introduced in the house of representatives or senate within 20 business days of such vote when the general court is in session and 20 business days of the start of the following legislative session if such vote occurs when the general court is not in session. If a joint resolution is not introduced within this time frame, the agency may adopt the rule. If a joint resolution is introduced within this time frame, the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90

consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the specific portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

Source. 1994, 412:1. 2000, 288:13. 2001, 110:3. 2003, 319:163, 164. 2004, 180:7. 2006, 145:6, 7, eff. July 21, 2006. 2007, 80:1, eff. June 11, 2007. 2011, 107:2, eff. July 30, 2011; 252:16, eff. Sept. 11, 2011.

- (4) Requires liability insurance for licensees; or
- (5) Requires providing social security numbers by a regulated community unless provision is required by state statute or federal statute or regulation, or the number is necessary to identify an individual to prevent criminal acts such as fraud or to identify tax or criminal records.

Source. Committee meeting, 9-21-01

PART 402 RULES CONTRARY TO LEGISLATIVE INTENT

★ 402.01 Violation of Statutory Purpose. A proposed rule shall be considered contrary to legislative intent if the Committee determines that:

- (a) The rule attempts to implement a bill which the Legislature defeated, unless there is evidence that the bill was defeated at least in part because its content could be implemented with existing rulemaking authority.
- (b) The rule violates a statutory purpose clause.
- (c) The rule violates the overall purpose of the statute, provided that any objection shall be based first on the plain meaning of the statute as a whole and secondly on the written legislative history if the meaning cannot be agreed upon. The objection shall not be based on the statute as interpreted solely by a sponsor, a representative of a standing committee, or any other single member of the Legislature.

Source. Committee meeting, 11-15-83; 9-21-01

★ 402.02 Violation of a Specific Statute or Regulation.

- (a) The Committee may object to a proposed rule as contrary to legislative intent if the Committee determines that the rule violates or otherwise conflicts with a specific state or federal statutory provision or federal regulation.
- (b) The Committee may object to a proposed rule filed pursuant to RSA 541-A:12 or RSA 541-A:13 as contrary to legislative intent if the Committee determines:
 - (1) That the agency has violated a provision of RSA 541-A during the rulemaking process for the final proposal, including failure to consider fully all public comment received under RSA 541-A:11 when establishing the final proposal pursuant to the criteria in rule 403.01; or
 - (2) That the rule as written leads to requirements, limitations, or prohibitions being set outside the process mandated by RSA 541-A:3.
- (c) The Committee may object to a proposed rule filed pursuant to RSA 541-A:19 as contrary to legislative intent if the Committee determines:
 - (1) That the agency has violated a provision of RSA 541-A:19 during the rulemaking process for the proposed interim rule, including failure to meet the requirements for an interim rule under RSA 541-A:19, I; or
 - (2) That the rule as written leads to requirements, limitations, or prohibitions being set outside the process mandated by RSA 541-A:19.

Source. Committee meeting, 11-15-91; 9-21-01

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL

402.03 Matters Requiring Statutory Authority.

(a) The Committee may object to a proposed rule as contrary to legislative intent if the Committee determines that the subject matter of the proposed rule is a matter that requires specific statutory authority.

(b) The Committee may object to a proposed rule as contrary to legislative intent under paragraph (a) if the Committee determines that the proposed rule is prohibited under RSA 541-A:22, III because there is no specific statutory authority for the matter in the proposed rule.

(c) The Committee may also object to a proposed rule as contrary to legislative intent if the proposed rule creates categories or levels of a license as defined in RSA 541-A:1, VIII or a system of fees to engage in a profession, business, or other activity but the statute does not specifically authorize categories or levels of a license or a system of fees. For purposes of this paragraph, statutory authority to set fees for services provided by the agency may be considered by the Committee to be adequate to charge different fees for different services.

(d) The Committee may object to a proposed rule as contrary to legislative intent under paragraph (a) if the proposed rule without specific statutory authority:

- (1) Grants subpoena power;
- (2) Delegates subpoena power to anyone other than the agency or individual named in the statute;
- (3) Requires continuing education for professional licensees, except that authority to set license renewal qualifications may be considered by the Committee as adequate to require continuing education ;
- (4) Requires liability insurance for licensees; or
- (5) Requires providing social security numbers by a regulated community unless provision is required by state statute or federal statute or regulation, or the number is necessary to identify an individual to prevent criminal acts such as fraud or to identify tax or criminal records.

Source. Committee meeting, 1-18-85; 9-21-01

402.04 Violation of a Constitutional Provision. The Committee may object to a proposed rule as being contrary to legislative intent if the Committee determines that a statute being implemented by the rule is consistent with the New Hampshire Constitution and the Constitution of the United States, but the rule implementing the statute violates one or both constitutions.

Source. Committee meeting, 11-15-91; 9-21-01

PART 403 RULES CONTRARY TO PUBLIC INTEREST

~~403.01~~ Responsiveness. The Committee may object to a proposed rule as contrary to the public interest if the Committee determines that the rule is not responsive to a public need. A proposed rule shall be considered not responsive to a public need if the Committee determines that:

(a) The agency has failed to consider fully all public comment pursuant to RSA 541-A:11 for an initial proposal either at an oral hearing or in written or electronic form, because:

- (1) The agency allotted insufficient time to consider public comment before the final proposal or amended final proposal was established, based upon the complexity or extent of the comment or both;

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL

- (2) The agency did not provide the Committee with evidence, in response to a claim to the contrary, that the public comment was overruled on the merits; or
- (3) The Committee received evidence that the agency restricted or prevented submission of testimony that was otherwise relevant under the terms of the notice, and the agency failed to refute the evidence.
- (b) The agency claims the rule is necessary to respond to a federal requirement when in fact no federal requirement exists, or the federal requirement is other than the agency claims.
- (c) The agency has used broad language when a more specific requirement is needed, as may be indicated by such phrases in the proposed rules as "to be determined by the agency," when the rule itself is the proper place to make such a determination.
- (d) The rule is not drafted in clear and understandable language.
- (e) The agency has incorporated rules by reference which are overbroad or too general, when the delegation calls for the agency to adopt rules specifically suited to state needs.
- (f) The agency has incorporated by reference a document or Internet content with an amended date or edition but did not provide the Committee, in response to a request by legal counsel under Committee rule 201.02(d), with an adequate explanation of the differences between the existing document or Internet content in the existing rule and the document or Internet content in the proposed rule.
- (g) The rule is designed to benefit the administrative convenience of the agency to the detriment of the public.

Source. Committee meeting, 11-15-83; 9-18-84; 11-17-00; 9-21-01; 2-17-12

403.02 Uniform Application.

- (a) The Committee may object to a proposed rule as contrary to the public interest if the Committee determines that the proposed rule cannot be uniformly applied once it is adopted.
- (b) A proposed rule shall be considered incapable of uniform application if the Committee determines that:
 - (1) Instead of simply prohibiting an activity directly, the rule indirectly prohibits an activity by setting requirements that are:
 - a. Technically infeasible given the present state of the art of scientific and technical knowledge;
 - b. Impossible to meet financially by the regulated community as a whole and not simply by selective members of that community; or
 - c. In any other way so unlikely to be met as to become effectively a prohibition;
 - (2) The rule conflicts with an existing rule;
 - (3) The rule cannot be uniformly enforced by the agency; or
 - (4) The rule does not treat like entities in a similar manner.

Source. Committee meeting, 11-15-83; 9-21-01

General Court of NH - Bill Status System
Search Results

13

Bills Found : 1



★ Chaptered Law: **0224** ★

SB435

Session Year 2018

Title: relative to alternative programs for granting credit leading to graduation.

G-Status: SIGNED BY GOVERNOR

House Status: PASSED/ADOPTED

Senate Status: PASSED/ADOPTED WITH AMENDMENT

Bill Text[HTML] [PDF]

Next/Last Comm: HouseEducation

Next/Last Hearing: 03/20/2018 at 01:00 PM LOB Room 207

NH House

NH Senate

CHAPTER 224
SB 435 - FINAL VERSION

02/15/2018 0488s

2018 SESSION

18-2936
06/04

SENATE BILL **435**

AN ACT relative to alternative programs for granting credit leading to graduation.

SPONSORS: Sen. Ward, Dist 8; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Daniels, Dist 11; Sen. French, Dist 7; Sen. Fuller Clark, Dist 21; Sen. Gannon, Dist 23; Sen. Gray, Dist 6; Sen. Innis, Dist 24; Sen. Kahn, Dist 10; Sen. Reagan, Dist 17; Rep. Ladd, Graf. 4; Rep. V. Sullivan, Hills. 16; Rep. Shaw, Hills. 16

COMMITTEE: Education

ANALYSIS

This bill requires the state board of education to adopt rules for approving alternative programs for granting credits leading to graduation.

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.

CHAPTER 224
SB 435 - FINAL VERSION

02/15/2018 0488s

18-2936
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to alternative programs for granting credit leading to graduation.

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

224:1 Adequate Public Education; Substantive Educational Content. Amend RSA 193-E:2-a, V to read as follows:

V.(a) The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining the minimum standards for public school approval for each area of education identified in paragraph I. Each school district shall be responsible for maintaining, updating, improving, and refining curriculum. The curriculum shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the minimum standards for public school approval for each area of education identified in paragraph I. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

(b) *The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the approval of alternative programs for granting credit leading to graduation.*

224:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 08, 2018
Effective Date: August 07, 2018

Committee Report

CONSENT CALENDAR

April 17, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Education to which was referred SB
435,

AN ACT relative to alternative programs for granting
credit leading to graduation. Having considered the
same, report the same with the recommendation that the
bill OUGHT TO PASS.

Rep. Victoria Sullivan

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Education |
| Bill Number: | SB 435 |
| Title: | relative to alternative programs for granting credit leading to graduation. |
| Date: | April 17, 2018 |
| Consent Calendar: | CONSENT |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

This bill is facilitating legislation whereby the State Board of Education will be able to encourage the development of strong instructional partnerships with business and other providers throughout the state helping students gain valuable 21st century skills including work-based learning opportunities.

Vote 17-3.

Rep. Victoria Sullivan
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

SB 435, relative to alternative programs for granting credit leading to graduation. OUGHT TO PASS.

Rep. Victoria Sullivan for Education. This bill is facilitating legislation whereby the State Board of Education will be able to encourage the development of strong instructional partnerships with business and other providers throughout the state helping students gain valuable 21st century skills including work-based learning opportunities. Vote 17-3.

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Education |
| Bill Number: | SB 435 |
| Title: | relative to alternative programs for granting credit leading to graduation. |
| Date: | April 17, 2018 |
| Consent Calendar: | CONSENT |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

This bill is facilitating legislation whereby the State Board of Education will be able to encourage the development of strong instructional partnerships with business and other providers throughout the state helping students gain valuable 21st. Century skills including work-based learning opportunities.

Vote 17-3.

Edited by Researcher

Rep. Victoria Sullivan
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

21 Sullivan
OK
RL

COMMITTEE: Education

BILL NUMBER: SB 435

TITLE: Relative to alternative programs for granting credit leading to graduation.

DATE: 4-17-2018 CONSENT CALENDAR: YES ☒ NO ☐

- ☒ OUGHT TO PASS
- ☐ OUGHT TO PASS W/ AMENDMENT
- ☐ INEXPEDIENT TO LEGISLATE
- ☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

SB 435 is facilitating legislation whereby the State Board of Education will be able to encourage the development of strong instructional partnerships with business and other providers throughout the state helping students gain valuable 21st Century Skills, including work based learning opportunities.

COMMITTEE VOTE: 17-3

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Victoria L. Sullivan
For the Committee

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on SB 435

BILL TITLE: relative to alternative programs for granting credit leading to graduation.

DATE: April 17, 2018

LOB ROOM: 207

MOTIONS: OUGHT TO PASS

Moved by Rep. V. Sullivan

Seconded by Rep. Pitre

Vote: 17-3

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Shaw

Rep Barbara Shaw, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2018 10:27:58 AM
Roll Call Committee Registers
Report

2018 SESSION

EDUCATION

Bill #: SB 435

Title:

*Relative to alternative programs for
granting credit leading to graduation*

PH Date: 03, 20, 2018

Exec Session Date: 4, 17, 2018

Motion: OTP

Amendment #:

MEMBER

YEAS

NAYS

| | | |
|------------------------------|---|---|
| Ladd, Rick M. Chariman | ✓ | |
| Wolf, Terry M. Vice Chairman | ✓ | |
| Cordelli, Glenn | ✓ | |
| Grenier, James L. | ✓ | |
| Pitre, Joseph A. | ✓ | |
| Elliott, Robert J. | ✓ | |
| Moore, Josh | ✓ | |
| Sullivan, Victoria L. | ✓ | |
| Halstead, Carolyn | ✓ | |
| Moffett, Michael | ✓ | |
| Wolf, Dan | ✓ | |
| Shaw, Barbara E. Clerk | ✓ | |
| Myler, Mel | ✓ | |
| Gile, Mary Stuart | | ✓ |
| Heath, Mary | ✓ | |
| Burton, Wayne M. | ✓ | |
| Cornell, Patricia | ✓ | |
| Doherty, David | ✓ | |
| Tanner, Linda L. | | ✓ |
| Le, Tamara | | ✓ |
| TOTAL VOTE: | | |

17 3

EXECUTIVE SESSION on SB 435

BILL TITLE: relative to alternative programs for granting credit leading to graduation.

DATE: 4-17-2018

LOB ROOM: 207

MOTION: (Please check one box)

☒ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
☐ Interim Study (2nd year) (if offered)

Moved by Rep. Sullivan Seconded by Rep. Petro Vote: 17-3

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
☐ Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
☐ Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of
Amendment # _____
☐ Interim Study (2nd year) (*if offered*)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ✓ YES NO 17-3

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Rep Barbara Shaw
Rep Barbara Shaw, Clerk

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 435

BILL TITLE: relative to alternative programs for granting credit leading to graduation.

DATE: March 20, 2018

LOB ROOM: 207

Time Public Hearing Called to Order: 1:03 p. m.

Time Adjourned: 1:40 p. m.

Committee Members: Reps. Ladd, T. Wolf, Cordelli, Grenier, Pitre, V. Sullivan, M. Moffett, Myler, Gile, Heath, Burton, Cornell, Doherty, Tanner and T. Le

Bill Sponsors:

Sen. Ward
Sen. Daniels
Sen. Gannon
Sen. Kahn
Rep. V. Sullivan

Sen. Bradley
Sen. French
Sen. Gray
Sen. Reagan
Rep. Shaw

Sen. Carson
Sen. Fuller Clark
Sen. Innis
Rep. Ladd

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(1.) Senator Ward - Sponsor

- State BOE to adopt rules for alternate credit programs for graduation.

(2.) Commissioner Edelblut - DOE

- Credit for alternate learning experiences.
- Alternate experiences such as pianist, gymnastics.
- Objective to expand opportunities for students.
- Possibly educator advisor groups with links to businesses
- Who and how credit granting to be done would be done via State BOE rule making.
- DOE would develop rubrics around a program around a program and what competencies would be mastered.
- Work based learning opportunities
- Will proceed gradually.
- Has grant from National Government Association to build rubric for work based learning opportunities.
- Also promotion and awards for work based learning.

Respectfully submitted,



Rep. Glenn Cordelli, Acting Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON SB 435

BILL TITLE: relative to alternative programs for granting credit leading to graduation.

DATE: 3-20-2018

ROOM: 207

Time Public Hearing Called to Order: 1:03

Time Adjourned: 1:40

(please circle if present)

Committee Members: Reps. Ladd, T. Wolf, Shaw, Cordell, Grenier, Pitre, Elliott, J. Moore, V. Sullivan, Halstead, M. Moffett, D. Wolf, Myler, Gile, Heath, Burton, Cornell, Doherty, Tanner and T. Le.

Bill Sponsors:

Sen. Ward
Sen. Daniels
Sen. Gannon
Sen. Kahn
Rep. V. Sullivan

Sen. Bradley
Sen. French
Sen. Gray
Sen. Reagan
Rep. Shaw

Sen. Carson
Sen. Fuller Clark
Sen. Innis
Rep. Ladd

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Senator Ward - ^{State} BOE to adopt rules for alternate credit programs for graduation
- ② Commissioner Edelblut (DOE) - credit for alternate learning experiences. Alternate experiences such as pianist, gymnastics. Objective to expand opportunities for students. Possibly educator advisor groups with links to businesses. Who & how credit granting to be done would be done via State BOE rule making. DOE would develop rubrics around a program &

what competencies would be mastered.

Work based learning opportunities.

Will proceed gradually.

Has grant from Nat Gov Assoc to build
rubric for work based learning opportunities.

Also promotion & awards for work based learning.

30

To Register Opinion If Not Speaking

Date 4 March 20, 2018

Committee Education

**** Please Print All Information ****

[illegible]

Bill as Introduced

SB 435 - AS AMENDED BY THE SENATE

02/15/2018 0488s

2018 SESSION

18-2936

06/04

SENATE BILL 435

AN ACT relative to alternative programs for granting credit leading to graduation.

SPONSORS: Sen. Ward, Dist 8; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Daniels, Dist 11; Sen. French, Dist 7; Sen. Fuller Clark, Dist 21; Sen. Gannon, Dist 23; Sen. Gray, Dist 6; Sen. Innis, Dist 24; Sen. Kahn, Dist 10; Sen. Reagan, Dist 17; Rep. Ladd, Graf. 4; Rep. V. Sullivan, Hills. 16; Rep. Shaw, Hills. 16

COMMITTEE: Education

ANALYSIS

This bill requires the state board of education to adopt rules for approving alternative programs for granting credits leading to graduation.

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 Eighteen

AN ACT relative to alternative programs for granting credit leading to graduation.

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

1 1 Adequate Public Education; Substantive Educational Content. Amend RSA 193-E:2-a, V to
2 read as follows:

3 V.(a) The general court requires the state board of education and the department of
4 education to institute procedures for maintaining, updating, improving, and refining the minimum
5 standards for public school approval for each area of education identified in paragraph I. Each
6 school district shall be responsible for maintaining, updating, improving, and refining curriculum.
7 The curriculum shall present educational goals, broad pedagogical approaches and strategies for
8 assisting students in the development of the skills, competencies, and knowledge called for by the
9 minimum standards for public school approval for each area of education identified in paragraph I.
10 It is the responsibility of local teachers, administrators, and school boards to identify and implement
11 approaches best suited for the students in their communities to acquire the skills and knowledge
12 included in the curriculum, to determine the scope, organization, and sequence of course offerings,
13 and to choose the methods of instruction, the activities, and the materials to be used.

14 (b) *The state board of education shall adopt rules, pursuant to RSA 541-A,*
15 *relative to the approval of alternative programs for granting credit leading to*
16 *graduation.*

17 2 Effective Date. This act shall take effect 60 days after its passage.

Senate Education Committee

Kat Lehmann 271-3091

SB 435, relative to alternative programs for granting credit leading to graduation.

Hearing Date: February 6, 2018

Time Opened: 9:00 a.m.

Time Closed: 9:12 a.m.

Members of the Committee Present: Senators Reagan, Ward and Kahn

Members of the Committee Absent : Senators Giuda and Watters

Bill Analysis: This bill requires the state board of education to adopt rules for approving alternative programs for granting credits leading to graduation.

Sponsors:

Sen. Ward
Sen. Daniels
Sen. Gannon
Sen. Kahn
Rep. V. Sullivan

Sen. Bradley
Sen. French
Sen. Gray
Sen. Reagan
Rep. Shaw

Sen. Carson
Sen. Fuller Clark
Sen. Innis
Rep. Ladd

Who supports the bill: Senator Ward, Senator Daniels, Senator Gannon, Senator Fuller Clark, Senator Carson, Kevin Flynn (BIA), Senator Kahn, Commission Edelblut (DOE), Jane Bergeron (NHSEA), Senator Reagan.

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Ward

Prime Sponsor

- This bill requires the state board of education to adopt rules for approving alternative programs for granting credits leading to graduation.

Commissioner Edelblut

- Commissioner Edelblut explained that this legislation does two things: it allows the Department, thorough the State Board of Education, to approve programs that are taking place, and it creates an opportunity for the Department to accelerate workforce development opportunities in New Hampshire's schools.
- Bringing credits into the school from outside programs is important in order to accomplish the needs of students who are participating in these programs and want

to get credit for them. These include outside sports and art activities, for example.

- Commissioner Edelblut explained that he believes that this bill helps to close a gap within the rules to offer the maximum number of opportunities for students.
- Senator Kahn stated that it can be difficult to put parameters around programs such as this, given students' wide interests. He asked the Commissioner to explain his vision of the parameters of the program. Commissioner Edelblut elaborated on his own experience of being a parent of children involved in gymnastics, but who are younger. He added that the rules process may sort out issues so that this remains an option, not a requirement.
- Senator Reagan asked who currently approves the credit for such programs. Commissioner Edelblut explained that the state would draw up a rubric and be able to delegate the implementation of this to the Department, who would then publish these opportunities.

Kevin Flynn
BIA

- Mr. Flynn explained that the BIA supports this legislation in regards to their priorities on workforce development.
- This legislation encourages districts to come up with learning opportunities and to make them a priority.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

Future Action: Ought to Pass with Amendment

KAL
Date Hearing Report completed: February 6, 2018



State of New Hampshire

36

GENERAL COURT

CONCORD

State Board of Education
New Hampshire Department of Education
101 Pleasant Street
Concord, NH 03301-3494

June 10, 2019

Dear State Board of Education Members,

We are writing as the New Hampshire Senate and House Education Committee leaders to urge you to halt rule making on Learn Everywhere. Both the Senate and House have passed SB 140 which repeals and reenacts RSA 193-E: 2-a, V(b), upon which Learn Everywhere is founded. Legislative intent is clear and removes any ambiguity; SB 140 clarifies RSA 193-E:2-a, V(b) to read as follows:

"(b) Each local school board shall determine whether to grant academic credit for alternative, extended learning, and work-based programs."

RSA 193-E, the Statute on Adequate Education is quite clear about the role of local school districts and boards in their responsibility for approving a curriculum that meets the needs of their students. It begins with a statement of purpose:

"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 an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes minimum standards for public school approval and academic standards for inclusion and delivery of educational services at the local level. School districts then have responsibility and flexibility in implementing diverse educational approaches to instruction and curriculum tailored to meet student needs."

The section, to which SB 140 is inserted, RSA 193-E: V (a), states "It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used."

Given current Statutes and Education Rules that emphasize local school district authority over curriculum, why would one have thought that in rule making the Board of Education would define that local school districts will accept credit from any for-profit or non-profit entity or any individual(s) that offers an educational program, which means a sequence of instruction over a period of time, which meet the requirements of a subject or subjects?



State of New Hampshire

GENERAL COURT

CONCORD

37

Testimony from the 2018 Senate hearing on SB 435 is very brief. But what record there is leaves the impression that the alternative programs would be approved by school districts.

Senate Education Committee minutes on the SB 435 hearing, show only two people offered testimony, the Commissioner of Education states that the bill will accelerate workforce development opportunities, and the examples of specifics reference outside sports and art activities, and gymnastics. Senate Committee minutes state, "Sen. Kahn stated that it can be difficult to put parameters around programs such as this and asked the Commissioner to explain his vision of the parameters of the program. Commissioner Edelblut elaborated on his own experience of being a parent of children involved in gymnastics, but who are younger. He added that the rules process may sort out issues so that this remains an option not a requirement." This seemed to imply that school districts would determine which alternative credits they would accept.

The BIA in supporting testimony states the legislation encourages districts to come up with alternative learning opportunities and to make them a priority. We don't believe anyone understood that it would be up to the Board of Education to approve these programs without school district decision-making nor that school districts would have to accept these credits.

We support the Department's efforts to expand the existing ELO network so that school districts can take advantage of additional opportunities for their students.

SB 140 passed the Senate Education and Workforce Development 5-0. When it reached the Senate floor it passed unanimously by voice vote. During the committee hearing Sen. Starr, a North Country Republican, asked why the language is not clearer, that all alternative programs need to be approved by the local school board. Fair enough. It was Sen. Starr who proposed the final wording on SB 140 before you now. "Each local school board shall determine whether to grant academic credit for alternative, extended learning, and work-based programs." SB 140 is heading to the Governor shortly.

We ask that the Board of Education review the 2019 legislative record, recognize the strong vote of the legislature on SB 140 and suspend Learn Everywhere rule making.

Sincerely,

Jay Kahn
State Senator
Chair, Senate Education and
Workforce Development Committee

David Luneau
State Representative
Vice Chair, House Education Committee

Mel Myler
State Representative
Chair, House Education Committee

General Court of NH - Bill Status System
Search Results

Bills Found : 1



SB140 **Title:** (New Title) relative to credit for alternative, extended learning, and work-based programs.
Session Year 2019

Bill Text[HTML] [PDF] *G-Status:* PASSED
 House Status: PASSED/ADOPTED
 Senate Status: PASSED/ADOPTED WITH AMENDMENT
 Next/Last Comm: HouseEducation
 Next/Last Hearing: 04/03/2019 at 10:15 AM LOB Room 207

NH House

NH Senate

SB 140 - VERSION ADOPTED BY BOTH BODIES

03/07/2019 0647s

2019 SESSION

19-1062
06/08

SENATE BILL

140

AN ACT

relative to credit for alternative, extended learning, and work-based programs.

SPONSORS:

Sen. Kahn, Dist 10

COMMITTEE:

Education and Workforce Development

AMENDED ANALYSIS

This bill authorizes local school boards to grant academic credit for alternative, extended learning, and work-based programs.

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.

40

SB 140 - VERSION ADOPTED BY BOTH BODIES

03/07/2019 0647s

19-1062
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to credit for alternative, extended learning, and work-based programs.

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

1 1 Substantive Content of an Adequate Education; Alternative Programs. RSA 193-E:2-a, V(b) is
2 repealed and reenacted to read as follows:

3 (b) Each local school board shall determine whether to grant academic credit for
4 alternative, extended learning, and work-based programs.

5 2 Effective Date. This act shall take effect 60 days after its passage.



CHRISTOPHER T. SUNUNU
Governor

41

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

July 10, 2019

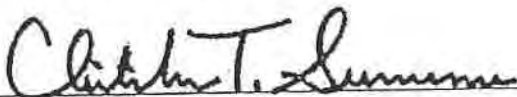
Governor's Veto Message Regarding Senate Bill 140

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 10th, 2019, I have vetoed Senate Bill 140, relative to credit for alternative, extended learning, and work-based programs.

New Hampshire has a long and distinguished history of education innovation that has served our students, families, and communities well. Learn Everywhere is the next step on this path to innovation and this bill effectively repeals it. My firm belief is that all students can find success when we put them in the right environment, inside or outside of a classroom. Programs like Learn Everywhere continue this legacy by enabling creative and innovative learning experiences for all of our public school students. Senate Bill 140 would restrict the ability of parents to seek out educational alternatives. We should be expanding alternatives for New Hampshire students, not reducing them.

For the reasons stated above, I have vetoed Senate Bill 140.

Respectfully submitted,


Christopher T. Sununu
Governor

New Hampshire State Board of Education
 New Hampshire Department of Education
 Londergan Hall, Room 100F
 101 Pleasant Street
 Concord, NH 03301

Thursday, December 13, 2018



AGENDA

- I. CALL TO ORDER - 9:00 AM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT (LIMITED TO 5 MINUTES, BOARD WILL ASK CLARIFYING QUESTIONS ONLY, OTHERWISE NO FEEDBACK PROVIDED)
- IV. CONSENT AGENDA
 - A. Meeting Minutes of November 8, 2018
- V. SPECIAL PRESENTATIONS (TIMES ARE APPROXIMATE)
 - A. 9:15 AM – Student/Gate City Charter School for the Arts ~ SB-FY-19-08-001
 - B. 9:45 AM – Student/Hudson School District ~ SB-FY-19-11-005
 - C. Three Month Charter School Updates:
 1. 10:00 AM - Capital City ~ STEPHANIE ALICEA, Head of School
 2. 10:15 AM - Kreiva Academy ~ TAL BAYER, Director of Operations and Services
 3. 10:30 AM - Windham Academy ~ MELINDA LABO, School Director
- VI. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE (TIMES ARE APPROXIMATE)
 - A. 10:45 AM - Virtual Learning Academy (VLACS) Charter Renewal ~ JANE WATERHOUSE, NHDOE, Charter School Administrator and STEVE KOSSAKOWSKI, CEO, VLACS
 - B. 11:15 AM – Charter Renewal Extension Requests ~ JANE WATERHOUSE, NHDOE, Charter School Administrator
 - C. 11:30 AM - New Hampshire School Building Authority's (NHSBA) Recommendation of Prioritized School District Proposals in Descending Rank Order ~ GREGORY HILL, Chair, NHSBA and AMY C. CLARK, P.E., NHDOE, Administrator, School Safety and Facility Management Bureau
 - D. 11:45 AM - Nonpublic School Approval for Thrive ~ JANE LEVESQUE, NHDOE, Nonpublic School Approval Office and Sue McLaughlin-Beltz, Thrive Education Program
 - E. 12:00 PM - School Bullying Report for School Year 2017-2018 per RSA 193-F:6, II – DIANA FENTON & RICH FARRELL, NHDOE Governance Unit
 - F. 12:15 PM - Council of Teacher Education Recommendations/Updates

- Recommendation for a 2 year conditional approval of the Council for the Accreditation of Educator Preparation (CAEP) reviewed Plymouth State University (PSU) Professional Educator Preparation Programs (15)
- Recommendation for a 2 year conditional approval of the Council of Teacher Education (CTE) and Department of Education (DOE) reviewed PSU Professional Educator Preparation Programs (5)
- Recommendation for approval of Upper Valley Educators Institute's (UVEI) progress report on its Bachelor of Arts in Visual Art

G. 1:00 PM – Rules Update – ANNE WALLACE, PSB, Chair and AMANDA PHELPS, NHDOE, Administrative Rules Coordinator

VII. LEGISLATIVE UPDATES

A. 1:30 PM - Initial Proposal – Learn Everywhere Program for Alternative Programs for High School Graduation Credit (Ed 1400)

B. 1:45 PM - Initial Proposal – School Year (Ed 306.18)

VIII. OPEN BOARD DISCUSSIONS

IX. OLD BUSINESS

A. 2:00 PM - Discuss program assurance letter language from St. Anslem College, University of New Hampshire and Granite State College to the State Board for last's month's approved requests for their professional educator preparation program approval extensions.

X. TABLED ITEMS

XI. NONPUBLIC SESSION

XII. ADJOURNMENT – 2:15 PM

If accommodations are needed for communication access such as interpreters, please call (603) 271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

New Hampshire
State Board of Education
Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301

Minutes of the Thursday, December 13, 2018 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:33 a.m. at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Sally Griffin, Helen Honorow, Ann Lane, and Phil Nazzaro. Frank Edelblut, Commissioner of Education and Christine Brennan, Deputy Commissioner of Education were also present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Kate Cassady led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Ken Page, Interim Executive Director of the New Hampshire Association of School Principals (NHASP)

Mr. Page introduced himself and provided an overview of his professional background. He explained that the NHASP is in transition moving from its long-time executive director to a new executive director they hope to have hired by July 1, 2019. During this year of transition, Mr. Page, as interim executive director, will work with the NHASP board to reestablish its goals and priorities, suggest to them revisions to policies, procedures and by-laws, as well as working with them to provide relevant professional development opportunities for the NHASP board and its membership. He extended an open invitation to the members of the State Board to attend these events.

Patrice Benard, Founders Academy Parent

Ms. Benard addressed the State Board with concerns about The Founders Academy and noted that they placed her public testimony from last month's State Board meeting on their website along with her name, address, and email address. She provided a written copy of today's testimony to the State Board.

Moira Ryan, Founders Academy Parent

Ms. Ryan provided the State Board with information regarding her son and asked that the State Board look at the IEP implementation process in the hope of having it shortened as well as review the service provision included in the process between school districts and charter schools.

Robin Corbeil

Ms. Corbeil introduced herself and provided an overview of her professional background as a computer science educator. She voiced her concerns how the changes in credentialing requirements to teach computer science will negatively impact her job as well as other computer science teachers in the State. Ms. Corbeil noted that there are 300+ computer certified science teachers in the New Hampshire and this year that pool of teachers is being divided between those teaching computer science and those helping teachers with technology in the classroom. As a result of these changes, Ms. Corbeil will have to file for Alternative 5 Site-Based Certification, paying \$50 and proving to the State that she is capable of doing a job she has been doing for 15 years.

While Ms. Corbeil fully supports the credentialing changes, she asks that the State look at grandfathering teachers who currently hold computer education certification with district documentation that they have been consecutively teaching 50% or more of computer science in the classroom

AGENDA ITEM IV. CONSENT AGENDA

A. Meeting Minutes of November 8, 2018

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to approve the meeting minutes of November 8, 2018, as amended.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Student/Gate City Charter School for the Arts ~ SB-FY-19-08-001

Speakers were duly sworn by Chairman Cline.

Ms. Barbara Baxter and Ms. Paula Finn spoke to the State Board about bullying incidents at Gate City Charter School for the Arts (GCCSA) involving each of their daughters. Explaining that the school never conducted an investigation into the bullying and both girls were not allowed to reenroll at the determination of the GCCSA's Board of Trustees.

The parents clarified that the girls did not withdraw from the school voluntarily.

Both girls then spoke to the State Board about the bullying they experienced at Gate City Charter School and how they felt they were blamed by teachers and administrators for speaking up, and how it made them feel.

Helen Honorow read from the Hearing Office's report the following, "the director testified that the other reason why the student was not allowed to re-enroll was because of the parent's behavior toward school staff was not positive" and asked Ms. Baxter and Ms. Finn which parent the Hearings Officer is referring to in his report. They responded that it was both.

Ms. Rebecca Frederickson, Director of Operations at Gate City Charter School for the Arts (GCCSA), expressed concern that she was not prepared to re-try the case and thought that they would only be addressing concerns with the process. Chairman Cline explained that they would not be retrying the case, but part of the process is to fill in any gaps that might be in the Hearings Officer's report in order to have a fuller picture before making a decision on the Hearing Officer's recommendation. Ms. Frederickson also noted that she was never notified that the other parties would be speaking today, which is required. Chairman Cline explained that the notice sent to all the parties indicated that each would be given an opportunity to speak.

Ms. Frederickson was sworn in and read her prepared statement, which was submitted to the State Board. She explained that she was not in the Director's position at the time these incidents occurred and that it was GCCSA's understanding was that the issue being brought before the State Board was re-enrollment, not the bullying allegations. Ms. Frederickson noted the report did not mention or note the families' very dramatic, very visual withdrawal from the school and GCCSA staff's statements related to it. When the families noted that they wanted to re-apply, their seats were already taken. Throughout the process, she stated that they have made every effort to be compliant in terms of providing information and following procedures. She acknowledged that the bullying investigation had not taken place and stated she was willing to follow the State's recommendation.

Chairman Cline asked for clarification on the re-enrollment. Ms. Frederickson explained that the class was full and the spots had been taken. She also explained that in addition to looking at the enrollment numbers she also took into consideration school culture and climate expectations. Chairman Cline asked Ms. Frederickson to elaborate on what is meant by school culture and climate expectations and noted in the report that there is a letter that cited truancy issues as the reason they were not allowed to re-enroll. He asked if there were other things factored into the decision to not re-enroll. Ms. Frederickson commented

that a lot of teachers were frightened by the parents and noted that there were a lot of issues with the families last year that were not properly documented.

Chairman Cline noted that the letter to not re-enroll only cites truancy and noted there is a huge gap between that and issues with parent behavior.

Cindy Chagnon asked if the school received a formal letter withdrawing the students from the school. Ms. Frederickson responded that the school had not received any such letter.

Kate Cassady asked if the school had a written policy or criteria on truancy and absences. Ms. Frederickson responded that there was not a written policy in place at the time and noted that they have one in place now.

Cindy Chagnon noted that the anti-bullying laws require a response within 48 hours. There is a fairly rigorous process that must be followed, and it is not pre-determined by a headmaster or board as to whether they think it happened. Ms. Frederickson explained that she was not the director at that time and was not sure why the process was not followed. She commented that when the parents requested the investigation, the director shared the emails and offered to begin the investigation. The parents asked him to recuse himself, and he passed that responsibility on to the school's board and their recommendation was based on that testimony. It was at the end of the school year and it took a couple of weeks for the school board to be able to hear the issues. Ms. Chagnon pointed out that the truancy was mainly during that two-week process, if she understood the timing right. Ms. Frederickson did not have a report about the situation when she became director, but there was an email that outlined the related events. That was the only information she had.

Chairman Cline asked for clarification on the recusal and when the Frederickson's knew about their daughter being part of the complaint. Ms. Frederickson explained that they were not aware of their daughter being involved with the bullying and that the issue before the school board at the time was regarding enrollment and not bullying and did not think they needed to recuse themselves. Ms. Frederickson mentioned that she obtained a copy of the police report and her daughter's name was not in the report.

Chairman Cline noted that the reason for the absences was bullying, and the cited reason for not re-enrolling was the absences making them clearly related.

Cindy Chagnon cited the Hearing Officer's report indicating that, "No evidence was provided that anyone performed any type of investigation regarding allegations in June or any prior allegations. The school did not make a formal determination if bullying actually occurred....". Ms. Frederickson agreed that an investigation did not happen and would like for one to take place.

Chairman Cline cited a letter from August to the parents in which it was stated that the appeal in regards to bullying would not be heard, as it was already addressed in the hearing in June. He noted that this was astonishing when there was no investigation to even determine if there was bullying.

Kate Cassady asked when Ms. Frederickson had started as director. Ms. Frederickson stated that she started in July.

It was agreed, after board discussion, that school staff be included in the investigation into the allegations of bullying.

MOTION: Ann Lane made the motion, seconded by Phil Nazzaro, that the State Board of Education accept the Hearing Officer's report and adopt the Hearing Officer's recommendations, thereby overturning Gate City Charter School's decision on re-enrollment and assigning an independent investigator to review the allegations of bullying.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Student/Hudson School District ~ SB-FY-19-11-005

Parent requested that this agenda item be withdrawn.

MOTION: Cindy Chagnon made the motion, seconded by Sally Griffin, that the State Board of Education accepts the motion to withdraw the request for dispute resolution from the parent.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

A. Three Month Charter School updates

1. Capital City

Stephanie Alicea, Head of School, provided an update on Capital City Charter School. They currently have 32 students and provide school-based, in-service learning for sixth through eighth grade. There are approximately 11 seventh-graders and 18 eighth-graders. They are growing each year and adding a grade. Ms. Alicea shared photographs with the State Board, and shared some students' stories.

Ms. Alicea noted that there is additional space for classrooms at their current location. She also responded to a question raised about the sustainability of the school in that their projected enrollment the first year was 75 students.

2. Kreiva Academy

Michelle Mathieu, Director of Culture and Curriculum provided an update on Kreiva Academy and provided the State Board with printouts. Kreiva opened in a newly renovated building in downtown Manchester and have grown to 100 students, 3 administrators, 1 curriculum director, 9 teachers, 4 paras, 1 guidance counselor and 1 soon-to-be custodian. Ms. Mathieu noted that 80% of their students are from the Manchester area, 20% are students of color, and almost 30% qualify for special education. Kreiva is a project-based learning school, and next to none of the students enrolled come from that type of school environment. The staff and students are learning the approach together. Another challenge has been bringing students together who are not accustomed to a community-based collaborative environment. Creating its own culture has been an ongoing process for Kreiva Academy.

A question was raised regarding the Academy's restorative justice program. Ms. Mathieu's explained that restorative justice started in the legal system, and the essential theory behind it is instead of having a list of rules and consequences the students are looked at as being in a community with relationships. If a student makes an unfortunate choice, they look at what relationships were damaged in that choice, as well as the natural consequences. It brings students to a point of confidence and seeing eye-to-eye with their community and what is going on around them. Students are beginning to understand the concept of looking at the whole picture before making a judgment about ramifications or consequences. The State Board would like Ms. Bayer to return later to address the board and speak more about restorative justice and the results they have seen.

Ms. Mathieu provided an update on Kreiva's curriculum and alternative style classrooms.

In the original application, the projected enrollment was 144 students. Ms. Mathieu commented that they have adjusted their projections to make sure they are staying in line with the budget and with student needs. They are currently budgeting off of 80 students, which is their break even. There is room for growth, and next year they are proposing to grow with two more classrooms, which would put them between 135 and 145 students.

3. Windham Academy

Melinda Labo, School Director reported that Windham Academy opened in September and is a full-day kindergarten, first, second and third-grade school. It

is a STEM school with a strong foundation in reading and math. The teachers are all trained and certified and bring their knowledge from a variety of areas.

Two young gentlemen shared their experiences as third graders at Windham Academy with the State Board.

Ms. Labo updated the State Board on the specials that they include: art, let's play music, YMCA, mindfulness and movement, and appreciation of reading.

There are 17 students in each kindergarten class; and the teachers from different grades share and collaborate to help individual students and keep pace with their learning.

There are 70 additional students that are pre-registered, 45 of which are for the full-day kindergarten. They will have to use a lottery system for enrollment selection because they will not have seats for everyone that applies. Ms. Labo noted there are only two students who have confirmed they will not be returning and this is because they are moving from the area. The families with them truly want to stay.

Sally Griffin asked if they have bullying instances, and if so, how they deal with them. Ms. Labo reported that they follow a no-tolerance bullying policy; however, they have not had any instances of bullying. She mentioned that she has a lunch with the older students to talk with them about being role models for the younger students.

Ms. Labo praised the young gentlemen that spoke earlier to the State Board and noted that they are great role models for the younger students. The State Board thanked the young men for the wonderful job they did speaking today.

AGENDA ITEM VI. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE

A. Charter Renewal Extension Requests

Jane Waterhouse, NHDOE, Charter School Administrator reported to the State Board that the charter school renewal process is not happening as quickly as she had hoped. She outlined the review process and noted that there just is not enough time to meet the deadlines she previously had set and were approved by the State Board. Ms. Waterhouse also mentioned that finding/hiring reviewers has been difficult. It was suggested to consider looking outside of New Hampshire for educators with public school experience and at other New Hampshire charter schools not up for renewal to obtain charter school experienced reviewers.

Ms. Waterhouse hopes to have caught up with all the renewals by or before the State Board's March meeting and is requesting renewal extensions based on the table below.

| Charter School | Original Charter Approval Date | Original Expiration Date | SBOE Extension Approval Date | Extension Expiration Date | New Extension Requested | Anticipated SBOE Renewal Dates |
|------------------|--------------------------------|--------------------------|------------------------------|---------------------------|-------------------------|--------------------------------|
| Next | 8/23/13 | 8/23/18 | 5/10/18 | 11/10/18 | 3 months | 1/14/19 |
| Founders | 7/18/13 | 7/18/18 | 5/10/18 | 11/10/18 | 3 months | 2/14/18 |
| Mountain Village | 7/18/13 | 7/18/18 | 6/13/18 | 12/13/18 | 3 month | 1/14/19 |
| Gate City | 7/18/13 | 7/18/18 | 6/13/18 | 12/13/18 | 3 months | 2/14/19 |
| Granite State | 8/19/13 | 8/18/18 | 7/11/18 | 1/11/19 | 3 months | 3/14/19 |

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, that the State Board of Education authorize the extension of charter renewal requests for Next Charter School, Founders Academy Charter School, Mountain Village Charter School, Gate City Charter School for the Arts, and Granite State Arts Academy.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Virtual Learning Academy (VLACS) Charter Renewal

Jane Waterhouse, NHDOE, Charter School Administrator introduced herself as well as Steve Kossakowski, VLACS CEO. Ms. Waterhouse presented the charter renewal request for VLACS and noted that the site visit was very well organized, and the three reviewers unanimously recommended renewal.

She then went on to note that the school has continuously demonstrated its ability to deliver a quality education and engagement with its stakeholders. VLACS has a high level of academic achievement and over the years has refined and developed their competency-based customized learning experience program. The school has ably demonstrated a strong balance sheet and sound financial management and has a fund-raising plan that ensures its ability to meet financial goals. They have increased student enrollment while growing academically with sound practices of research and evidence-based practices and curricula.

The evaluation team felt that VLACS is setting trends for the future of education not only in New Hampshire but nationally and internationally.

Mr. Kossakowski noted that the VLACS' technology department is getting ready to launch a new system that will better support work-based learning in grades 9 through 12.

There was discussion about the security of student data and information. It was noted that VLACS operates from the perspective that it is never truly safe. They recently hired a contractor who works with banks to evaluate VLACS' data security and as a result they updated as well as changed some of their protocols.

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, pursuant to Ed 318.12 and Ed 318.13 that the State Board of Education, authorize the extension of the charter of Virtual Learning Academy.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

C. New Hampshire School Building Authority's (NHSBA)
Recommendation of Prioritized School District Proposals in Descending Rank
Order

Gregory Hill, Chair, NHSBA introduced himself and presented to the State Board the NHSBA's recommendation of Prioritized School District Proposals in Descending Rank Order. He mentioned that Woodsville High School went to Court yesterday to request that they be granted the ability to have a special community district meeting to see if the community would allow for additional funding to go to a different project entirely. That community meeting will be held this Saturday at 10:00 a.m.

Commissioner Edelblut explained that this is a continuous process with multiple check-ins along the way before it is submitted to the legislature.

Mr. Hill reviewed the State guarantee option, and he felt additional discussion would need to take place between the Authority and the State Board regarding how to educate communities.

The State Board agreed that more time was needed to review the materials.

MOTION: Phil Nazzaro made a motion, seconded by Ann Lane, to table this agenda item until next month.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

D. Nonpublic School Approval for Thrive Program

Susan McLaughlin-Beltz, Executive Director at the Neurodevelopmental Institute of New Hampshire (NHNI) introduced herself and Thrive special education teacher, Andrew Kyriakoutsakos to the State Board. Ms. McLaughlin-Beltz explained that NHNI is an eight-bed residential treatment facility for children from birth to 21 years old. The program is designed for children who have experienced trauma and have been pulled from their homes due to abuse and/or neglect. They come to the agency for a 60-day assessment and treatment and noted that some placements are court ordered. The request for nonpublic school approval is to allow the school-aged children that are at NHNI to receive education because the local school district refuses to take these children into their schools.

Chairman Cline asked if Ms. McLaughlin-Beltz could explain to the State Board how a school district can refuse to take in these students. She explained a situation with a particular student, where the student resided in another school district before residing at NHNI in Manchester. Manchester asserted that it was the sending school district's responsibility and not theirs, even though the student was living in Manchester at NHNI. She acknowledged that there are children who cannot be maintained in the public schools, and NHNI wants to be able to provide education for these children with Thrive.

There was discussion about students with IEPs and court ordered placement at NHNI and the special education services nonpublic schools are allowed to offer. Commissioner Edelblut clarified that today's approval of Thrive as a nonpublic school does not include special education approval and noted that without special education approval the sending school district is responsible for providing special education services for court ordered placement of children with IEPs. Ms. McLaughlin-Beltz noted that they will be pursuing special education approval after Thrive is approved as a nonpublic school.

In response to a question about staff turnover, Ms. McLaughlin-Beltz noted that it was not an issue and explained that the internship program they offer involves quite a lot of training.

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, for the State Board of Education to approve the Thrive Educational Program as a non-public school for one year.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

11 E. School Bullying Report for School Year 2017-2018 per RSA 193-F:6.

Attorney Diana Fenton and Stephen Berwick from the Department's Governance Unit presented 2017-2018 school year bullying report to the State Board. Attorney Fenton explained that the report had been submitted to the legislature and was before the State Board today as information only and was happy to answer any questions the State Board might have about the report.

Cindy Chagnon asked if charter schools are included in the report to which Stephen Berwick responded affirmatively.

Phil Nazzaro asked how these numbers compared to the previous year. Mr. Berwick noted that the number of incidents had decreased, but did note that cyber bullying continues to remain prominent. Mr. Nazzaro asked if there are any trends (i.e., increases, decreases, shifting from age groups, etc.) to which Mr. Berwick did not have an answer, explaining that the report follows the law which does not include analysis of the data. Commissioner Edelblut stated that the Department would be happy to put a chart together and was asked if the data could go back 10 years.

Sally Griffin asked how long the "Jesse Lewis Choose Love" program has been in the New Hampshire schools and asked about its effectiveness. Commissioner Edelblut explained that it was brand new and with the support of the Governor was implemented this fall.

Chairman Cline asked if "reported incident" could be defined. Attorney Fenton understands it to be that an incident has been "reported" to school administration. Chairman Cline noted that many bullying incidents go unreported and undocumented and wondered if at the state level if something could be done to coach/train and encourage students to come forward.

MOTION: Phil Nazzaro made a motion, seconded by Ann Lane, for the State Board of Education to accept the School Bullying Report for School Year 2017-2018 per RSA 193-F:6, II

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

F. Council of Teacher Education Recommendations/Updates

Michael Seidel, Director, Division of Educator Support and Higher Education for the NHDOE introduced himself, as well as Mary Earick, Director, Holmes Center for School Partnerships and Educator Preparation; Brian Walker, Coordinator of Clinical Experiences and School Partnerships for Plymouth State

University; Mary Ford, Interim Dean, School of Education at Southern New Hampshire University.

Mr. Seidel provided the State Board with an overview of the review processes for both Plymouth State University's educator preparation program reviews bulleted below.

- Recommendation for a two-year conditional approval of the Council for the Accreditation of Educator Preparation (CAEP) reviewed Plymouth State University (PSU) Professional Educator Preparation Programs (15)
- Recommendation for a two-year conditional approval of the Council of Teacher Education (CTE) and Department of Education (DOE) reviewed PSU Professional Educator Preparation Programs (5)

Helen Honorow asked if the recommendation from the CTE is for conditional approval because unlike CAEP the State does not have a nomenclature for probationary status. Mr. Seidel responded that this is correct and that the State's status options are approval, conditional approval, or non-approval.

Helen Honorow expressed concern about transparency. She asked if the information regarding the outcome of the reviews had gone out to students, and/or parents, or anyone who needs the information regarding the probationary status. Mary Earick, Director, Holmes Center for School Partnerships and Educator Preparation introduced herself and noted that she had started in this position last December shortly after the CAEP visit. Ms. Earick made the following three clarifications:

1. PSU won their appeal because there were inaccuracies in the report. In October 2019, CAEP will be making a targeted visit to PSU to remove all stipulations. Probationary status is for two years, CAEP is waiving one year because the outcome of the appeals process clearly communicated to CAEP that there were missteps in their process.
2. In the second memo that was submitted as part of the State Board's meeting packet, on Page 2, the memo makes the statement that PSU did not discuss the stipulations made by CAEP to the State reviewers, and explained that was because in March, when the State did their visit, PSU was not in danger of revocation. Revocation was not on the table until April when the national CAEP board added additional stipulations that PSU never saw and then revoked its licensure. PSU's appeal addressed the inaccuracy of the addition of stipulations after the site visit. The national CAEP panel found that their site visit team was given evidence to meet the standards, noted it in the report, but

didn't tell PSU to upload it to an online bank. The CAEP site visit team took the documents with them.

3. During the appeal it was also noted that PSU had a plan and was putting a data collection system in place in response to CAEP's 2013 requirement. This was part of the information that was taken by the CAEP site team but not submitted in their report.

It was clarified that PSU currently holds a probationary status with CAEP. Ms. Honorow asked what was currently posted to the website regarding this status. Ms. Earick stated that PSU is waiting to be provided by CAEP language to post to the website and anticipate receiving that language this month. Ms. Honorow asked what was posted now and communicated to faculty, staff, students and parents about PSU's probationary status with CAEP.

Chairman Cline noted that PSU had a statement/press release issued on June 12, 2018 stating that PSU is reevaluating national accreditation of its educator preparation programs and asked where PSU is in this process. Ms. Earick stated that in March 2019 PSU will be undergoing a full site visit from the Association for Advancing Quality in Educator Preparation (AAQEP). AAQEP is a new national accreditation organization that focuses on innovation and multiple measures. PSU is pursuing this accreditation in addition to CAEP.

Chairman Cline asked why PSU is waiting for CAEP for language to post to their website. Ms. Earick explained that PSU wants to make sure what is posted about CAEP's accreditation is correct.

Ms. Earick was urged to contact CAEP immediately for this language so this information can be posted and made clear to anyone reading it that PSU's CAEP accreditation is a probationary status. Ms. Earick agreed to follow up with CAEP as well as send a status update to students. She agreed that the status update will be going out next week and will send the information to Ms. Adams to distribute to the State Board.

The following motion includes the Council of Teacher Education's (CTE) recommendation for the 15 CAEP-reviewed PSU Professional Educator Preparation Programs and the 5 CTE- and DOE-reviewed PSU Professional Educator Preparation Programs.

MOTION: Cindy Chagnon made a motion, seconded by Helen Honorow, for the State Board of Education to grant conditional program approval for two years through May 31, 2020, for the following Professional Educator Preparation Programs at Plymouth State University, Plymouth, New Hampshire: early childhood education, elementary

education, K8, K6, English-language arts for grade 5-12, English for speakers of other languages, general special education, health education, mathematics, educational technology integrator, physical education, social studies for grades 5-12, special education administrator, school principal, school superintendent, school psychologist, library media specialist, visual arts, mathematics 5-8, music education, school counselor, and curriculum administrator.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

- Recommendation for approval of Upper Valley Educators Institute's (UVEI) progress report on its Bachelor of Arts in Visual Art

MOTION: Cindy Chagnon made a motion, seconded by Phil Nazzaro, that the State Board of Education grant full program approval through August 2022 for the following Professional Educator Preparation Program at Upper Valley Educator's Institute (UVEI) in Lebanon, New Hampshire: Bachelor of Arts in Visual Art.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

G. Rules Update

Chairman Cline thanked Anne Wallace, Professional Standards Board (PSB), Chair and Amanda Phelps, NHDOE, Administrative Rules Coordinator for all their hard work in providing a comprehensive list of all administrative rules being drafted or amended by Department staff or the PSB:

The rules were then summarized and reviewed for the State Board.

AGENDA ITEM VII. LEGISLATIVE UPDATES

A. Initial Proposal - Learn Everywhere Program for Alternative Programs for High School Graduation Credit (Ed 1400)

Commissioner Edelblut introduced this initial proposal by telling a story about students having fun working late in the evening frantically building a robot and realized that these students would still be faced with homework when they arrived home and realized that the learning taking place building the robot would not count towards anything.

He then spoke about a rhetorical question Elliot Washor poses in his book, *Leaving to Learn: How Out-of-School Learning Increases Student Engagement and Reduces Dropout Rates* ~ "What if there were ways to provide and give credit for learning wherever or whenever it occurred?"

The commissioner spoke about reviewing the Ed 306 rules adopted by the State Board in 2005 that state "*we should harness all available community resources, including but not limited to: organizations, businesses, talented individuals, natural resources and technology to engage each student in achieving the necessary skills and knowledge that they need to move forward...*". This program is crafted around this idea and is an aspiration to make it a reality. This rule/program will allow a broader section of students to achieve those opportunities. Students engaged in their own learning and education have better outcomes.

Commissioner Edelblut emphasized that this is an initial proposal that is now open to additional input. He noted that in crafting the proposal, input from many stakeholders and industry experts were gathered from within New Hampshire as well as the country.

Commissioner Edelblut explained that the program would utilize existing processes and would follow a similar application process as that of charter schools. It would unbundle to the education process by credentialing programs, not just schools. Cindy Chagnon voiced concern that some of the smaller organizations might have difficulty getting through the approval process. Commissioner Edelblut hoped that the feedback gathered over the next 60 days of getting this initial proposal out would help iron out and answer some of these questions.

Cindy Chagnon asked how this program will affect educational learning opportunities (ELOs). Commissioner Edelblut explained that this program will make it easier for ELO coordinators because it will create multiple paths for their students to pursue.

Helen Honorow thanked Commissioner Edelblut for meeting with each of the board members and giving them a "heads up" about this initial proposal. After reading more of the proposal she was unable to see how this program would help reduce the equity gap because it would be people who would have to purchase these services. She is very concerned about the State Board being a licensing agency. Ms. Honorow also looked at the Met School and it is an extraordinary program, but at the heart of their program are certified teachers that are never outside of the process. She's concerned about staffing capacity and wondered why we wouldn't focus on helping school districts develop ELOs where you still have an educator involved.

Commissioner Edelblut responded that these were great points and questions and that is the value of the rulemaking process where changes or modifications can be made as we gather input from a broader range of stakeholders.

Commissioner Edelblut noted that the State Board in 2011 authorized a consulting firm to do a formal study of ELOs emphasizing the importance and value of creating opportunities to gain learning outside of school. That report emphasized the urgency of the need. This need has yet to be delivered and he questioned whether it is because of the report or the structure that currently exists and perhaps a program such as this would help realize this need by soliciting a broader constituency of stakeholders to really help support public education so that all our children can get those opportunities that we have aspired to for many, many years.

Chairman Cline noted that there are many at risk youth programs, such as soccer leagues, which once approved, would provide opportunities for children from low income families to receive Physical Education (PE) credit as just one example. He also mentioned the same for martial arts, auto mechanic classes, boys and girls clubs, etc. He envisions many organizations, such as the Manchester Police Athletic League, that already offer free at-risk youth programs might be interested in credentialing their programs. He sees this as a way to address the equity gap and create opportunities that would otherwise not be available for high school credit.

Ann Lane noted that time is a limited resource and sees this program as a way to give value to children's time.

MOTION: Ann Lane made a motion, seconded by Sally Griffin, for the State Board of Education to approve the initial proposal for Ed 1400 relative to the Learn Everywhere Program and hold a public hearing for the rule on February 14, 2019.

VOTE: The motion was approved by a 4 to 1 vote of the Board with the Chairman voting.

B. Initial Proposal - School Year (Ed 306.18)

Amy Clark, NHD OE, Administrator, School Safety and Facility Management Bureau spoke to the State Board and noted that this rule often frustrates or puts an additional burden on schools when there are a lot of snow days. She explained that the rule as it currently exists does not allow schools to graduate seniors more than five days before the rest of the grades. If a school has more than five snow days, graduations have to be moved, which puts an added burden on the schools, venues and families. This rule corrects that issue.

MOTION: Ann Lane made a motion, seconded by Sally Griffin, for the State Board of Education to approve the initial proposal for ED 306.18

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM VIII. OPEN BOARD DISCUSSION

There was no open board discussion.

AGENDA ITEM IX. OLD BUSINESS

A. Discuss program assurance letter language from St. Anselm College, University of New Hampshire and Granite State College to the State Board for last month's approved requests for their professional educator preparation program approval extensions.

There was discussion and the following language is what should be used in the assurance letters to the State Board, "We assure the State Board of Education that our Professional Educator Preparation Programs adhere to the New Hampshire State regulations..."

AGENDA ITEM X. TABLED ITEMS

There were no tabled items.

AGENDA ITEM XI. NONPUBLIC SESSION

The Board went in to a non-meeting to consult with their attorney.

There was no nonpublic session.

AGENDA ITEM XII. ADJOURNMENT

MOTION: Phil Nazzaro made the motion, seconded by Helen Honorow, to adjourn the meeting at 3:55 p.m.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.



Secretary

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New Hampshire State Board of Education
New Hampshire Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301

Thursday, February 14, 2019



AGENDA

- I. CALL TO ORDER - 9:00 AM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT *(Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.)*
- IV. CONSENT AGENDA
 - A. Meeting Minutes of January 10, 2019
 - B. Amend Lisbon and Lyman's Articles of Agreement
- V. PUBLIC HEARINGS *(Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.)*
 - ★ A. 9:30 AM - Learn Everywhere Program for Alternative Programs for High School Graduation Credit (Ed 1400)
 - B. 10:00 AM - School Year (Ed 306.18)
- VI. SPECIAL PRESENTATIONS *(Times are approximate.)*
 - A. 10:30 AM – Choose Love ~ SHANNON DESILETS
 - B. 11:00 AM – US Performance Academy Nonpublic School Approval ~ PETE SMITH, President
 - C. 11:30 AM – Vista Learning Center Nonpublic School Approval ~ AMANDA REED, Director and JUDY KOCH, Executive Director
 - D. 12:00 PM – Gate City Charter School Charter (GCCS) Renewal ~ JANE WATERHOUSE, NHDOE, Charter School Administrator and Rebecca Fredrickson, GCCS, Director of Operation
- VII. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE *((Times are approximate.))*
 - A. 12:30 PM – Charter Renewal Extension Request for Founders Academy ~ JANE WATERHOUSE, NHDOE, Charter School Administrator
 - B. 1:00 PM – Professional Standards Board Nomination of Mary Murphy for Qualified Lay Persons ~ AMANDA PHELPS, NHDOE, Rules Administrator

VIII. LEGISLATIVE UPDATES ~ AMANDA PHELPS, NHDOE, Rules Administrator

- A. Initial Proposal ~ Technology & Engineering Teacher (Ed 507.05) *(Remove from table.)*
- B. Initial Proposal ~ Reading and Writing Program (Ed 612.02)
- C. Initial Proposal ~ Computer Science and Kindergarten Minimum Standards (Ed 306) NEW
- D. Conditional Approval Response ~ Non-Public School Approval (Ed 403.03, Ed 405.01 and Ed 407.01)
- E. Adopt ~ Non-Public School Approval (Ed 403.03, Ed 405.01 and Ed 407.01)

IX. OPEN BOARD DISCUSSIONS

X. OLD BUSINESS

XI. TABLED ITEMS

- A. Initial Proposal ~ Technology & Engineering Teacher (Ed 507.05)

XII. NONPUBLIC SESSION

XIII. ADJOURNMENT – 2:00 PM

if accommodations are needed for communication access such as interpreters, please call (603) 271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

New Hampshire
State Board of Education
Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301
Minutes of the February 14, 2019 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:35 AM at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy C. Chagnon, Drew Cline, Helen Honorow, Sally Griffin, Ann Lane and Phil Nazzaro. Christine Brennan, Deputy Commissioner of Education, and Frank Edelblut, Commissioner of Education, were also present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Cindy Chagnon led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

The following individuals provided testimony to the State Board in support of The Founders Academy Public Charter School (TFA) charter extension and renewal:

- Leah DiPietro, Manchester, NH (*submitted written testimony*)
- Susan Lawton, Manchester, NH (*submitted written testimony*)
- Jessica Bell, Manchester, NH (*submitted written testimony*)
- Kristy Ouellette, Merrimack, NH (*submitted written testimony*)
- Jonathan Lawton, Manchester, NH (*submitted written testimony*)
- Michael Lawton, Manchester, NH (*submitted written testimony*)
- Jane Cormier, Manchester, NH (*did not speak; however, submitted written testimony*)
- Jennifer Nelson, Amherst, NH (*submitted written testimony*)

Jon DiPietro, Manchester, NH – Mr. DiPietro provided testimony to the State Board and does not want The Founders Academy Public Charter School's charter revoked. He does, however, support them developing a remedial plan.

Patrice Benard, Manchester, NH (*submitted written testimony*) – Ms. Benard stated that TFA has not met the standards and goals set forth in their

charter. She requested the State Board to vote no on the charter extension and asked that the charter be revoked.

Victoria Sullivan, Manchester, NH (submitted written testimony) – Ms. Sullivan stated that TFA has not been directly accountable to parents. TFA's Board had no intention of changing course or accepting responsibility when parents questioned its actions. She requests that the State Board extend TFA's charter until a hearing date is scheduled to address charter violations and that a remedial plan is put in place.

Buddy Sullivan, Manchester, NH (submitted written testimony) – Mr. Sullivan spoke to the State Board about his experience as a student at TFA and his disappointment with the lack of leadership qualities in its leaders. He spoke about having to make new friends each year because so many were leaving, some even in the middle of the school year. He spoke about his frustration with having to have newly trained teachers each year because they too, were leaving. He and his family are actively looking for a new high school.

Doris Hohensee, Nashua, NH (submitted written testimony) - Ms. Hohensee raised concerns about the Nashua School Board and the student election process.

Moiria Ryan, NH Autism Advocates - Ms. Ryan described an old due process case for special education where the school district argued that autism causes dysgraphia and dyslexia, denying a parent's request for special learning disability services for dyslexia. The decision was upheld despite physician testimony refuting that autism causes dyslexia. Ms. Ryan asked the criteria for Specialist in Assessment of Intellectual Functioning (SAIF) be reviewed, as learning disabilities have expanded in society. She also submitted written testimony for someone not able to attend today's meeting.

AGENDA ITEM IV. CONSENT AGENDA

A. Meeting Minutes of January 10, 2019

B. Amend Lisbon and Lyman's Articles of Agreement

MOTION: Phil Nazzaro made a motion, seconded by Kate Cassady, to approve the minutes of January 10, 2019, as amended and to accept the amended Lisbon and Lyman Articles of Agreement.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

★ AGENDA ITEM V. PUBLIC HEARINGS ★

A. Learn Everywhere Program for Alternative Programs for High School Graduation Credit (Ed 1400)

Chairman Cline opened the Public Hearing at 9:30 AM.

The following individuals provided oral testimony to the State Board and were encouraged to also submit written testimony:

- Sahith Kaki, Student (*submitted written testimony*)
- Ian McCabe, Student (*submitted written testimony*)
- Beth White, Big Picture Learning (*submitted written testimony*)
- Michael Bessett, SAU 65, Kearsarge (*submitted written testimony*)
- Joy Gobin, Lebanon High School (*submitted written testimony*)
- Bonnie Robinson, Director, Curriculum Instruction and Assessment, Lebanon High School, SAU 88 (*submitted written testimony*)
- Diane Murphy, Founding Director, Big Fish Learning Community
- Janet Ward, League of Women Voters (*submitted written testimony*)
- Jane Bergeron, Director, New Hampshire Association of Special Education Administrators (*submitted written testimony*)
- Patricia Mellor, Girl Scouts of the Green and White Mountains (*submitted written testimony*)
- Dean Cascadden, SAU 67 Superintendent and Brian O'Connell, Bow HS Principal (*submitted written testimony*)
- Megan Tuttle, National Education Association (NEA) - NH (*submitted written testimony*)
- Donna Couture, Winnacunnet High School (*submitted written testimony*)
- Susanne Filipone, Oyster River High School (ORHS) Principal and Sean Peschel, ORHS, Educational Learning Opportunities (ELO) Coordinator
- Bonnie Dunham, Merrimack, NH (*submitted written testimony*)
- John Freeman, SAU 50 Superintendent, Pittsfield School District
- Jon DiPietro, Manchester, NH
- Esther Asbell, SAU 16 Associate Superintendent, Exeter
- Moria Ryan, SAC Committee
- Frank Grossman, FIRST Robotics
- Maureen Redman-Scura, Concord (*submitted written testimony*)
- Stacey Kallelis, Salem High School
- Tracy Lollyer, Salem High School
- Lexi Ouellette, Salem High School
- Marisa Hamman, Salem High School
- Jeanne Gerulskis, McAuliffe-Shepard Discovery Center

- Mary Wilke, Concord (*submitted written testimony*)
- Nicole Heimarck and Barrett Christina, NH School Boards Association (NHSBA)
- Fred Bramante, National Center for Competency-Based Learning
- Esther Kennedy, SAU 73
- Louise Spencer, Concord (*submitted written testimony*)
- Doris Hohensee, Nashua (*submitted written testimony*)

Chairman Cline closed the Public Hearing at 11:50 AM.

B. School Year (Ed 306.18)

Chairman Cline opened the Public Hearing at 10:00 AM and closed it at 10:42 AM with no public commentary.

AGENDA ITEM VI. SPECIAL PRESENTATIONS

A. Choose Love

Ms. Shannon Desilets, the Program Coordinator of Choose Love for New Hampshire introduced herself. Ms. Desilets explained that she provides post-trauma treatment and has been working with the families affected by the Sandy Hook School shooting. The Jesse Lewis Choose Love Enrichment Program is a social and emotional learning (SEL) program offered to schools for free and was started by Scarlett Lewis, the mother of Sandy Hook shooting victim Jesse Lewis.

Ms. Desilets then played video about the Choose Love program.

New Hampshire is the first state to commit to roll out The Jesse Lewis Choose Love Enrichment Program to all its schools. Ms. Desilets noted that members of Parliament in England have inquired about the program and want to tour New Hampshire to see the program in action and many other governors' offices have shown an interest.

A personal video message from Ms. Scarlett Lewis was then presented to the State Board. In the video message Ms. Lewis explains the benefits of the program and how it focuses on solutions to school issues that translate into society. It's an effective way to reduce bullying, substance abuse, incarceration, and even the divorce rate.

Choose Love also addresses post-traumatic growth (PTG), which is not well known. As of last week, 224 New Hampshire schools are using the program. Ms. Desilets explained the importance of external school safety measures; however, they do not get to the reasons why a student might want to harm another or him or herself. Since Sandy Hook there have been 239 school-related shootings.

A Choose Love video about issues children face today was presented.

In a May 2018 survey of the Choose Love program showed that 99% of educators saw an improvement in classroom climate and 66% saw an increase in academic performance since starting the program.

B. US Performance Academy Non-Public School Approval

Mr. Pete Smith, President, spoke on behalf of the US Performance Academy, an independent school for high-performance athletes. US Performance Academy is seeking to incorporate in New Hampshire and to set up various schools throughout the state to receive international students.

It was questioned if the school gives students attending online the ability to travel. Mr. Smith clarified that the curriculum is both blended and in person, and is designed to fit the needs of students missing incredible amounts of school due to the demands of their sport. Students are able to have enriching experiences by traveling for their sport while still attending school. He also noted a correction to 20 credits on the application and explained that they have rolling admissions with students starting throughout the school year.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro to approve the US Performance Academy Non-Public School.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

C. Vista Learning Center Non-Public School Approval

Judy Koch, Executive Director for Regional Services and Education Center (RSEC), described their various special education programs at RSEC Academy, Vista Learning Center, and the Sunrise Children's Center. She noted that they have already been approved by the NHDOE for special education programs.

Clarification was requested on why they were seeking non-public school approval. It was explained that they are currently considered a program and not a school. Receiving non-public school approval for the Vista Learning Center would identify it as a school and would separate it from the other programs within the agency. It would allow the special needs students the choice to receive their diploma from either the school district or from Vista. Also, the Vista Learning Center is housed in a separate building on the same campus as the Academy.

When asked if RSEC is involved with the local school districts, it was explained that RSEC is a regional program that helps school districts better understand special education needs of students and works with very closely school districts to move students back into their public schools.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane to approve the Vista Learning Center Non-Public School.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

D. Gate City Charter School Charter (GCCS) Renewal

This presentation was removed from today's agenda and will be placed on next month's agenda.

AGENDA ITEM VII. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE

A. Charter Renewal Extension Request for Founders Academy

Jane Waterhouse, NHDOE, Charter School Administrator, indicated The Founders Academy Public Charter School's (TFA) current charter expires in early March 2019 and she is requesting that the State Board approve a 3-month extension.

Chairman Cline clarified the State Board is not considering revoking TFA's charter or closing the school, and any social media activity driving fear in the parents that the school is closing is untrue. He suggested that rather than continuing with incremental extensions, TFA be given an extension through the end of the 2019-2020 academic year, thereby reassuring the families and students of TFA that it will continue to operate during that time. The renewal process will continue and any action the State Board might take regarding the renewal would be separate. This is an extension of the current charter.

Helen Honorow supports the extension for the benefit of the students and believes that the State Board has the authority to take the actions that the statute provides and urges the school, who is free to take whatever actions they want, to refrain from publishing anything in their newsletter or on social media, that suggests any action on the part of the State Board of Education.

The State Board moved briefly into a non-meeting to meet with legal counsel for clarification on whether or not Ann Lane is able to vote on the charter extension motion or be recused.

After the non-meeting with legal counsel, Chairman Cline noted that the goal would be to present on the charter renewal at the March 2019 Board Meeting.

MOTION: Drew Cline made the motion, seconded by Cindy Chagnon to approve the extension of the current charter of The Founders Academy Public Charter School through the end of the 2019-2020 school year.

VOTE: The motion was approved by the State Board with board member Ann Lane recused and the Chairman abstaining.

B. Professional Standards Board Nomination of Mary Murphy for Qualified Lay Persons

MOTION: Cindy Chagnon made a motion, seconded by Phil Nazzaro to approve Mary Murphy for Qualified Lay Persons on the Professional Standards Board.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM VIII. LEGISLATIVE UPDATES

A. Initial Proposal - Technology & Engineering Teacher (Ed 507.05)

Amanda Phelps, NHDOE, Rules Administrator outlined the changes to the rule.

MOTION: Ann Lane made a motion, seconded by Cindy Chagnon, that the State Board of Education approve Ed 507.05, Ed 612.31, and Ed 612.36 through Ed 612.39 relative to a technology and engineering teaching endorsement and its education and preparation program, as well as renumbering of other educator preparation program rules and hold a public hearing for these rules on April 11, 2019.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Initial Proposal - Reading and Writing Program (Ed 612.02)

Ms. Phelps explained that this is an expired rule that did not get readopted when the corresponding ED 500 rule was revised, so it needs to go through the approval process.

MOTION: Cindy Chagnon made a motion, seconded by Sally Griffin, that the State Board of Education approve Ed 612.12, Reading and Writing Program, and hold a public hearing for this rule on April 11, 2019.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

C. Initial Proposal - Computer Science and Kindergarten Minimum Standards (Ed 206) NEW

Ms. Phelps explained that Computer Science and Kindergarten were placed in one proposal so that the rules only needed to be opened once. The kindergarten portion is revised based on the House Bill that specifically outlines the change to play-based kindergarten.

Clarification on the play-based kindergarten regulations was requested. Ms. Adams will email the board a hyperlink to the regulations.

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, that the State Board of Education approve Ed 306 various sections relative to a computer science education program and corresponding amendments to change information and communication technology and literacy, as well as move kindergarten curriculum standards and hold a public hearing for these rules on April 11, 2019.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

D. Conditional Approval Response - Non-Public School Approval (Ed 403.03, Ed 405.01, and Ed 407.01)

Ms. Phelps reviewed changes with the State Board.

She was asked if non-public schools are exempt from federal laws, such as Title IX. Ms. Phelps explained that the conditional approval could not be changed at this point and will obtain clarification on the federal laws question and bring findings to the next meeting.

MOTION: Phil Nazzaro made a motion, seconded by Ann Lane, that the State Board of Education approves the additional approval response for Ed 403.03, Ed 405.01, and Ed 407.01.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

E. Adopt ~ Non-Public School Approval (Ed 403.03, Ed 405.01, and Ed 407.01)

Ms. Phelps received approval from the Office of Legislative Services (OLS) for the State Board to move forward with the adoption of the non-public school rules.

MOTION: Ann Lane made a motion, seconded by Helen Honorow, that the State Board of Education approves Ed 403.03, Ed 405.01, and Ed 407.01 regarding non-public school approval.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM IX. OPEN BOARD DISCUSSIONS

There was discussion regarding Learn Everywhere (LE) (Ed 1400) that included:

- Local control concerns.
- Clarifying the State Board's role in the review/approval process.
- Adding a metric to the rule to identify the minimum number of LE courses that could be accumulated toward graduation.
- Engaging content experts from the field, including FLO coordinators, to assist in the vetting of LE programs.
- The value of having options available to all students in the state.
- Field experts, and not educators teaching LE classes.

Commissioner Edelblut spoke of next steps with the LE rules process that will include gathering all public commentary as well as today's conversation to make changes to the rules that will be presented to the State Board for review.

Chairman Cline followed up on concerns raised about Plymouth State University's (PSU) accreditation web posting and communication regarding their educator preparation programs. Ms. Adams will email the board members a link to PSU's educator preparation webpage.

AGENDA ITEM X. OLD BUSINESS

There was no old business.

AGENDA ITEM XI. TABLED ITEMS

A. Initial Proposal - Technology & Engineering Teacher (Ed 507.05)

MOTION: Phil Nazzaro made a motion, seconded by Ann Lane, to remove the Technology & Engineering Teacher (Ed 507.05) initial proposal from the table.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM XII. NONPUBLIC SESSION

The State Board entered into nonpublic session at 3:15 PM and returned to public session at 3:48 PM.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro to move into nonpublic session in accordance with RSA 91-A:3, II(I).

VOTE: The motion was approved by roll call vote at 3:15 PM by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Phil Nazzaro made the motion, seconded by Cindy Chagnon to leave nonpublic session and return to public session.

VOTE: The motion was approved by roll call vote at 3:48 PM by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Phil Nazzaro made the following motion, seconded by Sally Griffin that the State Board of Education seal the minutes of the nonpublic session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

The State Board entered into nonpublic session at 3:55 PM and returned to public session at 4:36 PM.

- MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro to move into nonpublic session in accordance with RSA 91-A:3, II(c).
- VOTE: The motion was approved by roll call vote at 3:55 PM by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.
- MOTION: Phil Nazzaro made the motion, seconded by Cindy Chagnon to leave nonpublic session and return to public session.
- VOTE: The motion was approved by roll call vote at 4:36 PM by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.
- MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro that the State Board of Education seal the minutes of the nonpublic session.
- VOTE: The motion was approved by roll call vote by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

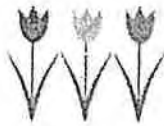
AGENDA ITEM XIII. ADJOURNMENT

- MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, to adjourn the meeting at 4:37 PM.
- VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.



Secretary

Thursday, March 14, 2019



Revised AGENDA

I. CALL TO ORDER - 9:00 AM

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENT (*Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.*)

IV. CONSENT AGENDA

A. Meeting Minutes of February 14, 2019

V. SPECIAL PRESENTATIONS (*All times are approximate.*)

A. 9:15 AM – 2019 Teacher of the Year and Finalists ~ LORI KINCAID, NHDOE, New Hampshire Teacher of the Year Coordinator

VI. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE (*All times are approximate.*)

A. 9:45 AM – Windham Woods School (WWS) Nonpublic School Approval ~ RYAN DeJOY, WWS, Head of School

B. 10:15 AM – iPlatform ~ CAITLIN DAVIS, Director, Division of Education Analytics and Resources and DINA RABUCK, Technical Support Specialist, Bureau of Educational Statistics-Data Management & Quality

C. 10:45 AM – Perkins V: Strengthening Career and Technical Education for the 21st Century Act ~ JEFF BEARD, Education Consultant, Bureau of Career Development

D. 11:15 AM – Charter Extension Request for Gate City Charter School for the Arts Renewal ~ JANE WATERHOUSE, NHDOE, Charter School Administrator

VII. LEGISLATIVE UPDATES ~ AMANDA PHELPS, NHDOE, Rules Administrator

A. 11:30 AM – Final Proposal ~ School Year: Amend Ed 306.18 (c) to Address High School Graduation Date

B. 11:45 AM – Final Proposal ~ Code of Conduct Requirement (Ed 505.08 and Ed 610.01)

C. 12:00 PM – Request to move Custodian of Records (Ed 502.03) Public Hearing to April 11, 2019

D. 12:15 PM – Update/clarification on non-public schools exemption from federal laws question from February's meeting

VIII. OPEN BOARD DISCUSSIONS

★ A. 12:30 PM - Learn Everywhere (Ed 1400) Discussion ★

IX. OLD BUSINESS

X. NONPUBLIC SESSION

XI. ADJOURNMENT -- 2:00 PM

If accommodations are needed for communication access such as interpreters, please call (603) 271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

New Hampshire
State Board of Education
Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301
Minutes of the March 14, 2019 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:00 AM at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Sally Griffin, Helen Honorow, and Ann Lane. Christine Brennan, Deputy Commissioner of Education was also present. Phil Nazzaro and Commissioner Frank Edelblut were unable to attend due to other commitments.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Chairman Cline led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Deputy Commissioner Christine Brennan introduced her Yellow Lab puppy, Coconut, who is being trained to be a Seeing Eye dog for the blind, to the Board and everyone in attendance. She explained the training process and how wearing her "Seeing Eye Dog" vest signifies she is on the clock and working.

The following individuals provided testimony to the State Board in support of The Founders Academy Public Charter School (TFA) charter extension and renewal:

- Gabriella Alvarez, Manchester, NH
- Jonathan Lawton, Manchester, NH (*submitted written testimony*)
- Francesca Vesey, Manchester, NH (*submitted written testimony*)
- Susan Lawton, Manchester, NH
- Jennifer Nelson, Amherst, NH (*submitted written testimony*)
- Jackson Huot, Manchester, NH

John Larochelle, Manchester, NH – Mr. Larochelle expressed his interest in technology and desire to attend Spark Academy, as well as the academic reasons for doing so. He supports the State Board approving the charter.

Harrison Williams, Manchester, NH – Mr. Williams feels Spark Academy would have been a good technical high school for him due to his interest in engineering. A skilled workforce is good for New Hampshire and all the businesses within its borders. He supports the State Board approving the charter.

Mimi Thomas, Hudson, NH - North Point Construction (*submitted written testimony*) - Ms. Thomas represents her and her husband as owners of North Point Construction. The pool of construction tradesmen is decreasing every year; therefore, they support the State Board approving the charter for Spark Academy as a solution for the education of prospective skilled workers.

Matt Mercier, Hooksett, NH - Mr. Mercier owns a small technology services business and is a former Board member of The Founders Academy and on the Advisory Committee for The Children's Scholarship Fund of New Hampshire. He thanked the State Board for TFA's charter extension. He also supports the charter approval for Spark Academy. Charter schools allow students to have a choice in their education beyond traditional public schools. That is beneficial for the entire public school system.

Bonnie Dunham, Merrimack, NH - Ms. Dunham testified that this afternoon the Department of Health and Human Services is holding a public hearing on the proposed amendments to the Medicaid to Schools Program rules. Proposed changes include eliminating wrap-around and consultative services as covered sources.

AGENDA ITEM IV. CONSENT AGENDA

A. Meeting Minutes of February 14, 2019

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, to approve the minutes of February 14, 2019, as presented.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Teacher of the Year and Finalists

Ms. Lori Kincaid, Teacher of the Year Coordinator for NHDoe introduced herself. The Council of Chief State School Officers (CCSSO) brings state teachers together for several events and provides them with professional learning opportunities. The Teacher of the Year is a teacher who speaks for and energizes the teaching profession, as well as representing the contributions of all teachers statewide. Applications for 2020 nominees are due tomorrow and all

those with completed applications will be honored on April 1, 2019. The Teacher of the Year Selection Committee narrows it down to semifinalists who are then observed in the classroom and interviewed. Five finalists then submit essays and present a speech, at which time the selection committee chooses one teacher. The four 2019 finalists, followed by the 2019 Teacher of the Year, will speak today.

Aaron Blais, a public school teacher at Exeter High School, is proud to be a nominee and learned a lot about his own teaching during the process. Mr. Blais noted that the students he is teaching will retire from jobs that have not yet been invented. Educational focus should be on job skills, STEM, and standardized tests without diminishing civic education and the humanities.

Alice Donahoe, a fourth grade teacher in Merrimack, who attributes becoming a teacher to her dedicated fifth grade teacher who assisted her when she became ill in childhood. Alice challenges herself with her reading and then challenges her students. She gains real satisfaction from teaching and seeing engagement, passion, and desire in her students.

Allison Leach teaches at Spaulding High School in Rochester. Since childhood she has been recording teaching strategies she wanted to use as a teacher. Ms. Leach explained that she has a neurologic condition that led to long-term disability and forced her to change her lifestyle and pastimes. The entire community helped fundraise for her treatment and she was able to return to teaching. After cycles of therapy and teaching, she looks at life differently. She hopes to teach her students that problems can be solved one step at a time.

Lori Christerson teaches at Bishop Brady High School in Concord. The biggest challenge she sees for teachers is the limited amount of time to address all content. She created a poster for her classroom of her teaching mindsets, which are: relationships matter, especially believing in students; consequences are necessary in education to learn from mistakes in a meaningful way; make learning social; stay innovative and support teacher professional development; and it is important for educators to stay informed about compassion for students and understand where they are coming from. Ms. Christerson attributes her teaching success to these mindsets.

Keith Noyes, Teacher of the Year, teaches at Belmont Middle School. He explained that he struggled in school as a child and sees students struggling every day as a teacher. He wants students to think not only about their future, but also about community engagement. Mr. Noyes developed the CARE program, Compassion, Acceptance, Respect and Empathy for students to write essays about and develop passion in something that matters to them. Having his students write memoirs helps him, as well as their parents, to learn more about them. It will be important to encourage the next generation of teachers. He is excited about Empower, a learning management system that will allow students

to learn at their own pace. He hopes the State Board can help bring awareness to the mental health crisis and would like to see mental health therapists in the schools that need them. As Teacher of the Year, he will be a voice and a sounding board for all teachers in the state.

AGENDA ITEM VI. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE

A. Windham Woods School (WWS) Nonpublic School Approval

Ryan DeJoy, Head of School at the Windham Woods School (WWS), presented a history and background on the school. WWS is located on the former Quarrybrook Outdoor Learning Center campus. Eight team members are currently working on putting the curriculum together for WWS. The students that will attend WWS are those that struggle with homework and do not have time for afterschool activities, struggle with getting rest at night and have difficulty maintaining meaningful connections with peers. WWS creates a positive environment by setting guidelines around known obstacles such as homework. They deal with issues like executive functional weaknesses, attentional issues, sensory integration problems, and nonverbal learning disabilities. WWS hopes to serve families who are at the end of the line and need a very small class size.

Matt Taffel, Middle School Director, also reiterated the team's excitement to service those students with specific needs who need extra support and a small learning environment. Much research has been done to create a physical environment to tailor to the students' needs. If WWS is not the right school for them, WWS helps find the right placement. Their curriculum moves at the pace of the students so they don't struggle with feeling left behind.

Parents are responsible for transportation to the school, but will be linked to transportation companies that the school has a relationship with. Students plan to come from as far as Massachusetts and Maine, a traveling radius of about an hour away. If the student is a good fit, the parents are willing to do whatever it takes to get them to the school.

The WWS Admissions Director comes with 25-30 years of experience and connections. She helps get the word out about the school through speaking events and outreach through social media. WWS stands out because they embrace students with learning disabilities. In addition, the campus sits on 25 acres of land, so has a large outdoor space with four miles of connected trails that have 25 learning stations, allowing for outdoor classes. This is very beneficial to students with attentional difficulties and other issues.

The school's tuition is as low as it can be and there is also an abundance of financial aid resources for families in need. This is done on a case-by-case basis, but if the need were there, a student could attend on 100% scholarship.

Students stay enrolled at the school as long as the parents feel comfortable, but a transition will be made after ninth grade to another school. The goal in the future is to expand by building a high school on the property and eventually consider a boarding element when finances allow. Most students are on Individual Educational Plans (IEPs) if they attended a public school, but could also be on a 504 Plan and do not intend to seek approval to provide special ed services.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, to approve the Windham Woods School Nonpublic School Approval.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. iPlatform

Dina Rabuck, NHDOE, Technical Support Specialist, Bureau of Educational Statistics - Data Management & Quality, demonstrated for the State Board how to navigate iPlatform and explained its functions in more detail. The driving forces of iPlatform are to satisfy the new ESSA reporting guidelines and allow for data transparency, access and provide service to the community.

A requirement of the Every Student Succeeds Act (ESSA) is to provide specific report cards to parents. iPlatform is the data transparency portal for all data managed by the department. It is made up of 4 tools – iReport, iExplore, iDefine and iDiscover. iDiscover is going to be a “frequently asked questions” (FAQ) section for surveying any data needs in the field. iDefine acts as the Data dictionary for all data elements collected by the department. iDiscover is currently in development while iDefine is live with minimal functionality and still a work in progress. As for iReport, the focus is on the actual school, district or state and it looks at data elements that contribute to the picture of the school. Dina explained that three years of data is a good number to find trends and there is no plan to backfill data prior to iReport’s implementation and noted that historical data is still available on the old portal which is still accessible. On iReport, domains such as student achievement, finance, college and career readiness, and academic growth can be examined for a given school, district or across the whole state.

Dina explained that iExplore allows for more complex data analysis. The focus of iExplore is to examine the data element across all schools rather than in one school. There are 16 data elements (*narrowed down from 106*) for example, cost per pupil, student achievement, % of Economically disadvantaged students and student/teacher ratios. Users can disaggregate by region, school approval

level and she noted there is no subgrouping on iExplore yet. Queries can be sorted by school name or by using the map.

Chairman Cline suggested expanding the number of comparisons that can be made at one time to five. Dina also noted that there are analytics that will identify who is accessing the site and how frequently.

C. Perkins V: Strengthening Career and Technical Education for the 21st Century Act

Jeff Beard, Education Consultant, Bureau of Career Development, provided the State Board the following information in his presentation. Career and Technical Education (CTE) is a focused and sustained career preparation for learners. There are 25 regional CTE centers in New Hampshire, a small number of CTE centers are in Vermont with NH students, and 7 community colleges that receive Perkins V funding. This funding is designed to supplement local funding. The full Perkins V plan will go into effect in 2020. It will ensure programs are: of sufficient size, serve as many learners as possible; the scope meets the broad needs to prepare students for careers, and quality of the programs. In order to secure Perkins V funds, every four years New Hampshire's State Plan is developed from stakeholder input and is approved by the governor before it is submitted to the US Department of Education (USDOE).

Perkins V funds CTEs in New Hampshire with an allocation from the USDOE of about \$5 million dollars. It is meant to help students in poverty obtain the skills and knowledge needed for high-skilled and in-demand occupations. The funds help strengthen connections to industry, career advisement at the state level, promote transition from industry to career and technical education, as well as to develop the CTE programs, promote industry credentials, and expand work-based learning.

Local recipients of the funding as described above are assessed twice over the four years, so that their spending is directly tied to the results of the needs assessment. Special populations receive special consideration, such as gender nontraditional fields (*women pursuing automotive and construction, men pursuing cosmetology and healthcare*), single parents, out-of-work learners, youth-aged-out-of-foster care, and youth with parents on active-duty in the armed forces. While special populations are meant to promote equitable access, it might be worth assessing all populations to ensure one is not being overlooked.

Perkins V funds can pay for certain costs related to the development of CTE programs for high school students concurrently enrolled in community colleges. They can provide scholarships for entire programs, but cannot support students individually. Funds can also be used for program equipment purchases, expanding programs for high-demand skills and occupations, and upgrading

technology within the program. Students can also attend career academies after CTE programs to hone in on those skills they are looking to improve.

Perkins V funds allow for spending down to the fifth grade provided that career exploration and career development is done through an organized systematic framework. CTE professional development has now expanded to include career counselors, school counselors, teachers and administrators. Performance indicators include increasing graduation rates, proficiency, and related assessments. Student placement is important and includes postsecondary education or advanced training, military service, service programs, Peace Corps or employment. There are challenges with data collection, but the goal is to collect data post-graduation of a CTE program. Quality measures of CTE programs will be identified in the State Plan. Finding employment after the program is not a measure of quality of that program.

D. Charter Extension Request for Gate City Charter School for the Arts Renewal

Jane Waterhouse, NHDOE, Charter School Administrator, requested the State Board to approve an additional three-month extension of Gate City's charter in order to be better prepared when they give their charter renewal presentation at next month's meeting. They were not prepared for this meeting due to extenuating circumstances which included school break and the passing of one of their students in a house fire.

MOTION: Ann Lane made the motion, seconded by Cindy Chagnon, to approve the extension of Gate City Charter School for the Arts charter for three months.

VOTE: The motion was approved by the State Board with a 4-1 vote with the Chairman abstaining.

AGENDA ITEM VII. LEGISLATIVE UPDATES

A. Final Proposal - School Year: Amend Ed 306.18(c) to Address High School Graduation Date

Amanda Phelps, NHDOE, Rules Administrator outlined the changes to the rule.

MOTION: Cindy Chagnon made a motion, seconded by Sally Griffin, that the State Board approves 306.18(c) relative to the high school graduation date in the school year rules.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Final Proposal - Code of Conduct Requirement (Ed 505.08 and Ed 610.01)

Ms. Phelps explained that this will require all new applicants as well as all those renewing their credential or endorsement to acknowledge using a check box on the application that they have read the code of conduct. Only then are they able to submit their payment. It also requires all educator preparation programs in NH to include ethics training in their preparation courses. The updated application was provided to the State Board.

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, that the State Board approves Ed 505.08 and Ed 610.01 relative to the Code of Conduct requirements for licensure.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

C. Request to move Custodian of Records (Ed 502.03) Public Hearing to April 11, 2019

Ms. Phelps explained she was unable to receive the fiscal impact statement in time to address the issue and requests the Public Hearing be moved to April 11, 2019.

MOTION: Cindy Chagnon made a motion, seconded by Ann Lane, that the State Board holds a Public Hearing for this rule (Ed 502.03) on April 11, 2019.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

D. Update/clarification of non-public schools exemption from federal laws question from February's meeting

Ms. Phelps provided clarification that any school that receives federal funding must follow federal laws, they are not exempt.

E. Other – Code of Ethics and Code of Conduct

Deputy Brennan noted that the Code of Ethics and Code of Conduct for New Hampshire Educators booklet has been printed and is currently being distributed to the field. The Department has also issued a technical advisory on the codes. A copy of the booklet was provided to the State Board. Deputy

Brennan also mentioned that the Department is partnering with the New Hampshire School Boards Association (NHSBA) to host information workshops throughout the State on the new Code of Conduct rules.

Helen Honorow suggested reconvening the stakeholder committee that developed the Code of Conduct to hear feedback from the field and answer any language and implementation questions. It was noted that the State Board would like to see more educators added to the stakeholder committee. Deputy Brennan agreed with the suggestion and will work on getting the group back together.

AGENDA ITEM VIII. OPEN BOARD DISCUSSIONS

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A. Learn Everywhere (LE) Ed 1400 Discussion

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The Department is in the process of collating all the input received from the Public Hearing regarding LE (Ed 1400). There will be a meeting next week with stakeholders to work towards drafting a final proposal which includes educators and special education professionals. Over the next month, this stakeholder group will meet and work to rewrite the proposal, which will be brought back in April to the State Board for more discussion.

It was noted the importance of finding common ground with those in the field to ensure that LE is a sustainable opportunity for students.

Points of discussion on LE included:

- Having local districts determine how many credits can come from LE programs. It was noted that Bedford currently does not accept Virtual Learning Academy (VLACS) credits.
- Local control allowing for diploma requirements beyond State requirements, with supplements to core high school courses being looked at carefully.
- Districts with limited budgets and smaller programs without Extended Learning Opportunity (ELO) coordinators may need more help.
- More involvement of educators with LE programs (similar to ELOs) as they have a responsibility to their students.
- The possibilities of students who struggle with core programs offered by the district or are economically disadvantaged participating in LE programs as core courses keeping them engaged in their public school, and having a system that works for students who learn differently.
- Concern about LE programs being accessible to the economically disadvantaged and thereby reducing the equity gap.

It was noted that the earliest the State Board could vote on the final proposal is May. There is also an opportunity to request an extension.

It was noted that Senate Bill (SB) 140 passed unanimously and is moving on to the House of Representatives for their vote. SB 140 would allow only local school boards to determine whether to grant academic credit for alternative, extended learning, and work-based programs and puts into question the State Board of Education's authority to require districts to take LE credits.

AGENDA ITEM IX. OLD BUSINESS

There was no old business.

AGENDA ITEM X. NONPUBLIC SESSION

The State Board entered into nonpublic session at 2:03 PM and returned to public session at 4:05 PM.

MOTION: Chairman Cline made the motion, seconded by Ann Lane to move into nonpublic session in accordance with RSA 91-A:3, II(e).

VOTE: The motion was approved by roll call vote at 2:03 PM by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline and Helen Honorow.

MOTION: Cindy Chagnon made the motion, seconded by Kate Cassady to leave nonpublic session and return to public session.

VOTE: The motion was approved by roll call vote at 4:05 PM by State Board of Education members, Sally Griffin, Kate Cassady, Cindy Chagnon, Drew Cline and Helen Honorow.

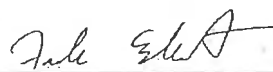
MOTION: Sally Griffin made the following motion, seconded by Cindy Chagnon that the State Board of Education seal the minutes of the nonpublic session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Sally Griffin, Kate Cassady, Cindy Chagnon, Drew Cline and Helen Honorow.

AGENDA ITEM XIII. ADJOURNMENT

MOTION: Cindy Chagnon made the motion, seconded by Sally Griffin, to adjourn the meeting at 4:05 PM.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.



Secretary

Thursday, April 11, 2019



AGENDA

- I. CALL TO ORDER - 9:00 AM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT (*Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.*)
- IV. CONSENT AGENDA
 - A. Meeting Minutes of March 14, 2019
 - B. Withdrawal Student/Farmington School Board – SB-FY-19-02-011
- V. PUBLIC HEARINGS (*Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.*)
 - A. 9:30 AM – Technology and Engineering Teacher (Ed 507.05, Ed 612.31 and Ed 612.36 through Ed 612.39)
 - B. 10:00 AM - Custodian of Records (Ed 502.03)

Times below are approximate ~ agenda items may be heard earlier if there is no or limited commentary at the scheduled public hearings.

- VI. ADJUDICATIVE APPEALS
 - A. 10:30 AM – Student/Rye School Board Re-hearing – SB-FY-18-02-011
 - B. 11:00 AM – Student/Gorham Randolph Shelburne Cooperative School Board – SB-FY-19-09-002
- VII. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE
 - A. 11:30 AM – Spark Academy of Applied Technology Charter School Application ~ SARAH SHAKOUR CARTER, Spark Academy
 - B. 12:00 PM – The Founders Academy Charter Renewal ~ KIM LAVALEE, Assistant Dean and Founder
 - C. 12:15 PM – The Founders Academy Charter Amendment ~ KIM LAVALEE, Assistant Dean and Founder
 - D. 12:30 PM – Granite State Arts Academy Charter Renewal ~ ANTHONY POLITO, Head of School
 - E. 12:45 PM – Gate City Charter School for the Arts Charter Renewal ~ REBECCA FREDRICKSON, Director of Operation

VIII. OPEN BOARD DISCUSSIONS

A. 1:00 PM - Learn Everywhere Discussion and Update

IX. OLD BUSINESSX. NONPUBLIC SESSIONXI. ADJOURNMENT – 2:00 PM

If accommodations are needed for communication access such as interpreters, please call (603).271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

New Hampshire
State Board of Education
Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301
Minutes of April 11, 2019 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:27 a.m. at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Helen Honorow, Ann Lane, and Phil Nazzaro. Sally Griffin was unable to attend due to another commitment. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner of Education were also present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Cindy Chagnon led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

The following individuals provided testimony to the State Board in support of the Spark Academy Charter School charter application:

- Boe Woulfe, NH (*submitted written testimony*)
- Bart Fromutz, NH
- Hailey Chapman, NH

The following individuals provided testimony to the State Board in support of Gate City Charter School charter renewal:

- MaryAnn McHugh, NH
- Alyjah McHugh, NH
- Jennifer Blanchette, NH
- Cheri Gratton, NH
- Nicolle Souza, NH
- Sarah Thibeault, NH

The following provided testimony to the State Board in opposition to the Learn Everywhere (Ed 1400) program:

- Megan Tuttle, National Education Association of New Hampshire (*submitted written testimony*)
- Jerry Frew, New Hampshire School Administrators Association (NHSAA) recognized the work of the NHDOE and stakeholders on Learn Everywhere (LE). The NHSAA supports the current system and believes it serves students well and acknowledged it could be improved. They have concern that the LE proposal will negatively impact resources and the budgets of the local school districts.

Oliver Carter, Student, The Founders Academy (TFA) - Mr. Carter attended the TFA orientation and looks forward to attending next year.

Matt Mercier, The Founders Academy (TFA) – Mr. Mercier thanked the State Board for their work regarding the TFA charter renewal. As the business owner of a small technologies business, he also supports the mission of the Spark Academy.

Patrice Benard, Manchester, NH - Ms. Benard feels there is work to be done for charter schools. If The Founders Academy charter renewal is approved, she requests that the term “classical education” be removed from the school description. Regarding the Spark Academy she opposes the competition with the Manchester School of Technology and New Hampshire Career Academy. She also feels that bussing of Spark Academy students will cause a rise in transportation costs in Manchester.

AGENDA ITEM IV. CONSENT AGENDA

A. Meeting Minutes of March 14, 2019

MOTION: Cindy Chagnon made a motion, seconded by Kate Cassady, to approve the minutes of March 14, 2019, as amended.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

B. Withdrawal Student/Farmington School Board -SB-FY-19-02-011

The State Board acknowledges receipt of the withdrawal. A vote is not needed.

AGENDA ITEM V. PUBLIC HEARINGS

A. Technology and Engineering Teacher (Ed 507.05, Ed 612.31 and Ed 612.36 through Ed 612.39)

The public hearing opened at 9:34 a.m. and closed at 10:02 a.m. with no public testimony.

B. Custodian of Record (Ed. 502.03)

The public hearing opened at 10:02 a.m. and closed at 11:02 a.m. with no public testimony.

AGENDA ITEM VI. ADJUDICATIVE APPEALS

A. Student /Rye School Board Re-Hearing - SB-FY-18-02-011

The parents of the student chose to have the hearing held in non-public session.

MOTION: Phil Nazzaro made the motion, seconded by Helen Honorow to move into non-public session in accordance with RSA 91-A:3, II(c).

VOTE: The motion was approved by roll call vote at 11:02 a.m. by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro to leave non-public session and return to public session.

VOTE: The motion was approved by roll call vote at 11:40 a.m. by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane that the State Board of Education seal the minutes of the non-public session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

No motion was made in the non-public session and the State Board requested certified verbatim transcripts of all the hearings held regarding this matter. Upon receipt of the transcripts, they will be sent to the State Board as well as the parties.

B. Student/Gorham Randolph Shelburne Cooperative School Board - SB-FY-19-09-002

Dennis Tupick, introduced himself and his wife, Sara, to the State Board. Mr. Tupick explained that last August they submitted a letter to the Gorham School Board requesting that their daughter be allowed to attend White Mountain Regional High School under Manifest Educational Hardship in order to participate in their animal sciences program, a program which Gorham High School does not offer. The Gorham School Board denied their request. They appealed this decision, which led to several hearings and a Hearing Officer's decision. The parents believe the original denial of Manifest Educational Hardship by Gorham was based on setting a bad precedent and not their daughter's educational needs and requests that the State Board not accept the Hearings Officer's recommendation; thereby overturning the Gorham School Board's decision.

David Backler, Superintendent of SAU 20 greeted the State Board and stated the school district wants what is best for every student, but he reiterated that in this case the family did not demonstrate Manifest Educational Hardship.

It was asked if an animal sciences program has ever been offered or considered at Gorham High School. Superintendent Backler responded that extended learning opportunities (ELOs) are available to students and noted that a student received credit by working with a local veterinarian. There is no specific program because of the small school size.

A question was asked if the current State Board is bound by previous State Board decisions. Chairman Cline explained that a party could appeal a State Board decision to the Supreme Court. The Supreme Court would refer to previous rulings; therefore, it would be difficult to appeal a decision that deviates from past Supreme Court rulings.

Chairman Cline noted that the Learn Everywhere program would provide opportunities outside the local offerings and acknowledged the family's frustration of the situation; however, it is not for the State Board to decide on the curriculum of a local school district.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, to accept the Hearing Officer's report and adopt the Hearing Officer's recommendation.

VOTE: The motion was approved by a 4 to 1 vote of the State Board, with the Chairman abstaining.

AGENDA ITEM VII. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE

A. Spark Academy of Applied Technology Charter School Application

Sarah Shakour Carter introduced the team from Spark Academy and distributed their resumes and credentials. She told the story about the origin of the name "Spark" and how it exemplifies the school's vision. The work to create the school started in 2017 with a mission to provide students with hands-on educational experiences as well as providing high school students the opportunity to take community college courses and graduate high school with an associate's degree.

Spark students can earn certificates or associate's degrees through Manchester Community College (MCC). Courses include advanced manufacturing, robotics, mechatronics, computer science, cybersecurity, electrical technology, HVAC, and welding. Spark students cultivate skills at workshops involving robotics, woodworking, laser cutting, 3D printing, CAD and other tools at MCC. They concentrate on human advancement in trades and technology through their humanities courses. They are encouraged to develop business ideas through their entrepreneurship and economics courses. They develop life and career skills through internships and apprenticeships. Spark students will embrace technology and work at their own pace. Giving students a purpose is also a major focus of Spark, which is why the courses are individualized to each student.

In addition to Spark using MCC and a designated restricted donation to the school to cover facility cost for 2 years, Dan Larochelle, Professor and Department Chair for Advanced Manufacturing and Robotics at MCC, described sustainability and resources. Spark is launching security protocols, fire drills, and bus routes to ensure safety of the students. He explained that very few schools in the state teach manufacturing skills, despite 10% of the workforce being in manufacturing, so the intent of Spark is to start students off on skills-based classes. Then in their junior/senior years they can move to whatever pathway they choose. In New England alone there are 2,500 job openings in manufacturing for mechanical/electrical technicians. He explained his work with Spark and supports their mission 1) math, sciences and humanities are interconnected, and 2) growing up in a family of tradesmen who did not want to learn new techniques of their trade and were left behind, which greatly impacted their families. Spark empowers students by connecting technology with the world and making education exciting.

Gary Thomas, owner of North Point Construction spoke to the State Board in support of Spark. Skilled workers are in great demand in his industry. He gave an example of a job opening for a skilled laborer that after 2 weeks only had six responses.

A question was asked about a fifth year of high school (referring to a table in the report) and asked how it would be paid for. It was explained that the table refers to a 5-year budget, not school year. The school will be a 4-year high school.

There was discussion around discipline being enforced by the students through student government. Denis Mailloux, Director of Spark Academy, explained that there will be no student disciplinary council; however, students could provide feedback on disciplinary cases. Chairman Cline referred to the report that states "student government will be empowered to develop a code of student conduct." In addition, discipline being enforced by faculty is unclear in the report. Mr. Mailloux stated students will participate in developing an honor code and expectations of students. Ms. Carter stated a student handbook will be ready before the fall school start, but students will immediately take ownership for being responsible and behaving in class. Discipline rather than punishment, is a true understanding and internalization of what the school is trying to teach through its behavior codes. Therefore, student input will be sought out in all matters. Perhaps the wording needs to be improved to clarify the intent.

Ms. Honorow asked if students would move freely between Spark and MCC as a class or individually. Mr. Mailloux explained that students will not freely move throughout MCC classrooms in their immediate years at Spark, especially ninth graders. The initial cluster of classrooms they will use will be relatively compact compared to a typical high school. Other than moving to the cafeteria, they will only move to MCC's library accompanied by a faculty member at a designated time.

Ms. Honorow asked if Spark students could take classes at any New Hampshire community college and how that would work. Students indeed can utilize any NH community college, but the current focus and offering is programs at MCC. Hence, very little outside travel is expected. If a student wants to take an early college class, he or she would be responsible for transportation. The school will pay for the MCC classes as part of their public funds and fundraising. Transportation for Manchester students taking MCC or Running Start courses will be paid for by the school district. Chairman Cline asked how the community college courses in year two would work. The first two years will stick to the Running Start model where Spark Academy teachers will teach the college-level classes. This encourages students to work together, which is what you see in industry. At level three students could transition to junior-level Running Start classes.

There was a concern about finances. Since 80% of funding comes from state revenue relying on head count, if student count is below the projected 60, costs could surpass revenue. Spark has a restricted donation up to \$350,000 that will offset costs related to the facility, guaranteed for the first 2 years.

Regarding recruitment, Mr. Mailloux has experience with recruiting and marketing using online presence, printed materials and presentations. Spark will utilize all these methods to recruit students beyond the Manchester School District to become a regional school as much as possible.

There was also concern about capturing students at the secondary level for the trade programs. It was explained that parents will see Spark as an opportunity to save money by taking college courses at no cost up to 2 years while in their students are in high school. Students see Spark as an opportunity to get started on their careers before starting college. Ms. Carter stated they are more concerned with having to turn students away. Chairman Cline agreed that from what they have seen in the past with another charter school, 60 students are achievable.

Ms. Chagnon asked how Spark is different from the Manchester School of Technology (MST). Mr. Larochelle works with MST and explained that MST's program is more focused on engineering, rather than a technician program, which is very different. Currently there is a demand for a workforce of technicians in Manchester.

Another concern was raised regarding the lack of communications courses. Mr. Mailloux explained that the integrated humanities program begins with an overview of elements of history. There are rigors of research, organization, writing, and documentation assembled in a way that communication determines how one progresses through the program. Writing will be an important part of the humanities program. In addition, Chairman Cline pointed to the lack of a civics requirement. Mr. Mailloux responded that the intent is for civics, history, and social studies to be rolled into the humanities program.

Spark included a document regarding gifts and contributions. The foundation will hold the money from the donations until the school is approved and in need of funds up to \$350,000. The community college will increase the rent after year one (rent schedule is not yet available), but that number will also increase if enrollment increased and more classrooms are needed. Salaries in the first year are for one head of school and one contracted guidance counselor, which are included in the report. Increase of support staff costs will depend on the increase of student numbers. Health insurance will start year three due to the high expense.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, to approve the Spark Academy of Applied Technology Public Charter School Application.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

Helen Honorow left the meeting at 1:00 PM due to a prior commitment. She was not present for any of the following agenda items; therefore, did not participate/vote in any of the motions.

B. The Founders Academy (TFA) Charter Renewal

Maureen Mooney, Dean of School at The Founder's Academy (TFA) noted that the school began in 2014 with their first graduation ceremony in June 2019. She acknowledged the dedicated staff as a reason for the school's success. In addition to Ms. Waterhouse's report, a large amount of information related to the school has been provided to the State Board. The school's mission statement focuses on four key areas: leadership, liberty, character building, and U.S. history. TFA is the second largest brick and mortar charter school in the state with 340 students coming from multiple communities around the state. TFA's website (www.thefoundersacademy.com) is a comprehensive, transparent website posting all class descriptions and syllabi. TFA is seeking a five-year charter renewal.

Ms. Chagnon pointed out that the initial charter goal was to meet or surpass state standards in testing and asked what is being done to address the challenges with TFA's math scores? Ms. Mooney explained that one of the challenges is parental rights and an extraordinarily high opt-out rate of standardized testing, but that opt-out rate seems to be declining the longer the school has been running. Much of the hesitation is due to computer-based testing and suspicions of data mining and privacy issues. TFA's scores are better on SAT/ACT tests (where the participation rate is higher) than the state standardized tests.

Mr. McKenzie, TFA Registrar, checks test results for trends, and has seen improvement. Sixth grade scores are going up and the goal is that by grade 11 they can take the SAT and move on to college if desired. Current grade 11 scores are above state and national averages for English, but not where they want them to be for math. However, math scores for current grade 10 students are above state average. Participation rates were provided to the State Board.

Ms. Chagnon felt the small numbers despite low participation could represent a snapshot of all students in the school. Mr. McKenzie looked at a breakdown of the scores, and found that half of grade 8 students taking algebra I, opted out. This could swing the numbers significantly since the total number of students is small to begin with. Teacher-led internal committees address student concerns around standardized testing on a case-by-case basis, but TFA is open to suggestions on how to encourage students to take the tests. Last year was the first year TFA had 11th graders, and they all took the SAT. None of them were in the lowest quadrant for math scores and all 15 met the college benchmark for English. Ms. Chagnon stated that her local board looks at the results to find out what students are missing to help them attain an adequate

education. Ms. Hayes, Director of Faculty, working with the chairs of the departments and the curriculum committee breaks down the data, which is then brought to the individual departments to make sure all the concepts are covered in accordance with state standards. It was explained that the math department is restructuring when they teach math elements so that algebra can start being taught in the middle school.

Ms. Lane asked for past enrollment numbers as well as enrollment projections for the future. There was concern over upper grades having a sustainable enrollment. It was noted that enrollment information is on page 8 and 9 of Ms. Waterhouse's report and the accountability report is on page 44. This year's applications are up by 100 over this same time last year. Upper grades are between 35 and 40 students per grade with the current ninth grade being the largest TFA has ever had.

Ms. Chagnon noted that special education can be a challenge for charter schools because of relationships with local school districts and asked what TFA's challenges are in this area and how they are mitigating them. Ms. Mooney said that TFA has a Student Services Department which is overseen by the Director of Student Affairs who has a counseling background. The director and her department oversee students with 504 Plans and Individual Education Plans (IEPs). The Director of Student Services and the Director of Faculty work in conjunction to ensure that the faculty has what they need in order support their students. Ms. Mooney noted that TFA has great working relationships with other school districts related to special education. Assistant Dean Lavallee added that it is challenging in a charter school to provide special education services and noted that TFA was very fortunate this year to have a Memorandum of Understanding (MOU) with the Manchester School District to reimburse TFA for the cost of hiring a special education teacher to support and provide student services. Having someone on-site at TFA has enabled them to hire three full-time paraprofessionals and is in the process of interviewing for additional paras for next year. This is a great benefit to the TFA students. Ms. Lavallee also noted that students can take high-level classes if his or her IEP allows for it; the curriculum would be modified to what is needed.

Ms. Chagnon brought up concerns the State Board received about students being barred from certain classes. Ms. Mooney noted that they have had challenges with misinformation being channeled through social media and/or personal emails. Mr. McKenzie, as the person that creates student schedules, noted that he does not leave a student out of a class because they have a 504 plan or an IEP. He also has never had a teacher request a student be moved from a class because of the need for accommodations. Ms. Chagnon asked if students are encouraged to take difficult courses to challenge themselves. Mr. McKenzie explained that because of TFA's smaller size it only has two or three multiple level courses. Ms. Mooney emphasized that they encourage students to try classes that challenge them.

MOTION: Ann Lane made the motion, seconded by Cindy Chagnon, pursuant to Ed 318.12 and Ed 318.13 that the State Board of Education authorizes the renewal of the charter of The Founders Academy Public Charter School.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

C. The Founders Academy Charter Amendment

Ms. Mooney explained that charter revisions occur naturally as part of the charter renewal process and are based on current practices. An executive summary of proposed revisions is provided, as well as two additional edits related to language at the State Board's recommendation. Parent Steering Committee has been changed to Parent Advisory Committee. A complete revised charter will be provided to the Board.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, pursuant to RSA 194-B:3, XI that the State Board of Education authorizes the amendments to The Founders Academy Public Charter School's charter.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

D. Granite State Arts Academy (GSAA) Charter Renewal

Anthony Polito, Head of School, states GSAA spent the last year in a self-study to see what would be effective in improving the school. He agrees with recommendations made by Ms. Waterhouse in her report to the State Board. They are requesting that the GSAA charter be renewed for 5 more years.

Ms. Chagnon asked what can be done to improve state standardized test scores in math and sciences. When Mr. Polito came to the school, many students opted out of the SAT, but the scores were above average for those who did take it. After that, he really encouraged students (and parents) to take the test, and this year all eligible students took the SAT. They did significant work with curriculum, instruction, and improving rigor of their assessments and worked on student interventions for students struggling with math and science. He also noted that there were changes in staffing.

One recommendation in the report was for more rigorous data collection. Mr. Polito explained that with students coming from many different communities, it is difficult to construct the program of studies. They now do PSATs in addition to the SATs, as well the Otis-Lennon School Ability Test for 9th graders given in

October. As a result, they now have Algebra I over two years for students who have had little pre-algebra. The only other information they have on 9th graders is what the sending school provides, which often is just a transcript. Some districts send standardized test scores, but not all. For students on IEPs, the testing helps the school make sure they are getting the proper triage for extra services. GSAA has a special education coordinator who is available to answer questions.

Chairman Cline would like to see students tracked more than 2 to 3 years in order to see a bigger picture over time of how students were doing at their previous school and how GSAA changed their trajectory. Mr. Polito explained that many students transfer in after freshman year, so most will not be tracked from 9th grade.

Renia Radziszewski, Executive Administrator, note that the miscellaneous \$98,000 in the budget refers to incoming fundraising/company matching, and public support. Chairman Cline felt since GSAA is doing well in fundraising, it would be helpful if that figure could be broken down into categories. Ms. Cassady agreed. This section of the report comes from their most recent audit, but they do have an itemized list of contributions.

Ms. Lane asked about collaborations with other districts. Deidre Smith, IEP/504 Coordinator explained that she works with 8 to 10 school districts; some hire tutors to work with students, while others require students to be bussed to the local school for services, which is up to 30 minutes away. She has guidance studies with students to make sure they get what they need. They do not make any demands of the sending district.

Ms. Chagnon asked about bullying in the school. Mr. Polito states GSAA has a rigorous bullying policy, but they do have the common internet bullying that walks the line of requiring intervention. Many students come to GSAA as a refuge from bullying at their previous school. There is camaraderie between students due to their artistic endeavors, which is the focus of the school. Their bullying policy follows state law, but they also try to triage earlier. Ms. Cassady appreciated the recognition of the low scores and changes made as a result.

MOTION: Ann Lane made the motion, seconded by Phil Nazzaro, pursuant to Ed 318.12 and Ed 318.13 that the State Board of Education authorizes the renewal of the charter of the Granite State Arts Academy Charter School.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

E. Gate City Charter School for the Arts (GCCSA) Charter Renewal

Rebecca Frederickson, Director of Operations at GCCSA introduced herself as well as her fellow administrators, Suzanne Wheeler, Director of Student Services and Dr. Betty Mulrey, Director of Curriculum and Instruction. Ms. Frederickson noted that GCCSA's charter was approved in 2013 and its first year of operation was 2014. She shared positive feedback about the school from one of the middle school teachers and one of the kindergarten parents. The school has zero debt and will continue to hold fundraisers with the goal of purchasing a building in the future. There are 171 students enrolled, with full enrollment of 180 students expected for next year. Overall, the school has a solid track record and they are committed to continual growth and improvement.

Ms. Chagnon asked about the school's low math and science standardized test scores. Ms. Frederickson noted that they have the same challenges that Founders and Granite State mentioned earlier. Students come to GCCSA from many districts with different levels of starting points. Additionally they are coming to GCCSA because they are already struggling. Dr. Mulrey stated they had launched iReady this year, which provides them a snapshot of where students stand grade-wise as well as what they need to learn next, and tracks student progress over time. For example, kindergarten went from 28% to 78% proficiency from fall to winter, first grade from 0% to 24% and second grade from 47% to 58%. These scores give GCCSA confidence that they are moving in the right direction to truly assess student academic growth. She noted that teachers meet weekly and review the iReady information to help determine what will be taught next. This allows them the flexibility to change the curriculum as needed. She also spoke of other assessments they use which provides them with multiple ways to look at student growth.

Ms. Chagnon asked about special education students. GCCSA has two special education teachers and works with many school districts. School districts send their own case managers and their own therapists for occupational, physical and speech therapies. Ms. Astrid Alvarado, mental health counselor at GCCSA, spoke about the positive evolution of special education at the school. GCCSA works with school districts to try to figure out what does and does not work for students. This year GCCSA has a behaviorist on staff. If a student has an issue, there is always someone available.

Ms. Lane asked about GCCSA's methods of communicating with parents. Ms. Frederickson explained that they use a remind system that sends out daily important news of that day to parents. This goes out daily at noontime. They also use a text system that sends out more significant need-to-know information and gave an example of a power situation with their building that occurred last week. In terms of student progress, GCCSA's holds parent conferences twice a year or by appointment at the request of a parent. Teachers also have secure communication websites that they use to keep parents informed of their student's

progress. GCCSA also sends out school newsletters. Ms. Frederickson noted that GCCSA's teachers are very good at communicating with parents. Three times a year GCCSA has celebrations of learning for parents to come and see what the students are doing. GCCSA tries to respond to parent communications the same day as they are received. Dr. Mulrey spoke about GCCSA having a very caring capable group of teachers and explained that they work closely; meeting regularly to plan curriculum so what they are teaching in one class ties into or enhances understanding in another.

Ms. Chagnon asked about the retention of faculty. Ms. Frederickson explained that faculty retention/turnover has improved over the past three years. GCCSA does what it can within its budget to support teachers to make sure the teachers feel valued and have the opportunity for professional development and growth. The biggest retention challenge is the lack of health insurance available for their faculty; however, this is something they are actively working on. Dr. Mulrey noted that GCCSA tries to empower its teachers and have them present at conferences. She also mentioned one of their teachers taking intensive "how to teach" math training this summer and bringing back that knowledge to share with her colleagues (i.e., in-house professional development). This is one way they are proactively responding to their low math scores.

Ms. Lane, referencing a reviewer's report, asked about low enrollment and the recommendation to increase local partnerships. Ms. Frederickson responded by explaining that GCCSA is within their budget projection for enrollment. They are authorized to have up to 180 students and they are currently at 171 students. She sees their enrollment as very healthy and does not see them growing beyond 180 until they are in a different facility. It was noted that moving to a larger facility is one of the charter goals. As for partnerships, GCCSA has a strong relationship with the YMCA, which is across the street, and with many of the after-care facilities. They have a relationship with City Arts Nashua and worked with them on the revolving museum. GCCSA does an interactive art walk each year where the public is invited to attend and see the students' art displays. Community outreach includes students participating in the downtown Nashua parade, the New Hampshire Symphony, a poetry open mic night at a local café, partnerships with Nashua and Merrimack Parks and Rec for summer programs, the Nashua Public Library, the Merrimack Police Department which provides a community resource officer that participates on their bullying task force, participated in a sock drive to benefit children in foster care (obtaining over 600 pairs of socks) as well as participating in the children's hospital toy drive. Mr. Frederickson does see more community partnerships and community involvement in the future.

Chairman Cline brought up the concerns that were consistent amongst the reviewers which included: poor data collection and measuring of progress, high turnover of staff and the administration/organization model that does not lead to solid accountability. He noted that in the charter renewal application, GCCSA's

response to the reviewers suggested areas of improvement were not in alignment, which is typically the case. Ms. Frederickson was not clear where on the report the Chairman was referring to and asked for clarification. Ms. Jane Waterhouse, Charter School Administrator for the department, noted that because these concerns were raised by the State Board at a previous meeting, GCCSA was provided a list of concerns and asked to address and resubmit to the State Board. That resubmission was received and provided to the State Board in their meeting materials.

Mr. Nazzaro and Chairman Cline brought up concerns regarding GCCSA's lack of responsiveness to specific requests from the State Board; in particular, the bullying report and bullying data. Ms. Wheeler noted that when she started in her current position, she was mandated by the GCCSA's board of trustees to develop a definition of bullying and a bullying policy, which she did. In addition to that, GCCSA also formed a bullying task force comprised of administrators, parents and students as well as a community resource officer. It was acknowledged that bullying data collection from previous administrators was poor and the current administration is reviewing their current policy and practices with their attorney to make sure they are doing it correctly.

Ms. Chagnon asked if GCCSA's updated response to the reviewers' recommendations addresses the concerns brought forth by the chairman and asked why it was not provided to the State Board. Commissioner Edelblut noted that the updated response materials are located at the end of the State Board's GCCSA's meeting materials. Ms. Frederickson confirmed these amendments were put in a single document as well as inserted into GCCSA's revised charter renewal document that was provided to the State Board.

Mr. Nazzaro asked Ms. Waterhouse if the requirement for promoting student attainment of prospective knowledge and skills, based on the amended responses, moved GCCSA from approaching the requirement to meeting it. Ms. Waterhouse responded that the requirement was still in the "approaching" stage. Mr. Nazzaro then asked Ms. Waterhouse how the department and the school are collaborating to move this requirement forward. Ms. Waterhouse explained that the school is in its first five years of operation and throughout those five years they are discovering: how their students learn; is the curriculum working; are the assessments working; and are they analyzing data correctly. In response, the school has made a lot of modifications to their program and has implemented many supports to ensure that they are able to follow student progress and student performance and the results will be seen in the future, but as of the date of the report and the review, they were "approaching". Ms. Waterhouse explained that "approaching" is not considered a failure; it means that from this point on, they are moving forward. Commissioner Edelblut noted that item #32 on the resubmission, the school provides how they are using iReady data to measure student growth; demonstrating that they are making more data driven decisions on whether or not progress is being made toward academic attainment.

Ms. Ann Lane asked what a reasonable amount of time would be needed to amass information from iReady to see how students are doing. Dr. Mulrey responded that they are already using iReady information from the fall and winter to see areas where there has been improvement and where more work is needed. Commissioner Edelblut explained that iReady is a good tool already being used in other public schools and allows schools to look at the short term to figure out where to immediately modify instructional practices in the strands where students might be struggling as well as student progress longitudinally from year to year. Ms. Lane asked if the State Board could receive an update on the spring iReady data at its June meeting. Mr. Nazzaro asked from the department's perspective, if the GCCSA amendments are executed well, will they move from approaching to meeting. Ms. Waterhouse responded yes, absolutely.

Ms. Alvarado spoke to the State Board about GCCSA moving from a single person administration model to the current three person model to better serve the needs of their students.

There was discussion about GCCSA's revenue and expense budgets as well as fundraising opportunities. In the future, it would be helpful to include quarterly financials and a fundraising plan as well as the revenue and expense budget figures. Chairman Cline expressed concern there was no fundraising plan and noted it should be submitted in response to where the renewal application asks about sustainability. GCCSA's Board of Trustees Vice-Chair Jennifer Hitzeman explained that they have multiple fundraising opportunities during the year, such as a 5K run, a holiday fair and are at the beginning stages of planning a fundraising gala. Ms. Hitzeman assured the State Board there is a team actively exploring fundraising opportunities.

Chairman Cline noted that the renewal application did not appear to draw from the five years of experience the school already has and seems more like an initial application from a school that is just starting. The State Board discussed the charter renewal process and the options available to them: deny, renew for 5 years, extend current charter, or ask for a hearing.

Attorney James O'Shaughnessy from Drummond-Woodsum introduced himself as GCCSA's attorney. He has been working with them on the renewal process; trying to help them get their "side of the fence" in order so that the renewal process could go through smoothly. He asked what the hearing process would be as he was not able to find it in the rules. He did note that anything that is not a renewal or an extension of some sort would jeopardize GCCSA's operation and be very detrimental to the families. Chairman Cline assured everyone that the State Board has no intention of closing the school or jeopardizing their operation. The State Board heard a lot of positive things today about GCCSA and wants to make sure those are acknowledged and wants to work with GCCSA to have their concerns addressed in shorter time span than a five year renewal in order to make the school stronger. The State Board wants to

make sure all their concerns are addressed, and Chairman Cline recommended a charter extension where the State Board will work closely with the school and provide a list of concerns for GCCSA to address. Mr. Nazzaro asked that this process be focused so as not to be an administrative burden for the school and the department. There was discussion about time-frame for the renewal and status updates. It was asked if GCCSA could provide the State Board with a status update at the June meeting.

Attorney O'Shaughnessy asked what GCCSA's legal status would be. The report from the department recommends renewal; that GCCSA has attained all of the renewal standards and based on this recommendation, believes the State Board can renew the charter. The school is working hard on continuing to improve. He believes the State Board can renew the charter and also ask them to provide status updates.

The administrators at GCCSA ask that the extension not be any less than two years so as to provide job security for the teachers that currently work at the school.

It was agreed that a two-year extension with the option to renew before the end of the two years would be optimal. GCCSA would work with the department to provide the State Board with updates.

MOTION: Ann Lane made the motion, seconded by Phil Nazzaro that the State Board of Education pursuant to Ed 318.12, Ed 318.13 and RSA 194-B:3, X, XI and XII to extend the Gate City Charter School for the Arts charter through the end of the 2020-2021 academic year.

VOTE: The motion was approved by a 4 to 1 vote with the Chairman voting.

There was discussion about the GCCSA providing an update to the State Board at the Thursday, July 11, 2019 meeting.

AGENDA ITEM VIII. OPEN BOARD DISCUSSIONS

A. Learn Everywhere (LE) Discussion and Update

Commissioner Edelblut addressed the State Board about the Learn Everywhere (LE) proposal and noted that it had undergone quite a few revisions since the last meeting. The State Board's mission and vision statements include language about change and a shift in the traditional delivery systems and the involvement of entire communities and their citizens. The learning community of

teachers and facilitators will create an environment that allows and encourages innovation and risk. Citizens must play an active role to help break down barriers that prevent the sharing of knowledge. Learning will be continuous, accessible and flexible. Tom Brennan in 1993 stated, "If we can change our delivery system, we will change education."

Actions have been made to continue to meet these aspirations, including harnessing all resources to engage each student; commissioning a report on ELOs to ensure opportunities to all students; adopting a vision statement that includes language about harnessing community resources in a flexible, innovative learning environment that promotes engagement; producing a video in support of learning by design; creation of Vision 2.0; and adopting rules for LE. The equity gap is real and unchanged throughout the nation and the disparity is growing. Students, particularly those that are socioeconomically challenged, are falling farther behind in the current system.

Schools were recently asked to provide the department with their ELO data, which ranged anywhere from 2-to-5-day career exploration opportunities and community service to awarding ELO credit for participation in school athletics, band, choir, driver's education, concurrent enrollment, honors courses, online courses, and VLACs course. The data was sorted by school enrollment and what stood out was one school reporting 700 ELOs (but not identifying what they were) for 483 students and another school reporting 315 ELOs (mainly 2-day explorations) for 158 students. If a school did not define what an ELO was, it was considered incomplete and put in the "blank" category. Pinkerton Academy was noted as having an exemplar ELO program with more authentic ELOs in the state than all the other schools combined and has relationships with numerous companies throughout the state.

As for the department providing support to ELOs, Commissioner Edelblut noted that the ELO: Beyond Classroom website is continuously updated with different types of resources on ELOs.

The State Board watched a YouTube video filmed by student Grace Griffin. It demonstrates a young woman who found an opportunity outside of school and as a result of that experience was more successful when she returned to the school environment. Ms. Griffin completed all her graduation requirements in 11th grade and spent her senior year writing a book.

Commissioner Edelblut spoke of the responsive changes that were made to the LE proposal, which included:

- Better defined its purpose.
- Expanded the scope.
- Clarified definitions.
- Added an insurance section and an indemnification statement.

- Added a new section establishing a LE review committee with assistance from ELO network members and NH licensed educators
- Added consequences if an LE program fails to comply with approval requirements
- Added an on-site monitoring section for LE program renewal
- Added a section to better spell out the process for coordinating a student's IEP and services
- Added language to the "Program Completion Certificates" section to require department evaluation before issuance of a student certificate and added two certificate types to clarify a pass/fail competency-based system
- Changed the minimum total number of credits student can earn from $\frac{1}{2}$ to $\frac{1}{3}$ and will not negatively impact a student's GPA
- Added an onsite monitoring process by the department

Commissioner Edelblut summarized the LE process explaining that a program completes an LE application, the LE program review committee evaluates the application; if approved, the commissioner recommends it, and a public hearing is conducted at a State Board meeting, after which the State Board makes a decision. Once an LE program is approved, the monitoring process will begin.

The State Board then watched a video with past NH education leaders speaking about the future of education and supporting moving in a similar direction as LE.

Commissioner Edelblut explained that changes were made to the proposal to address the concerns expressed about local control. The LE proposal now states that schools must accept as much as one-third of credits (about 7 credits) across the scope of minimum standards, but they may accept up to 100% with the superintendent's permission. ELO coordinators would be responsible for making sure there is a 360-degree look at the LE competencies. There are rules as to where the credits will apply (core or elective), but a school can devise a program to meet competencies to count towards a certain credit. Student employment could be structured to count for credit. There is no restriction by school year, thereby making it easier to award credit for summer programs.

Ms. Chagnon would still like more local control and asked about grades for LE. It was explained that LEs, like ELOs, are pass/fail dependent on meeting competencies and so they would not affect a student's GPA, but would be included on a student's transcript.

Ms. Chagnon questioned whether LEs would affect the equity gap at all. Chairman Cline disagreed, sees LEs as a way for high school students to take classes at community colleges creating opportunities for students who are seeking skills-based education. There are tons of summer camps and

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afterschool programs offered on a sliding scale in Manchester that can work as a LE program. It was noted that LEs will provide a benefit and contribute to reducing the equity gap, but will not close the gap altogether. Mr. Phil Nazzaro also noted that employers, if they have the educational structure, could also be eligible for LE and sees this as a benefit to children who have to work.

Ms. Chagnon asked how LEs would appear on student transcripts especially as they pertain to college admissions. Commissioner Edelblut responded that they would appear on student transcripts the same way ELO credits already do.

Ms. Cassady compared the LE program to a program that is already happening between White Mountain Academy and White Mountain Regional with the Mountain View Grand Resort and Spa. All the education happens at the resort. She sees this program and LE as "charter schools on wheels".

Chairman Cline remarked on one of the requests made by stakeholders was for the State Board to incorporate a much more robust system of evaluating LE programs and having certified educators and ELO coordinators having more input when approving programs.

Ms. Cassady sees this as a good program. It will have its kinks, but everything new does, we will live and learn; we have to change and move on.

Chairman Cline explained that Learn Everywhere needs to be finalized before the June board meeting so an extension has been requested. Should the extension be denied, the date of the June boarding meeting may need to be moved up a week.

AGENDA ITEM IX. OLD BUSINESS

There was no old business.

AGENDA ITEM X. NONPUBLIC SESSION

MOTION: Phil Nazzaro made the motion, seconded by Cindy Chagnon to move into non-public session in accordance with RSA 91-A:3, II(I).

VOTE: The motion was approved by roll call vote at 10:20 a.m. by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro to leave non-public session and return to public session.

VOTE: The motion was approved by roll call vote at 10:50 a.m. by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane that the State Board of Education seal the minutes of the non-public session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

No motion was made in the non-public session.

MOTION: Ann Lane made the motion, seconded by Phil Nazzaro to move into non-public session in accordance with RSA 91-A:3, II(c).

VOTE: The motion was approved by roll call vote at 5:20 p.m. by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, and Phil Nazzaro.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro to leave non-public session and return to public session.

VOTE: The motion was approved by roll call vote at 5:27 p.m. by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, and Phil Nazzaro.

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro that the State Board of Education seal the minutes of the non-public session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, and Phil Nazzaro.

No motion was made in the non-public session.

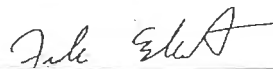
AGENDA ITEM XIII. ADJOURNMENT

MOTION: Phil Nazzaro made the motion, seconded by Cindy Chagnon, to adjourn the meeting at 5:35 p.m.

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VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.



Secretary

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New Hampshire State Board of Education
Academy for Science and Design
486 Amherst Street
Nashua, NH 03063

Wednesday, May 8, 2019



AGENDA

- I. CALL TO ORDER - 9:00 AM
- II. PLEDGE OF ALLEGIANCE followed by Student Led Tour & Presentations- 9:05-10:35 AM
- III. PUBLIC COMMENT (*Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.*)
- IV. CONSENT AGENDA
 - A. Meeting Minutes of April 11, 2019
- V. SPECIAL PRESENTATIONS
 - A. 10:45 AM – Girls in STEAM program ~ AMANDA BASTONI, Director, Nashua Technology Center North
 - B. 11:00 AM – MicroSociety Academy Charter School (MACS) Charter Renewal ~ JANE WATERHOUSE, NHDOE, Charter School Administrator, AMY BOTTOMLEY, MACS, School Director and SUSANNAH WILLIAMS, MACS, Curriculum and Program Coordinator
 - C. 11:15 AM - MicroSociety Academy Charter School (MACS) Charter Amendment ~ JANE WATERHOUSE, NHDOE, Charter School Administrator, AMY BOTTOMLEY, MACS, School Director and SUSANNAH WILLIAMS, MACS, Curriculum and Program Coordinator
- VI. PUBLIC HEARINGS (*Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.*)
 - A. 11:30 AM – Computer Science and Kindergarten Minimum Standards (Ed 306 various sections)

Times below are approximate ~ agenda items may be heard earlier if there is no or limited commentary at the public hearing.
- VII. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE
 - A. 12:00 PM – Southern New Hampshire University (SNHU) Ten-Month Extension Request for SNHU's Ed612.18 Secondary Mathematics program ~ ASHLEE STETSER, NHDOE Administrator, Bureau of Educator Preparation and Higher Education
 - B. 12:15 PM - Rivier University's 2nd Priority Progress Report ~ ASHLEE STETSER, NHDOE Administrator, Bureau of Educator Preparation & Higher Education
 - C. 12:30 PM – Plymouth State University's 1st Priority Progress Report ~ ASHLEE STETSER, NHDOE Administrator, Bureau of Educator Preparation & Higher Education

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- D. 12:45 PM – Approval of Saint Anselm College’s new Computer Science Program – ASHLEE STETSER, NHDOE Administrator, Bureau of Educator Preparation & Higher Education
 - E. 1:00 PM – Antioch University of New England (AUNE) One-Year Extension Request for AUNE's Eight Educator Preparation Programs – ASHLEE STETSER, NHDOE Administrator, Bureau of Educator Preparation & Higher Education
 - F. 1:15 PM - Commissioner’s Update

VIII. OPEN BOARD DISCUSSIONS and WORKING LUNCH

★ A. 1:30 PM - Learn Everywhere Discussion and Update ★

IX. OLD BUSINESS

X. NONPUBLIC SESSION

XI. ADJOURNMENT – 2:00 PM

If accommodations are needed for communication access such as interpreters, please call (603) 271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

New Hampshire
State Board of Education
Academy for Science and Design
486 Amherst Street
Nashua, NH 03063
Minutes of May 8, 2019 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:02 a.m. at the Academy for Science and Design (ASD), 486 Amherst Street, Nashua, New Hampshire. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Helen Honorow, Ann Lane, and Phil Nazzaro. Sally Griffin was not in attendance due to a previous commitment. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner of Education were also present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE followed by Student-led Tour and Presentations

Daniel, a student at the Academy for Science and Design, led the Pledge of Allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Ms. Megan Tuttle, President of NEA New Hampshire, submitted to the Board and Commissioner Edelblut copies of postcards from NEA members in opposition to Learn Everywhere. She also submitted a letter from Lisa Witte, Superintendent of Schools for the Monadnock Regional School District (SAU 93).

AGENDA ITEM IV. CONSENT AGENDA

A. Meeting Minutes of April 11, 2019

MOTION: Ann Lane made the motion, seconded by Phil Nazzaro, to table approval of the minutes of April 11, 2019 meeting of the New Hampshire Board of Education.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Girls in STEAM Program

Ms. Amanda Bastoni, Director, Nashua Technology Center North introduced Erin Knoetig, an Art Teacher in Nashua and her students. Ms. Knoetig and the students provided the State Board with an overview of this pilot program. The Nashua Career Technical Education (CTE) department developed the Girls in STEAM pilot program and it is the first-in-the-state high school to offer a drone photography course. The curriculum is expensive; however, with community support, guidance from teachers, and a Department of Education grant for \$10,000, they have been able to partner with the Emergency Management Response team in Nashua and drone companies in Nashua and Merrimack to move forward with the "Drones in Technology" course. The hope is to have it become "open-sourced" so as to provide free access to other schools in New Hampshire as well as across the country. They also plan to apply for additional grant money. It was noted that the Federal Aviation Administration (FAA) has expressed interest in supporting the project as well.

The students gave a presentation that included sharing what they have learned as far as growth mindset applicability to life, working as a team, photography techniques, and how to adapt. They also discussed the many applications where what they have learned would also be useful such as traffic, real estate, search and rescue, etc.

Ms. Helen Honorow inquired about credits, competencies, and success in reaching out to English Language Learner (ELL) students. The credits will be for art and will provide students the knowledge they would need should they choose to pursue licensing with the FAA. A basic outline of competencies has been created and more funding is needed to make sure there is alignment across the country for easy deployment of this class. At this time there is only one ELL student enrolled in the course.

Ms. Kate Cassady expressed her excitement for this project and stated these ladies were great role models.

B. MicroSociety Academy Charter School (MACS) Charter Renewal

Ms. Jane Waterhouse, NHDOE, Charter School Administrator introduced Amy Bottomley, MACS School Director and Tom Dougherty, MACS Board of Trustee/Treasurer and explained they are before the State Board to request a charter renewal and an amendment to their charter. Ms. Waterhouse noted that the review team unanimously recommended renewal of the charter as the school has met its goals and objectives and is successful in student proficiency averages with students meeting or exceeding state proficiency standards. The school is working diligently to ensure it is sustainable and the review team felt the

work being done will result in sustainable school programs. The most pressing challenges were special education services, fundraising, and purchasing a building to lower operating costs and ensure sustainability. MACS is currently in discussions with the property owner and financing institutions to purchase the property.

Ms. Lane noted the option for families to give time or monetary contributions is admirable. She also inquired about some of the Individual Education Plan (IEP) students struggling with the testing. Ms. Bottomley said students often come to MACS from other school districts below grade level. MACS works with these school districts to ensure students are getting the services they need to reduce the grade level gap and achieve yearly growth. There are limitations and variances in how each school district chooses to address special education. There are 14 Nashua students with IEPs attending this fall.

Ms. Honorow asked about the voluntary contracts. These contracts have nothing to do with tuition and the term "contract" may not be correct. This allows parents to contribute their time rather than donations. These are voluntary and not all parents participate.

Ms. Honorow asked for an update on the purchase of a new building discussed at a previous meeting. She was told the purchase of the adjacent building is on hold for now. The goal is to purchase the current building and make it sustainable.

Regarding student interview comments about recognition of more holidays, Ms. Bottomley explained all school holidays are currently based on the state calendar. The request was made by a student seeking to celebrate the variety of ethnicities and religions of MACS students.

Commissioner Edelblut and Ms. Waterhouse will follow up for clarification of the Page 19 recommendation regarding due process and report back to the State Board.

Ms. Cindy Chagnon complemented the Academy for working effectively with parents.

Ms. Ann Lane suggested the State Board receive an update more often than every five years as information provided may also be valuable to other charters in the state.

Chairman Cline noted he would like to follow up and meet with them separately regarding how they are able to achieve success with a small sample size producing scores that are consistently well above proficient.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, pursuant to Ed 318.12 and 318.03 that the State Board of Education authorizes the renewal of the Charter of the MicroSociety Charter School of Southern New Hampshire.

VOTE: The motion was approved by unanimous vote of the Board, with the Chairman abstaining.

C. MicroSociety Academy Charter School (MACS) Charter Amendment

Ms. Honorow inquired as to the purpose of the name change and whether a legal opinion was obtained. The wording "becoming a nonprofit" is confusing. The Foundation entity already exists and the name change will clear up confusion when applying for grant funding.

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approves the name change from MicroSociety Academy Charter School of Southern New Hampshire to MicroSociety Academy Charter School Foundation.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM VI. PUBLIC HEARINGS

A. Computer Science and Kindergarten Minimum Standards (Ed 306 various sections)

The Public Hearing opened at 11:30 a.m. and closed at 12:00 p.m. with no public testimony.

AGENDA ITEM VII. REPORTS, NEW BUSINESS and/or DEPARTMENT UPDATE

A. Southern New Hampshire University (SNHU) Ten-Month Extension Request for SNHU's Ed 612.18 Secondary Mathematics Program –

Ms. Ashlee Stetser, NHDOE Administrator, Bureau of Educator Preparation & Higher Education explained that this program is scheduled to renew in 2020 and pushing out the date to January 31, 2021 would allow for all three programs to be reviewed at once. This will also allow SNHU the opportunity to collect additional data for secondary mathematics information. The request was unanimously accepted at the February 2019 Council for Teacher Education (CTE) meeting.

MOTION: Ann Lane made the following motion, seconded by Cindy Chagnon, to grant a 10-month extension through January 31, 2021 for Southern New Hampshire University's Ed 612.18 Secondary Mathematics program to more efficiently align with two other programs that expire on that date.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Rivier University's 2nd Priority Progress Report

Ms. Stetser provided a brief history of this item and reported that the CTE reviewed both reports and found everything required for completion was done extremely well. A full review is scheduled for September 2019. She commended everyone at Rivier for their efforts working with the CTE to ensure success.

Ms. Honorow requested the State Board receive copies of the reports.

C. Plymouth State University's 1st Priority Progress Report

Ms. Stetser reported that conditional approval conditions for the five programs require the submission of two reports. The first was due January 31, 2019 and submitted on time. Two reviewers found the submission outstanding and in line with CTE expectations. The second report is due on July 31, 2019. A full review will be conducted in spring of 2020.

Chairman Cline requested the State Board receive copies of these reports and that the Board receive regular updates.

D. Approval of Saint Anselm College's New Computer Science Program

Ms. Stetser introduced Laura Wasielewski of St. Anselm and explained a previously submitted proposal for a computer science program was reviewed and unanimously approved by the CTE and the request today is for approval of the Computer Science Program up through 2021. This is the first program of this type in New Hampshire and is scheduled for review with all programs in April of 2021. Ms. Wasielewski noted that a review of the program recommended it be the benchmark for computer science.

Ms. Chagnon expressed her appreciation for the development of a very good program.

Ms. Honorow asked about credentialing pathways for certification and it was explained that this program is a traditional pathway for obtaining the computer science endorsement.

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education approves St. Anselm College New Teacher Education Preparation Program in Computer Science Ed 612.33 and 507.32 up through the next unit review which will take place in March or April of 2021.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

E. Antioch University of New England (AUNE) One-Year Extension Request for AUNE's Eight Educator Preparation Programs

Ms. Stetser introduced Dr. Susan Brier of Antioch University and explained this request is due to the ill health of one of the key faculty members. The CTE has agreed and unanimously recommends that the State Board approve an extension from August 2020 to August 2021.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education grants a one-year extension to all eight Antioch University of New England Teacher Preparation courses from August 2020 to August 2021.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

F. Commissioner's Update

Commissioner Edelblut provided updates on the following:

- New department staff:
 1. Dan White, Director of Human Resources
 2. Grant Bosse, Director of Communications
 3. Eric Frauwirth, Administrator, Bureau of Career Development
 4. Dean Graziano, Work Based Learning
- The Perkins plan will be filed at the end of month and one objective is to deal with disparities in between CTE programs.
- The School Safety Resource Center webpage created with Homeland Security has been launched to provide resources for schools. Commissioner Edelblut thanked Deputy Commissioner Brennan for her work on this project.

- The Vocational Rehabilitation (VR) waitlist has been completed and 100% are now being provided services. This is a milestone in terms of the continued restructuring of VR.
- Student Transition Services counselors will be going out into schools to work with students who are VR eligible to engage and connect them with services to provide positive trajectories and transitions.
- At the Family Support Conference held at the Mt. Washington Hotel the Department of Education table saw a lot of activity and interest.
- A Preschool Development grant for \$3.8 million was received to develop a strategic plan for preschool development in the state.
- Work on Social Studies standards continues to move forward.
- In preparation to begin the process of looking at English Language Arts and Mathematic standards, our assessment vendor has been doing creative things around assessment and performance assessment and we are determining the best way to obtain input from curriculum and instruction providers to ensure a global perspective on what is working in these areas.
- On April 1st the University of New Hampshire Faculty Senate voted and released a statement that they were not going to pursue Council for the Accreditation of Educator Preparation (CAEP) accreditation. They provided a white paper explaining their concerns with CAEP in a supportive way.
- The University System of New Hampshire is moving towards a test-optional admissions policy that will no longer require SAT or ACT for admission. The Faculty Senate report is still being read and reviewed.
- Work with AIR continues through development of performance assessments that can be executed on the platform currently used for testing. This is a more complex performance assessment scheduled for pilot in January 2020. Having both assessments allows us to correlate information and verify the reliability of results.

Ms. Honorow asked for clarification regarding Commissioner Edelblut's update about reducing the access disparity of CTE programs. She asked if the new Administrator, Eric Frauwirth, will be working on different ways of getting students to these centers or is he working on creating some alternative program.

Commissioner Edelblut explained that the Bureau is looking at many different options on how to structure the CTE programs to make them accessible to more students. It is early stages in this project; there is still a lot to look at and work through. Ms. Honorow strongly suggested that school districts and schools be involved early on as her concern is that programs and rules are getting developed without this input.

Ms. Honorow brought up her concerns about Vocational Rehabilitation (VR) loss of funding and its impact on programs for adults and students with disabilities. Commissioner Edelblut explained the ongoing discussions over VR

funding and making sure these funds are only going to programs that support individuals with disabilities.

Ms. Honorow then asked about where the review of the English Language Arts (ELA) and Mathematics standards fell on the newly developed standards review matrix. Commissioner Edelblut was not sure precisely where they fell on the matrix, but agreed it was time for them to be reviewed. He noted that the ELA and Mathematics standards review will be a more difficult one. Ms. Honorow reiterated her request that the Department includes educators, people in the field, and established stakeholder groups early on in the process.

Ms. Honorow asked if New Hampshire is still planning on using the SAT as the junior year assessment. Commissioner Edelblut stated that it continues to be New Hampshire's accountability assessment for the federal government.

Ms. Honorow expressed her concern about feedback the State Board has received about students being over-tested and whether or not adding an additional assessment was necessary. Commissioner Edelblut explained that for the long-term he feels there is a better way to assess students and this decision will have to be made with the schools.

Ms. Honorow thanked the commissioner for his report.

Ms. Chagnon inquired about the Social Studies standards review and whether or not the New Hampshire Historical Society has been involved in the review. Chairman Cline responded that they have been a member of the review group from the start of the process.

Ms. Chagnon asked about the preschool development grant monies and if they would be used to improve existing programs. Commissioner Edelblut responded that there is no programmatic funding with the grant and the monies are to be used to study current programs in the state and to improve their delivery; consolidating and streamlining to offer them in locations where families are already be receiving services from other agencies and/or organizations. Deputy Commissioner Brennan, who is very involved with the grant, explained that it is a one year planning grant that will include a needs assessment.

Ms. Cassady thanked Commissioner Edelblut for his report and asked if he could provide one at every meeting.

AGENDA ITEM VIII. OPEN BOARD DISCUSSIONS and WORKING LUNCH



A. Learn Everywhere (LE) Discussion and Update



Chairman Cline clarified that there have been no changes since the last meeting.

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Commissioner Edelblut noted that the extension requested has been granted by the Joint Legislative Committee on Administrative Rules (JLCAR), thus avoiding the scheduling of a special meeting of the State Board. Chairman Cline added that the extension was also requested as more revisions and feedback were expected. Commissioner Edelblut added that there have been concerns raised about competencies and the idea has been discussed adding Educational Learning Opportunity (ELO) coordinators and credentialed educators in those domain areas to the LE program review team, and a review is being conducted to make sure there are no legal structural problems.

Ms. Chagnon commented that some of the language seems to be vague and Commissioner Edelblut explained this language is broad in order to include a broad range of programs that have expressed an interest in LE. Chairman Cline added that this empowers the State Board to say, "Here is what we want to see..." for each specific program.

Mr. Nazzaro asked for clarification between qualification to instruct and expertise in the subject matter domain. The discussion included Ms. Honorow's concerns regarding who would determine the competencies and how they will be assessed for each LE program. The Department of Education staff will review and work with the LE program to ensure competencies and other details are met prior to meeting with the State Board. Chairman Cline referred to Ed 1403.02 which states that minimum requirements must be met. Ms. Chagnon expressed her concern about school districts establishing their own competencies. Commissioner Edelblut explained that schools have to align with state-adopted competencies and standards. The LE programs are going to meet the minimum standards to give pathway opportunities for students to find another way to put together competencies needed to succeed and attain a New Hampshire high school diploma.

Ms. Honorow stated she is still concerned about whether or not Superintendent Cascadden's concerns about competencies have been addressed as well as concern that others might have been denied an opportunity to provide input. Chairman Cline reminded her that today was set up as a State Board discussion session. These rules are still in draft form after changes have been made based on received feedback. This is an opportunity for State Board to discuss and suggest changes. State Board members are welcome to submit changes or comments to Chairman Cline or Commissioner Edelblut.

Ms. Honorow reminded Commissioner Edelblut of his comments regarding no cost to the school districts for LE programs and stated her belief that this is not true and they will incur costs. Commissioner Edelblut noted the Department will be helping districts by defraying costs they might otherwise incur if they had to go through their own vetting process. The Department is providing them with resources. Ms. Honorow stated her respectful disagreement.

Ms. Honorow stated there has been feedback received from legislators and noted the vote scheduled to happen soon to fix the Learn Everywhere legislation. She questioned why there was a difference in this process compared to the process for the Manifest Educational Hardship rules where the State Board put a hold on them until the legislative process was complete. Commissioner Edelblut explained that the difference may be due to the fact that the regulations and rules were inconsistent with the law. The issue today deals with a law already on the books.

Chairman Cline reiterated this process has received feedback from superintendents, principals, teachers, included lots of discussions with practitioners, and many concerns were incorporated into the rules that were developed over several months. Practitioner feedback was incorporated and substantial changes were made to produce this draft document and it was not done willy-nilly.

Ms. Honorow wanted to express her concern on a statement she thought was made by Ms. Bottomley from the MicroSociety Academy that all IEP students are a year behind. Chairman Cline, for the record, stated that having an IEP does not mean a student is a year behind.

AGENDA ITEM IX. OLD BUSINESS

There was no Old Business.

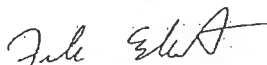
AGENDA ITEM X. NONPUBLIC SESSION

There was no Nonpublic Session

AGENDA ITEM XI. ADJOURNMENT

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro, to adjourn the meeting at 2:00 p.m.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.



Secretary

New Hampshire State Board of Education
 New Hampshire Department of Education
 Londergan Hall, Room 100F
 101 Pleasant Street
 Concord, NH 03301

Thursday, June 13, 2019



AGENDA

- I. CALL TO ORDER - 9:00 AM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT (Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.)
- IV. NONPUBLIC SCHOOL APPROVAL
 - A. Lupine Montessori School ~ EMILY ROBARTS, Head of School
 - B. Action Academy ~ MARY MacINTOSH, Head of School
 - C. Summit Christian Academy ~ LORI PETERS, Head of School
 - D. Hampstead Academy ~ LIANE ODOM, Head of School
 - E. Nonpublic School Approval Designation Report ~ MELISSA VALENCE, NHDOE, Division of Education Analytics & Resources
- V. COUNCIL for TEACHER EDUCATION UPDATE ~ ASHLEE STETSER, NHDOE Administrator, Bureau of Educator Preparation and Higher Education
 - A. New England College, New Program Approval request for four (4) new programs:
 1. 614.12 Business Administrator (Graduate)
 2. 614.02 Reading and Writing Specialist (Graduate)
 3. 614.15 Special Education Administrator (Graduate), and
 4. 614.13 Curriculum Administrator (Graduate)
 - B. Upper Valley Educators Institute (UVEI), New Program Approval request for one (1) new program:
 1. 614.13 Curriculum Administrator (Graduate/Postgraduate)
 - C. New Hampshire Technical Institute (NHTI), New Program Approval request for one (1) new program:
 1. 612.33 Computer Science
- VI. COMMISSIONER'S UPDATE

VII. LEGISLATIVE UPDATES

- A. Initial Proposal ~ Record Retention (Special Education) (Ed 1119.01)
- B. Final Proposal ~ Computer Science & Kindergarten Minimum Standards (Ed 306)
- C. Final Proposal ~ Custodian of Records (Ed 502.03)
- D. Final Proposal ~ Technology and Engineering Teacher (Ed 507.05, Ed 612.31, and Ed 612.36 through Ed 612.39)

* E. Final Proposal ~ Learn Everywhere Program for High School Graduation Credit (Ed 1400) *

- F. Adopt ~ School Year (Ed 306.16)
- G. Adopt ~ Code of Conduct Requirement (Ed 505.08 & Ed 610.01)

VIII. OPEN BOARD DISCUSSIONS

IX. OLD BUSINESS

X. NONPUBLIC SESSION

- A. Student/Rye School Board Re-hearing deliberation – SB-FY-18-02-011

XI. TABLED ITEMS

- A. Meeting Minutes of April 11, 2019

XII. CONSENT AGENDA

- A. Meeting Minutes of April 11, 2019 (*REMOVE from TABLE*)
- B. Meeting Minutes of May 8, 2019

XIII. ADJOURNMENT – 2:00 PM

If accommodations are needed for communication access such as interpreters, please call (603) 271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

New Hampshire
State Board of Education
Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301
Minutes of June 13, 2019 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:10 a.m. at the New Hampshire Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Sally Griffin, Helen Honorow, Ann Lane, and Phil Nazzaro. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner of Education were also present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Ms. Helen Honorow led the Pledge of Allegiance.

AGENDA ITEM III. PUBLIC COMMENT

The following provided testimony to the State Board on the Learn

Everywhere (Ed 1400) program:



- Ms. Megan Tuttle, National Education Association of New Hampshire (NEA-NH), spoke in opposition to the program and submitted written testimony.
- Ms. Lisa Witte, Superintendent of Schools, Monadnock School District, spoke in opposition to the program.
- Mr. Barrett Christina and Ms. Nicole Heimarck, New Hampshire School Board Association (NHSBA), spoke in opposition to the program and submitted written testimony.
- Mr. Rob Fried, formerly of the Office of Community School Partnerships, spoke in opposition to the program.
- Attorney Gerald Zelin, representing the New Hampshire Association of Special Education Administrators (NHASEA), thanked NHDOE for improvements in the most recent LE draft, but cautioned against a potential trap for Individual Education Plan (IEP) teams. State and federal laws compel school districts to fund only services essential for a student's academic progress. The April 2019 draft of the program compelled IEP teams to offer support services for special education students participating in LE, whether they contributed to academic progress or not. The June 2019 draft of the program requires school districts to provide support services only if LE is essential to the student's educational progress. He thanked the State Board for the change but cautioned that it assumes parents will pay the additional cost. He noted the rules also appear to require the IEP team to decide

if a child requires those support services in order to participate in an LE program. This could potentially compel school districts to cover those costs.

- Ms. Bonnie Dunham, Merrimack, NH, thanked the State Board for including all stakeholders in this discussion. She approves the program but would like to see the State Board allow local districts the authority to determine how it is administered. She noted the current draft does not take into account the potential responsibilities to provide reasonable accommodations to allow children with disabilities to participate, nor does it provide sufficient protections to ensure those children have equal opportunities to participate, since they require the approval of their IEP teams.

- Ms. Louise Spencer, Concord, NH a member of a citizen grassroots action group, was distressed that so much time and energy has been spent on LE at a time when public schools are facing a severe funding crisis. She said LE only affects some students, while the funding crisis affects all students. She also said Extended Learning Opportunities (ELOs) already provide student these opportunities, but due to the funding crisis school districts have been forced to cut them. She asked the board to not vote on LE and instead focus on the public school funding crisis.

Mr. John Ryder, Hollis, NH and a parent, said he is grateful for the opportunity to welcome new schools in to Southern New Hampshire. He sent his children to these new schools, where the environment was different than in other nearby schools, but the administrator leaving made the environment less desirable. He said he's grateful for the opportunity for a new school to open.

Mr. John Tobin, New Hampshire School Funding Fairness Project, said he was an attorney in *Claremont School District v. Governor of New Hampshire* case. He supports LE, but school funding is a more urgent issue. He has given presentations on school funding around the state and asked that he and his colleague, Doug Hall, be invited to give the presentation to the State Board. He noted that RSA-21 requires schools to provide an adequate education and he hoped the State Board would make the changes needed to reach that goal.

New testimony not related to Learn Everyone (Ed 1400) begins here:

Ms. Jane Bergeron, Executive Director, New Hampshire Association of Special Education Administrators (NHASEA), said NHASEA is concerned about requirements from the New Hampshire Department of Education (NHDOE) that speech language specialists become certified by NHDOE, laid out in a technical assistance advisory dated April 15, 2019. She asked if the legislature had conferred this authority to the NHDOE to require this certification and if so, why is it necessary for speech pathologists to have oversight from two governing

bodies. Given the shortage of speech pathologists, this move could make it harder for school districts to recruit speech language professionals. She asked the State Board to reconsider this requirement. Ms. Bergeron submitted written testimony.

Mr. Carl Ladd, New Hampshire School Administrators Association (NHSAA) said the NHSAA shares the same concerns raised by Ms. Bergeron regarding the NHDOE's technical advisory alert regarding speech pathologists. He noted that there is already a shortage of these specialists, and requiring additional certification creates an unnecessary financial burden for both the professionals and school districts. This additional requirement also makes it harder for school districts to attract and hire speech pathologists. He also noted that the additional requirements overlap current requirements and do not meet the Medicaid to School regulations. The NHDOE does not have the authority to mandate these requirements and asked that they be rescinded because they are confusing and unnecessary.

Ms. Moira Ryan, Manchester, NH asked the State Board to email the New Hampshire Code of Conduct to teachers.

Ms. Katherine Shea, Goffstown, NH, is a parent of children with special needs, said help for families is nearly impossible to get and too many families are fighting the same battles alone for the same set of needs. Recent stories of

children struggling with bullying and behavioral issues in a school environment have one thing in common: poor dispute resolution. In situations like these, there is no swift action or remedy, the families are unable to mitigate the risks and the cases usually ended up in court, which is costly and time-consuming and rarely have favorable outcomes. She said children with documented special needs cannot get a standard of care or consistent support but thanked the Commissioner for trying to build a stronger relationship between schools and families to better provide the resources needed by the children. Ms. Shea submitted written testimony as well as reading material about neurodiversity and encouraged the State Board to read it.

AGENDA ITEM IV: NONPUBLIC SCHOOL APPROVAL

Chairman Cline noted that the three nonpublic schools on the agenda (*Lupine Montessori School, Action Academy and Summit Christian Academy*) were placed there in error. He explained that the State Board has no process in rule; therefore, does not have the authority to review or weigh in on incomplete nonpublic school applications. He apologized to the school's representatives in attendance for the misunderstanding and asked them to return once their applications were complete.

Lori Peters, Head of School at Christian Summit Academy, asked if school representatives need to be present when their completed applications are

presented to the State Board. Chairman Cline explained that completed applications need to be submitted in advance so they can be included in the State Board's meeting material packets and school representatives are not required to be in attendance.

A. Hampstead Academy

Ms. Ann Lane asked Liane Odom, Head of School at Hampstead Academy, how the grade scale was determined. Ms. Odom said the administrators looked at different grading scales from different high schools and selected the one that best matched the school's philosophy.

Ms. Lane then asked if students can take classes outside the school. Ms. Odom said classes are typically offered within the school; however, they have used Virtual Learning Academy (VLACS) online courses. She explained the VLACS courses appear on student transcripts, but do not count toward the school's graduation requirements.

Ms. Cindy Chagnon asked about the current student count. Ms. Odom said enrollment had dropped after the founder of the school retired. Since the school's future was uncertain, many parents enrolled their children in other schools. Currently there are 22 students enrolled, and 27 are expected to enroll

next year. There are no 7th or 8th grade students right now, but noted there has been an increase in inquiries.

Ms. Chagnon asked if the school's recent water order has been remedied. Ms. Odom said it has to the best of her knowledge. The school recently ran water tests and only found lead in one faucet, so the assumption is that the problem is only in that one faucet, not in the water.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, that the State Board of Education approves the Commissioner's non-public approval designation report for Hampstead Academy.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

B. Nonpublic School Approval Designation Report

Caitlin Davis, Director of the Division of Education Analytics and Resources, New Hampshire Department of Education, introduced Melissa Valence, who oversees federal accountability in non-public schools, and presented a list of schools that are expiring and seeking renewal. Ms. Davis noted that, in the past, this list was presented at the July meeting, but since those

approvals expire on June 30, it made more sense to present them at the June meeting going forward. Some schools are not on this list because they did not submit their application in time; however, they will be on the July meeting agenda.

Ms. Davis also presented a new checklist used to review applications and renewals. Some information, such as the initial date of approval, is missing because those records are missing or have not been retrieved. NHDOE will request this information from schools going forward.

Ms. Chagnon asked how NHDOE determines whether a school gets renewal for three years or five years. Ms. Davis said a three-year approval is based on attendance, where a five-year approval is based on programs which require more detailed applications. She said the NHDOE is hoping to streamline the process so all approvals happen at once.

Ms. Honorow asked if there was a way to distinguish attendance approval from program approval on the applications. Ms. Davis said on the very first line if "Accrediting Agency" is checked "Yes", that denotes program approval. Anything marked "No" is seeking attendance approval. She said future versions of the checklist would make this information clearer.

MOTION: Ann Lane made the motion, seconded by Sally Griffin, that the State Board of Education approves the Commissioner's non-public school approval designation report.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

AGENDA ITEM V. COUNCIL FOR TEACHER EDUCATION (CTE) UPDATE

Ms. Honorow asked Ms. Ashlee Stetser, Administrator, Bureau of Educator Preparation and Higher Education, New Hampshire Department of Education (NHDOE) for copies of the attachments referenced in the meeting materials. Ms. Lane also asked if Ms. Stetser could provide them with a list of other higher education institutions that also have these programs.

A. New England College (NEC) New Program Approval Request for Four (4) New Programs

Ms. Stetser asked the State Board to review the programs brought forward at the May 16 CTE meeting. The CTE recommended that these programs be approved through August 2022. She asked that any questions be directed to NEC's Dr. Deborah Nitschke-Shaw.

Ms. Honorow said the State Board is not able to review the coursework without the syllabi. Moreover, the materials the State Board received in their meeting materials did not indicate who would be responsible for administering these programs. She would feel better approving a program if she knew who would be managing it.

Dr. Nitschke-Shaw answered by saying she would be in charge of the programs and reports to the Associate Dean of Education, Patricia Corbett, who reports to Vice President of Academic Affairs, Wayne Lesperance. Those teaching the programs are well-known, respected experts in the state, who reviewed the programs before being presented to the State Board. Ms. Lane noted that the Graduate Council also has to approve it, so it's helpful to have all the information up front.

Mr. Phil Nazzaro said he liked the way the program blends business administration with education.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane that the State Board of Education approve NEC's new teacher education preparation programs: Business Administrator (ED 614.12/506.03); Curriculum Administrator (ED 614.13/506.05); Special Education Administrator (ED

614.15/506.07); and Reading and Writing Specialist (ED 614.02/507.12) through August 2022.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

B. Upper Valley Educators Institute (UVEI) New Program Approval Request for One (1) New Program

No one was in attendance from the institute, so Ms. Stetser requested approval of the proposed Curriculum Administrator program through August 2022 and is happy to forward any questions to Mr. Christopher Ward.

Ms. Stetser also said all related documents are available online on a password-protected page. Ms. Honorow noted that in the future those documents should be brought to the meeting for review.

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approve Upper Valley Education Institute's Curriculum Administrator program (ED 614.13/506.05) through August 2022.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

C. New Hampshire Technical Institute (NHTI) New Program Approval Request for One (1) Program

Ms. Stetser introduced Dr. Kelly Moore-Dunn and asked that questions be directed to Dr. Dunn.

Mr. Nazzaro said he was impressed that the school acted so quickly on the new computer science rules.

Ms. Honow said the State Board has heard from computer science teachers concerned about the impact the new computer science rules might have on their standing. Dr. Dunn said this program is focused more on computer science professionals who want to teach. Current teachers still have to meet the competencies but do not have to enroll in this specific program.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education approves NHTI's new education preparation program in computer science (ED 612.33/507.52) through August 2022.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

AGENDA ITEM VII. LEGISLATIVE UPDATES

A. Initial Proposal – Record Retention (Special Education) (Ed 1119.01)

Ms. Amanda Phelps, NHDOE Administrative Rules Coordinator asked that this rule be tabled to the July meeting in order to incorporate some changes suggested by Ms. Santina Thibedeau, NHDOE Administrator for the Bureau of Student Support.

MOTION: Ann Lane made the following motion, seconded by Helen Honorow, that the State Board of Education tables this proposal until the July meeting.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Final Proposal – Computer Science & Kindergarten Minimum Standards (Ed306)

Ms. Phelps said this rule is in the final proposal stage and will go to the Joint Legislative Committee on Administrative Rules (JLCAR) in July if approved today.

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approves the final proposal for Ed 306 (various sections) relative to a Computer Science education program and corresponding amendments to change Information and Communication Technology to Digital Literacy as well as new Kindergarten curriculum standards.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

C. Final Proposal – Custodian of Records (Ed 502.03)

Chairman Cline explained that it was discovered that a record retention rule for teacher personnel records was already in place with the New Hampshire State Archives and Records Management (ARM) so a vote today on this final proposal is not needed. He recommended rewriting the rule after consulting with ARM.

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin, for the State Board of Education to withdraw the final proposal for Ed 502.03, Custodian of Records.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

D. Final Proposal – Technology and Engineering Teacher (Ed 507.05, Ed 612.31 and Ed 612.366 through Ed 612.39)

Ms. Phelps said these proposals have been reviewed by the attorneys at JLCAR with only editorial comments.

MOTION: Ann Lane made the following motion, seconded by Cindy Chagnon that the State Board of Education approves the final proposal for Ed 507.05, Ed 612.31, and Ed 612.36 through Ed 612.39 relative to a Technology and Engineering teaching endorsement and its educator preparation program as well as renumbering of other existing educator preparation program rules.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

★ E. Final Proposal – Learn Everywhere (LE) Program for High School Graduation ★

Credit (Ed 1400)

After Chairman Cline opened discussion, Ms. Honorow raised a series of concerns about the current regulation.

First, she said she appreciates the stringent qualifications needed to be an LE program, but suggested the proposal include the financial impact of implementing it. School districts would need to fund such things as support staff for students with disabilities, and some may not allow these children to participate because they cannot afford the additional support. She recommended, as an alternative, examining why some school districts are not participating in ELO Programs and address those issues.

Second, she does not agree with the requirement that school districts must accept up to 30 percent of LE credits, which she said goes against the principle of graduating from a specific school, as well as the concept of local control. Chairman Cline recalled when local districts had control over charter schools. During that time, none were created because the districts were not willing to approve them. Charter schools only appeared after the state took back this authority. Had that authority stayed at the local level, many great schools and programs would not exist today.

Third, she wondered why the Board was voting on this proposal when the legislature voted for another interpretation of the statute, which says the Board should promulgate regulations regarding school credits earned outside of schools, but local districts will determine what counts as outside credits. According to the transcripts, there was nothing before the legislature that indicated the Board would require districts to take outside credits.

Fourth, she recalled the comments that inferred the regulations seemed to provide more of a checklist than standards. She noted that teachers need to have the appropriate background to teach a subject, and there needs to be a certified educator assessing the curriculum.

Fifth, she reiterated the importance of ensuring students with special needs have the same access to LE as other students. She said there is a way to increase opportunities for ELOs and alternative programs without the regulation as currently drafted.

Lastly, she expressed concern about a remark made by Commissioner Edelblut that LE programs enable families to "purchase" a piece of private school because it highlights the inequities between private and public education. She said the Board should focus on providing quality public education, not allowing more buy-in into private education. Students who want credit for ELO learning

need to work with the school district to make sure it meets the competency requirements, but these regulations do not provide a resource to do that.

Chairman Cline said LE programs are more than just a checklist, as Ms. Honorow implied. Every proposal is vetted by staff, teachers and ELO coordinators and then goes to the Board for approval. He also said LE does not take anything away from current ELO programs; instead, it scales them statewide, allowing school districts with fewer resources to access them as opposed to having to create a whole new program.

Ms. Honorow asked for clarification as to where in the regulation it states that reviewers be present during the review process unless they have a reason for not attending. Chairman Cline explained that reviewers are supposed to be available but can be excused for a sound reason. If their reason is not reasonable, they can be expelled. He noted the NHDOE cannot require an ELO coordinator to participate in a meeting but must provide reasonable accommodations to allow them to participate.

Ms. Chagnon said she sees the need for statewide certification, but moved that ED 1407.02, items A and B, be amended to say "may" rather than "shall" to remove the ELO mandate and restore local control. Chairman Cline said the word "shall" was chosen because of the history of charter schools in the state, which were never opened because local districts would not approve them.

He fears making it an option will result in local districts not accepting those credits or programs.

Ms. Honorow noted that some organizations are creating programs for reasons other than graduation credits, and it is unreasonable to force districts to take those credits for graduation. She suggested the Board help organizations that want to offer those credits, but not force districts to take them. Chairman Cline said the rule does not affect existing programs, it provides a framework for an entity to create a program that counts toward credit.

Mr. Nazzaro said he recognizes that everyone is trying to do what they think is best for students. He is a longtime advocate of local control, and nothing embodies that more than students and parents setting their own educational course rather than following a mandate. Not every child succeeds in a traditional setting, and LE addresses that. He also said ELOs and LE are not mutually exclusive but rather two options for educators to use to help children succeed. He recommended trying LE, learning from it and adjusting as needed.

Ms. Honorow expressed concern that some of the language in Ed 1401.02 and Ed 1403.04 was supposed to be removed but was not. Other attendees said those references were crossed out in the annotated version.

Commissioner Edelblut said the rules as written are consistent with the existing IEP process. If an IEP team sees a program as necessary for a child, the school district pays for the necessary accommodations. If not, the child may still participate, but the parents must pay for those accommodations.

Mr. Zelin said Section 504 in the Americans with Disabilities Act (ADA) requires a school to provide reasonable modifications at its own expense, but it does not need to provide additional modifications, such as one-on-one sessions, unless approved in an IEP.

NHDOE Attorney Richard Sala agreed to add language to the rule that clarifies the difference between reasonable and additional accommodations.

MOTION:

Phil Nazzaro made the following motion, seconded by Ann Lane, that the State Board of Education amend Ed 1403, Program Approval Paragraph 1C, B2 to add a C paragraph, "A program understands that it has certain responsibilities pursuant to Section 504 of the Rehabilitation Act (*if it receives federal funds*) under the Americans with Disabilities Act as amended to provide students with disabilities with equal access and equal opportunities to participate in an LE program, including providing the student with reasonable accommodations."

VOTE:

The motion was approved by unanimous vote of the Board with the Chairman abstaining.

MOTION:

Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approves the final proposal for ED 1400, as amended.

VOTE:

The motion was approved by a 4-3 vote of the Board with the Chairman voting.

F. Adopt – School Year (Ed 306.16)

Ms. Phelps said this proposal was approved by JLCAR on April 26 with no comment.

MOTION:

Ann Lane made the following motion, seconded by Helen Honorow, that the State Board of Education adopts Ed 306.16 (c) relative to high school graduation date in the school year rules.

VOTE:

The motion was approved by unanimous vote of the Board with the Chairman abstaining.

G. Adopt – Code of Conduct Requirement (Ed 505.08 and Ed 610.01)

Ms. Phelps said JLCAR reviewed the final proposal on May 17 and voted to approve it as written.

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education adopts Ed 505.08 and Ed 610.01 relative to the Code of Conduct Requirements for licensure.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

Ms. Honorow reminded the State Board that Ms. Ryan, during public comment, said the Code of Conduct was not available. Deputy Commissioner Christine Brennan explained that the Code of Conduct booklets have been distributed to school districts and noted that it is also available on the NHDOE's website.

AGENDA ITEM VI. COMMISSIONER'S UPDATE

Commissioner Edelblut provided updates on the following:

The Council for Teacher Education (CTE):

- The NHDOE is waiting for the supplemental job description (SJD) for an administrative support position for the Bureau of Educator Preparation and Higher Education to be approved by the New Hampshire Department of Personnel (NHDoP). The SJD was initially written to provide support for both the Bureau and the Governor's Scholarship Fund; however, the Governor's Scholarship Fund was removed from the budget which required the SJD to be rewritten.
- To address the shortage of program reviewers, the NHDOE sent emails to superintendents, principals and teachers requesting volunteers for the September program reviews. The CTE also requested referrals from heads of teacher preparation programs. They hoped to have 53 names for consideration; however, only 16 people responded. In response, Commissioner Edelblut asked the CTE to consider compensating reviewers.
 - Ms. Honorow said she had heard there were concerns about the cost of recruiting reviewers from out of state.
 - She was also concerned about a suggestion she heard about placing a year-long moratorium on program reviews. This would extend an already stretched-out process.

- Chairman Cline said he would get this discussion on the agenda for the next meeting.
- Ms. Honorow suggested recommending or encouraging educators to be involved in the peer-review process when they are being issued or renewing their credentials.
- The Vocational Rehabilitation (VR) program recently underwent state and federal audits. The federal audit report should be out in the next six months or so, and the team indicated they were happy with the results. The state audit is scheduled to be completed in December.
- Spoke about the \$10.3 million in Special Education reallocations now available to school districts. School districts have received webinars and in-person training showing them how to access and manage the funds.
- The IMPACCT Program has historically provided employment transition services to students ages 14-21 and identified those who will ultimately become Vocational Rehabilitation (VR) clients. Over the last two years, the program has served 295 students. Since VR's recent restructuring into a Student Transition Services (STS) model, the program has reached more than 1500 students, of which only 70% were deemed eligible for transition to VR services. NHDOE is continuing to fund the IMPACCT program at \$600,000 per year but is working with IMPACCT staff to secure alternative funding. The

legislature is expected to write into law a grant for \$500,000, which will likely to go directly to schools.

- ConVal school district won a lawsuit against the state, which means the state legislature must revisit the definition of a good education and the cost of an adequate education.
- Another episode of *School Days, Lunch Trays and Gourmets* featuring New Hampshire schools, aired recently.
- NHDOE has created a working group, led by Heather Gage, to address changes to the SATs in light of recent developments, including the college admissions scandal, and the University of New Hampshire making SATs optional. The goal of the group is to communicate how these changes affect student requirements. One of the changes is the context score, which reflects socioeconomic metrics. Commissioner Edelblut said he has asked for greater transparency into these scores to make sure students are not adversely affected.
- The NHDOE received a \$6000 grant from the French American Consulate to create a study examining the impact of foreign language immersion programs. Katherine Harrington from Plymouth State University is working with faculty at UNH to conduct this study.
- The state approved the website development contract. The preliminary website is expected to be ready in the Fall.

- The EDies took place on June 10th. Commissioner Edelblut said it was great to be with all the award winners and he was happy to hand out some of the awards.

AGENDA ITEM VIII. OPEN BOARD DISCUSSIONS

Ms. Honorow asked about the technical advisory regarding additional speech pathologist requirements. Commissioner Edelblut acknowledged the advisory did not get sent out to the field and will work with the State Board to amend and correct the law and the rule. Ms. Honorow asked for an update when it is available.

Ms. Honorow also asked that a discussion about school funding be put on the agenda and invite Mr. Tobin to give his presentation.

AGENDA ITEM IX. OLD BUSINESS

There was no Old Business.

AGENDA ITEM X. NONPUBLIC SESSION

- A. Student/Rye School Board Re-Hearing Deliberation – SB FY 18-02-

MOTION: Phil Nazzaro made the following motion, seconded by Cindy Chagnon, to move into nonpublic session in accordance with RSA 91-A:3, II(i).

VOTE: The motion was approved by roll call vote at 1:15 p.m. by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Phil Nazzaro made the motion, seconded by Cindy Chagnon to leave nonpublic session and return to public session.

VOTE: The motion was approved by roll call vote at 1:34 p.m. by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Phil Nazzaro made the following motion, seconded by Ann Lane that the State Board of Education seal the minutes of the nonpublic session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

This motion was made by the State Board of Education during the nonpublic meeting.

MOTION: Phil Nazzaro made the following motion, seconded by Cindy Chagnon, that the State Board of Education accept the Hearing Officer's Report and deny the Hearing Officer's Recommendation, thereby overturning the Rye School Board's decision on re-assignment due to Manifest Educational Hardship.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM XI. TABLED ITEMS

A. Meeting Minutes of April 11, 2019

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education move the

meeting minutes of April 11, 2019 off the table and to the Consent Agenda.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM XII. CONSENT AGENDA

A. Meeting Minutes of April 11, 2019

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro that the State Board of Education approves the minutes of the April 11, 2019 meeting as amended.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. Meeting Minutes of May 8, 2019

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro that the State Board of Education approves the minutes of the May 16, 2019 meeting as amended.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

Ms. Honorow extended an invitation from the YMCA Power Scholars Academy to attend events on Monday, July 15th and on Wednesday, July 31st. She said she would send details and asked that the school be put on the agenda for a future meeting.

AGENDA ITEM XIII. ADJOURNMENT

MOTION: Cindy Chagnon made the following motion, seconded by Helen Honorow, to adjourn the meeting at 1:58 p.m.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

Secretary

repealed by Document #10870 had provisions requiring compliance by July 1, 2015, conditioned on legislative approval. The condition did not occur, so the rules were repealed.

Pursuant to RSA 541-A:18, I, the emergency rule filed under Document #10870 expired on 12-26-15 because it had not been superseded by the filing of another Document before that date. Upon expiration of the emergency rule, pursuant to RSA 541-A:18, V, the former rules filed under Document #10556 became effective again in their original form since they were the effective rules which had been amended and repealed by the emergency rule in Document #10870.

Document #11020, effective 1-8-16, readopted with amendments or repealed the various rules in Ed 306, as listed in the table above, which had been filed under Document # 10556 and had become effective again due to the expiration on 12-26-15 of the emergency rule in Document #10870. Document #11020 restored as a regular rule the amendments and repeals in the emergency rule in Document #10870.

Ed 306.01 Applicability. In order to be an approved school, public schools, and public academies shall meet the applicable criteria established in these standards:

(a) Except as provided in (b) below, a public school shall be approved as an elementary school if it contains any of the grades kindergarten through 8 and meets the rules applicable to all schools and to each elementary school;

(b) As determined by vote of the local school board, any combination of the grades 4 through 8 may be organized as a public middle school; and so approved if it meets the rules applicable to all middle schools; and

(c) A public school or a public academy shall be approved as a high school if it contains any of the grades 9 through 12 and meets the rules applicable to all schools and to each high school.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; amd by #5107, eff 4-2-91; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05; ss by #10556,

Ed 306.02 Definitions. Except where the context makes another meaning manifest, the following words have the meanings indicated when used in this chapter:

(a) "Acknowledgement of achievement" means when a student has demonstrated achievement of district competencies and or graduation competencies consistent with RSA 193-C:3;

(b) "Career and technical education" means organized educational activities that:

(1) Offer a sequence of courses that:

a. Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

b. Provides technical skill proficiency, an industry-recognized credential, a certificate, or an associates degree; and

c. Might include prerequisite courses, other than a remedial course; and

(2) Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual;

(c) "College and career readiness" means alignment with the knowledge, skills, and work-study practices students will need to enter and succeed in postsecondary opportunities – whether college or career;

(d) "Competencies" means student learning targets that represent key content-specific concepts, skills, and knowledge applied within or across content domains. Specific and required types of competencies include district competencies and graduation competencies;

(e) "Credit" means the record keeping structure that is awarded to a student who demonstrated achievement of graduation competencies organized around the specific credit;

(f) "Department" means the New Hampshire department of education;

(g) "District competencies" mean specific types of competencies that are common across the district and organized in developmental progressions that lead to achievement of graduation competencies;

(h) "Educator" means any professional employee of any school district whose position requires certification by the state board pursuant to RSA 189:39. The term includes administrators, specialists, and teachers;

★ (i) "Extended learning" means the primary acquisition of knowledge and skills through instruction or study outside of the traditional classroom methodology, including, but not limited, to:

(1) Independent study;

(2) Private instruction;

(3) Performing groups;

(4) Internships;

(5) Community service;

(6) Apprenticeships; and

(7) Online courses;

(j) "Graduation competencies" means specific types of competencies that are common across the district and define learning expectations for each student for graduation from high school;

(k) "Instructional time" means the period of time during which pupils are actively working toward achieving educational objectives under the supervision of an educator or other staff member;

(l) "Mastery" means a high level of demonstrated proficiency with regard to a competency;

(m) "Nutrient dense foods" means those foods that provide substantial amounts of vitamins and minerals and relatively fewer calories as identified and defined by 7 CFR Part 210.10;

(n) "Nutrient density of foods" means the amount of a specific nutrient in a food per 100 calories of that food as defined in 7 CFR Part 210.11;

(o) "Nutrient targets" means the specific number and types of food that a student selects. The targets are the scientific bases of the standards for menu planning. Targets provide the foundation for setting meal requirements which encompass meal patterns and other specifications for school menu planning purposes;

(p) "Personalized learning" means a process which connects learning with learner's interests, talents, passions, and aspirations including actively participating in the design and implementation of their learning;

(q) "Portion size" means the amount of food that will ensure each serving will be the appropriate size and that a recipe will produce the expected number of servings; and

(r) "Work study practices" means those behaviors that enhance learning achievement and promote a positive work ethic such as, but not limited to, listening and following directions, accepting responsibility, staying on task, completing work accurately, managing time wisely, showing initiative, and being cooperative.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; amd by #5107, eff 4-2-91; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05; amd by #10047, eff 12-17-11;

Ed 306.03 Statutory and Policy Requirements.

(a) The local school board shall be responsible for obtaining an up-to-date copy of state education laws, one copy of which shall be distributed free of charge to each school administrative unit by the department, and maintaining an up-to-date copy of the rules of the board in the New Hampshire Code of Administrative Rules.

(b) In order for a school to be an approved school under these rules, the school board shall comply with all applicable laws and rules set forth in the publications enumerated in (a) above.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05; ss by #10556, eff 3-27-14

Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

- (1) Absenteeism and attendance;
- (2) Promoting school safety;

- (3) Discipline;
- (4) Records retention, including electronic files;
- (5) Character and citizenship;
- (6) Meeting the instructional needs of each individual student;
- (7) Student hazing;
- (8) Student harassment, including bullying, as required by RSA 193-F;
- (9) Sexual harassment, as detailed in Ed 303.01(j) and (k);
- (10) Reporting of suspected abuse or neglect;
- (11) Promotion of a school environment that is conducive to learning and supports strong family and community partnerships;
- (12) Distance education, if the district chooses to offer distance education as provided in Ed 306.22;
- (13) Providing alternative means of earning credit toward a high school diploma or equivalent such as extended learning opportunities, and distance education to meet the requirements of RSA 193:1, (h) until July 1, 2015;
- (14) Providing alternative means of demonstrating achievement of identified graduation competencies toward the awarding of a credit for a high school diploma or equivalent such as extended learning opportunities, career and technical education courses, and distance education no later than July 1, 2015 to meet the requirements of RSA 193:1, (h);
- (15) How a credit can be earned, as provided in Ed 306.27(e) until July 1, 2015;
- (16) How a credit used to track achievement of graduation competencies can be earned no later than July 1, 2015, as provided in Ed 306.27(e);
- (17) Recommending developmentally appropriate daily physical activity and exercise;
- (18) Behavior management and intervention for students;
- (19) Homeless students;
- (20) Wellness as required by Section 204 of the federal Child Nutrition and WIC 42 USC 1751;
- (21) Providing immediate and adequate emergency care for students and school personnel who sustain injury or illness during school hours or during scheduled school activities;
- (22) Meeting the special physical health needs of students;
- (23) Supporting the availability and distribution of healthy foods and beverages that create a healthy environment in all schools throughout all school buildings during the school day;
- (24) Air quality in school buildings as required by RSA 200:48;

(25) Graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation in content areas no later than July 1, 2015 as follows;

- a. Arts education;
- b. Information and communication technologies;
- c. English;
- d. Mathematics that encompasses algebra, mathematical modeling, statistics and probability, complex applications of measurement, applied geometry, graphical presentation and interpretation, statistics and data analysis;
- e. Physical sciences;
- f. Biological sciences;
- g. US and NH History;
- h. US and NH government/civics;
- i. Economics, including personal finance;
- j. World history, global studies, or geography;
- k. Health education; and
- l. Physical education; and

(26) Graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation no later than July 1, 2015, that encompass multiple content areas outlining the knowledge, skills and work-study practices necessary for success in colleges and careers.

(b) The policies and procedures required by (a) above shall apply to each school except that (13)-(16), (25) and (26) shall not apply to elementary or middle schools.

(c) The policy relative to absenteeism and attendance shall specify procedures for the accountability and supervision of students. The policy relative to absenteeism shall not penalize students who miss class or a required school event because of a school scheduling conflict. Districts shall implement a cooperative approach which places responsibility for notification when a student is tardy, absent, or dismissed on both the parents/guardians and the school.

(d) The policy relative to promoting school safety shall require school administrators to implement procedures which relate to safe practices:

- (1) On school buses and on the school grounds, including playgrounds;
- (2) During authorized school activities, such as field trips;
- (3) Within the school building, including classrooms and laboratories;
- (4) Off school grounds during school-sanctioned activities, including, but not limited to, work-based learning and internships;

(5) In the use of online resources; and

(6) In managing the behavior of children including, describing how and under what circumstances restraint shall be used pursuant to RSA 126-U.

(e) Educators shall be required to know and implement the appropriate safety practices and procedures applicable to their assigned areas of responsibility and to include safety instruction in all applicable programs offered by the school.

(f) The policy relative to student discipline shall:

(1) Include provisions regarding:

- a. Student rights and responsibilities;
- b. Rules of conduct; and
- c. Penalties for misbehavior;

(2) Be written in age-appropriate language;

(3) Be disseminated to parents and guardians; and

(4) Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever practical.

(g) The local school board shall review with the superintendent or chief administering officer the conditions and methods for suspension and expulsion of students developed and implemented by the superintendent or chief administering officer and the local school board in accordance with RSA 193:13. The superintendent, chief administering officer, or designee shall keep students, parents, educators, and all other school personnel informed about school rules. Such information shall be readily available.

(h) The policy relative to records retention, including electronic files, disposition, and access shall require that complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. A schedule for the retention and disposition of original records and information shall be established in accordance with RSA 189:29-a. Access to all student records and information shall be controlled by written procedures designed to protect individual rights and to preserve the confidential nature of the various types of records in compliance with the federal "Family Educational Rights and Privacy Act," 20 U.S.C. § 1232g, and RSA 91-A, Access to Public Records.

(i) The policy relative to character and citizenship development shall:

(1) Include those elements of character and citizenship to be incorporated in courses of study or instilled, by example, in a caring educational environment, including but not limited to:

- a. Self-discipline, self-respect, and self-control;
- b. Pursuant to Part 2, Article 83 of the New Hampshire Constitution, humanity, benevolence, and truth and honesty with self and others;
- c. Fairness, integrity, and justice;
- d. Respect, courtesy, and human worth;
- e. Responsibility to oneself and others;

f. Community service; and

g. Pursuant to RSA 186:13, the rights and responsibilities of citizenship; and

(2) Be developed in consultation with school staff, administration, parents, and other representatives of the community.

(j) The policy relative to meeting the instructional needs of each student shall require administrators and educators to consider students' differing talents, interests, and development when planning the educational programs specified in Ed 306.

(k) The policy relative to partnerships among schools, families, and communities shall comply with the following standards:

(1) Schools shall strive to involve parents and family members of students of all ages and learning levels;

(2) Schools shall provide parent educational activities throughout the school year to help parents support their children's learning;

(3) Schools shall frequently communicate school performance, student progress, personalized learning strategies as adopted by the local school board and in accordance with district and graduation competencies, and academic opportunities, using both print and online formats;

(4) Schools shall work with agencies and businesses to support community-based developmental activities that prepare young children for school and promote ongoing achievement;

(5) Schools shall promote collaboration among parents, schools, and community on school improvement and student achievement projects;

(6) Schools shall strive to harness all available community resources, including but not limited to organizations, businesses, talented individuals, natural resources, and technology, to engage each student in achieving necessary skills and knowledge; and

(7) Schools shall encourage business partnerships to assist students in the successful transition to employment or further education.

(l) The policy relative to developmentally appropriate daily physical activity pursuant to Ed 310 shall recommend that all pupils participate in developmentally appropriate daily physical activity, exercise, or physical education as a way to minimize the health risks created by chronic inactivity, childhood obesity, and other related health problems. The developmentally appropriate daily physical activity policy shall be in addition to and shall not replace the physical education program requirement in Ed 306.41.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05; amd by #10047, eff 12-17-11; ss by #10556, eff 3-27-14

- (2) Be governed by a policy adopted by the local school board that:
 - a. Provides for the administration and supervision of the program;
 - b. Outlines how certified school personnel oversee an individual student's program;
 - c. Requires that each extended learning proposal meet rigorous measurable standards and be approved by the school prior to its beginning;
 - d. Specifies whether or not credit can be granted for extended learning activities, including, but not limited to, independent study, private instruction, team sports, performing groups, internships, community service, and work study; and
 - e. Requires that acknowledgement of achievement for an extended learning activity be approved by a certified educator;
- (3) Incorporate student participation in selecting, organizing, and carrying out extended learning activities;
- (4) Provide opportunities for students to acquire knowledge and skill development comparable to knowledge and skill development in courses offered at the high school; and
- (5) Be available to all students.

Source. #10556, eff 3-27-14 (from Ed 306.26)

Ed 306.27 High School Curriculum, Credits, Graduation Requirements, and Cocurricular Program.

(a) The local school board shall require that no later than July 1, 2016, the curriculum content developed for each high school outlines district and graduation competencies and is consistent with RSA 193-C:3, III.

(b) The required curriculum content shall comply with the following:

- (1) The program of studies shall include those courses in which students demonstrate achievement as well as other educational experiences and instructional activities required by Ed 306;
- (2) Courses shall be planned for the attainment of specific educational district and graduation competencies leading to the high school diploma;
- (3) The instructional program shall include:
 - a. Procedures for diagnosing learner needs;
 - b. Methods and strategies for teaching that incorporate learner needs;
 - c. Resource-based learning opportunities;
 - d. Techniques for the evaluation of student outcomes, including performance assessment of district competencies; and
 - e. The provision of remedial instruction as needed.

(4) Districts shall develop local policies that identify how the district shall engage students in creating and supporting extended learning opportunities that occur outside of the physical school building and outside of the usual school day in which students demonstrate achievement as well as other educational experiences and instructional activities required by Ed 306.

(5) The extended learning opportunities in (4) above shall:

a. Consist of activities designed to:

1. Provide acknowledgement of achievement or supplement regular academic courses; and

2. Promote the schools and individual students' educational goals and objectives;

b. Be governed by a policy adopted by the local school board that:

1. Provides for the administration and supervision of the program;

2. Outlines how certified school personnel will oversee, although not necessarily lead, facilitate, or coordinate, an individual student's program;

3. Requires that each extended learning proposal be aligned with district and graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation, and be approved by the school prior to its beginning;

4. Specifies that students will be able to attain acknowledgement of achievement through mastery of district or graduation competencies for extended learning activities, including, but not limited to, independent study, private instruction, team sports, performing groups, internships, community service, and work study; and

5. Requires that acknowledgement of achievement shall be based on a student's demonstration of district or graduation competencies, as approved by a certified educator;

c. Incorporate student participation in selecting, organizing, and carrying out extended learning activities; and

d. Be available to all students; and

(6) A co-curricular program shall be offered that provides opportunities for all students to participate in activities designed to meet their needs and interests, including, but not limited to:

a. Intramural and interscholastic athletics;

b. Performing groups;

c. Academic clubs and societies;

d. Student government;

e. Activities and services that afford students with disabilities an equal opportunity to participate; and

f. Any other activities that:

1. Supplement and enrich regular academic courses;
2. Provide opportunities for social development;
3. Encourage participation in the arts, athletics, and other cooperative groups; and
4. Encourage service to school and community.

(c) The local school board shall require that a program of studies shall be offered for each high school that enables each student to engage in and demonstrate achievement outlined for graduation as well as other educational experiences and instructional activities as follows:

- (1) Ed 306.31, relative to an arts education;
- (2) Ed 306.33, relative to a business education;
- (3) Ed 306.34, relative to a career and technical education;
- (4) Ed 306.35, relative to a career education;
- (5) Ed 306.37, relative to an English/language arts and reading program;
- (6) Ed 306.38, relative to a family and consumer science education;
- (7) Ed 306.39, relative to a school counseling program;
- (8) Ed 306.40, relative to a health education program;
- (9) Ed 306.41, relative to a physical education program;
- (10) Ed 306.42, relative to an information and communication technologies program;
- (11) Ed 306.43, relative to a mathematics program;
- (12) Ed 306.45, relative to a science education;
- (13) Ed 306.46, relative to a social studies program;
- (14) Ed 306.47, relative to a technology preengineering education;
- (15) Ed 306.48, relative to a world languages program; and
- (16) Ed 306.27(b)(4), relative to extended learning opportunities.

(d) Each high school shall offer maximum student opportunities, in and out of the classroom, while at the same time specifying a basic number of courses that each high school shall offer. If a student demonstrates knowledge and skills on a placement pre-test developed by the local school district for a particular course, the student shall receive acknowledgement of achievement of the district competencies contained within the course and shall be allowed to take a more advanced level of the subject or an elective.

(e) The local school board shall require that graduation be based on mastery of required graduation competencies as demonstrated through the accumulation of credits as outlined in Table 306-3 and by a certified educator. Each high school shall determine how completion of a classroom course, career and technical education courses, independent study, distance learning course, or extended learning opportunity can support student achievement and demonstration of district or graduation competencies.

(f) Credits shall be based on the demonstration of district and or graduation competencies not on time spent achieving these competencies. The credit shall equate to the level of rigor and achievement necessary to master competencies that have been designed to demonstrate the knowledge and skills necessary to progress toward college level and career work.

(g) Students may receive acknowledgement of achievement for graduation competencies through student demonstration of a collection of work or other assessment evidence gained through prior learning activities.

(h) The items in (c) above shall not limit opportunities to develop programs that meet the needs of each student.

(i) The programs of studies in (c) above may be offered and coordinated individually or through interdisciplinary studies.

(j) Students shall engage with and apply English and mathematics graduation competencies during every year they are enrolled in high school even if graduation competencies for English and mathematics have been demonstrated. Such engagement may occur through integration of these graduation competencies in courses focused on content areas other than English or mathematics. Such engagement shall support students to be college and career ready in mathematics and English/language arts. Nothing contained in this section shall preclude a school or district from offering courses and other learning opportunities in addition to the minimum outlined in Ed 306.

(k) There shall be a minimum of 20 credits for a regular high school diploma, unless the local school board has set a requirement of more than 20 credits for a regular high school diploma, in which case the local credit requirement shall apply. The local school board shall require that each high school offers courses or learning opportunities as specified in (c) above.

(l) The following shall apply relative to the required program of studies:

(1) Consistent with Ed 306, the local school board shall verify in writing to the commissioner that each high school shall offer a total of at least 43 courses distributed as shown in Table 306-1 when the school seeks approval or renewal of approval under Ed 306.28;

(2) Each high school may use any relevant title to identify a particular course;

(3) Local school boards may propose innovative ways to meet or exceed the requirements in Table 306-1, pursuant to Ed 306.29;

(4) Local school boards shall ensure that courses necessary to meet the requirements for attaining graduation competencies as defined on Table 306-3 are offered to district students enrolled in high school at no additional cost to the student;

(5) The required courses in program areas offered by each high school shall be distributed as specified in Table 306-1 below:

Table 306-1 Required Program Areas and Courses

| Required Program Areas | Courses |
|--|--------------------------------------|
| Arts education | 3 courses |
| Business education | 3 courses |
| Family and consumer science | 3 courses |
| Information and communication technologies | ½ course or demonstrated proficiency |
| World languages | 5 courses |
| Health education | ½ course |
| Physical education | 2 courses |
| Technology education | 4 courses |
| English | 6 courses |
| Mathematics | 6 courses |
| Science | 5 courses |
| Social studies | 5 courses |

(6) Course requirements under Ed 306.27(l)(5) may be met through school identified and sanctioned distance education programs under Ed 306.22 subject to the following:

- a. Students shall be provided courses in a classroom setting that will enable them to demonstrate achievement of graduation competencies. Students are not required to take these courses in order to demonstrate achievement of graduation competencies but may engage in distance education programs to demonstrate achievement. Duplicate, equivalent, or additional courses in those program areas may be offered through distance education, extended learning opportunities, or other alternative methods;
- b. Distance education courses or other alternative courses or programs to be counted toward the 43 courses required by Ed 306.27(l)(5) shall meet the district or graduation competencies and shall be identified in the school's program of studies;
- c. The school shall provide all equipment, software, and internet connectivity necessary to participate in distance education programs that are to be counted toward the 43 courses required by Ed 306.27(l)(5);
- d. In the cases where the school has determined that there is no other way to provide a required course, the costs of registration shall be borne by the school district for courses or alternative programs to be counted toward the 43 courses required by Ed 306.27(l)(5); and
- e. At least one staff member shall be identified and available to assist students having difficulty with distance education courses and other alternative programs;

(7) Introductory level courses offered at regional career and technical centers and available to all high school students may be counted toward the 43 courses required by Ed 306.27(l)(5) to be offered at each host or sending high school in the region. Such courses shall be identified in the school's program of studies. Career program level courses, not available to all students, shall not be counted toward the high school requirement, including career level courses offered at a regional career and technical center that is co-located with the high school. Graduation competencies acquired and demonstrated through career courses may be counted toward a student's requirements for a high school diploma under Ed 306.27(t);

(8) Nothing in this section shall prevent a high school from offering classroom courses, distance education courses, independent study programs, career and technical center courses, or extended learning opportunities in addition to the courses required by Ed 306.27(1)(5). Schools shall not be required to pay for student registration or similar fees for these additional courses or programs; and

(9) Nothing in this section shall prevent a student from achieving and demonstrating any number of graduation competencies through classroom courses, career and technical center courses, distance education, independent study, or extended learning opportunities to meet the graduation requirements of Ed 306.27(t) consistent with local district policies.

(m) The local school board of each high school shall award a regular high school diploma to those students who achieve and demonstrate all graduation competencies as encompassed in at least 20 credits.

(n) The local school board shall require that a high school have in place competency assessments for all courses offered through the high school.

(o) The local school board of each high school shall award a regular high school diploma to all students, with and without disabilities, who have achieved and demonstrated their local high school's required graduation competencies.

(p) The school board of a district which does not operate a high school may award a high school diploma if the following are met:

(1) The district has contracted with a public academy, as defined in RSA 193:23, II, to be the high school for the district, as authorized by RSA 194:2; and

(2) Students have attended a school other than the public academy;

(q) The awarding of different types of diplomas shall be governed by the following:

(1) A school shall award a regular diploma for achievement and demonstration of the graduation competencies;

(2) A school may award a special diploma that recognizes academic achievement;

(3) Graduation competencies achieved and demonstrated in adult education, including but not limited to night school, may be used to earn a regular diploma; and

(4) Students may earn certificates of completion or equivalency diplomas, but these shall not be equal to a regular high school diploma.

(r) The district shall provide learning opportunities that enable students to achieve the district's graduation competencies. Graduation competencies shall align with the skills, knowledge, and work-study practices required for success in college and careers.

(s) Students shall demonstrate competencies contained in at least the equivalent of 20 credits. Students shall engage in learning concerning competencies in the areas of English/language arts and mathematics for every year they are in high school until graduation, regardless if English/language arts or mathematics graduation competencies have been achieved. Such engagement may occur through integration of these graduation competencies in courses focused on content areas other than English or mathematics as long as English or mathematics competencies are clear expectations of the course. Such engagement shall support students to be college and career ready in mathematics and English/language arts. Nothing contained

in this section shall preclude a school or district from offering courses and other learning opportunities in addition to the minimum outlined in Ed 306.

(t) The 20 credits required for graduation shall be distributed as specified in Table 306-2:

Table 306-2 Required Subjects and Credits for High School Graduation

| Required Subjects | Credit(s) |
|---|---|
| Arts education | ½ credit |
| Information and communications technologies | ½ credit |
| English | 4 credits |
| Mathematics | 3 credits, including algebra credit that can be earned through a sequential, integrated, or applied program |
| Physical sciences | 1 credit |
| Biological sciences | 1 credit |
| US and NH history | 1 credit |
| US and NH government/civics | ½ credit |
| Economics, including personal finance | ½ credit |
| World history, global studies, or geography | ½ credit |
| Health education | ½ credit |
| Physical education | 1 credit |
| Open electives | 6 credits |
| Totals | 20 credits |

(u) Graduation competencies shall include competencies from the content areas as distributed in Table 306-3 in which students demonstrate proficiency as determined by the local school district no later than July 1, 2015:

Table 306-3 Required Credits for Graduation and Graduation Competencies

| Required Graduation Competencies by Content Areas | Credit(s) |
|---|------------|
| Arts education | ½ credit |
| Information and communications technologies | ½ credit |
| English | 4 credits |
| Mathematics that encompasses algebra, mathematical modeling, statistics and probability, complex applications of measurement, applied geometry, graphical presentation and interpretation, statistics and data analysis | 3 credits, |
| Physical sciences | 1 credit |
| Biological sciences | 1 credit |
| US and NH history | 1 credit |
| US and NH government/civics | ½ credit |
| Economics, including personal finance | ½ credit |

| | |
|---|------------|
| World history, global studies, or geography | ½ credit |
| Health education | ½ credit |
| Physical education | 1 credit |
| Open electives | 6 credits |
| Totals | 20 credits |

(v) The rigor and number of graduation competencies shall align with the equivalent of the credits as outlined in Table 306-3.

(w) In addition to the graduation competencies aligned with credits as outlined in Table 306-3, students shall also demonstrate achievement of additional competencies through the equivalent of 6 elective courses, career and technical education courses, or extended learning opportunities of their choosing. These additional competencies required for graduation should align with student interests and should prepare the student for successful transitions into careers and college.

(x) College readiness in specific areas of learning, for example, science, technology, engineering and mathematics (STEM) which requires higher levels of mathematical functions and reasoning, may require achievement of competencies that are above and beyond the core graduation competencies outlined above.

(y) The graduation competencies in information and communications technologies education shall be met by either:

- (1) The equivalent of a ½ credit course comprised of the creation by a student of an individual student digital portfolio to demonstrate proficient, ethical, and responsible use of digital tools, including, but not limited to, technology and communication tools, in the context of core subjects; or
- (2) A course in information and communications technologies education at the high school level through which a student can achieve and demonstrate appropriate graduation competencies.

(z) The local school board shall adopt a policy relative to counting achievement and demonstration of graduation competencies from course work earned in one content area toward meeting any graduation competencies in another content area.

(aa) Any graduation competency in a subject area may be earned through interdisciplinary learning, subject to the following conditions:

- (1) Graduation requirements met by interdisciplinary learning opportunities shall be clearly designated on student transcripts; and
- (2) The high school principal may approve a particular interdisciplinary course if he/she determines that:
 - a. The course has been adopted by a faculty team; and
 - b. The course addresses equivalent district or graduation competencies for the subject areas which are covered by the course.

(ab) Local school board policies relative to the awarding of achievement and demonstration of district or graduation competencies for distance education as described in Ed 306.22, shall require that:

(1) Students may earn achievement and demonstration of the graduation competencies through the successful completion of such courses; and

(2) Achievement and demonstration of district or graduation competencies shall be granted only if the high school principal determines that the distance learning course meets the academic standards required by the high school for students to demonstrate achievement of district or graduation competencies.

(ac) In each high school, the minimum yearly course load for a student shall be the equivalent of 4 credits, except that this requirement may be modified for:

(1) Students with an individualized education program (IEP) that has been developed in accordance with Ed 1109;

(2) Students for whom early graduation has been approved as provided in (ad) below; or

(3) Those individuals in special or unusual circumstances as provided by local school board policy.

(ad) A local school board shall adopt policies pertaining to early graduation for individual students. Such policies shall require parental involvement for students under the age of 18. Consistent with local policy, the high school principal shall approve such requests if he/she determines that all state and local graduation requirements will be met and that early graduation is related to the career or educational plans of the student making the request. Upon demonstration of all graduation competencies, awarding of appropriate credits, and approval by the high school principal, the student shall be awarded a high school diploma.

(ae) The principal shall evaluate the transcripts of students who transfer into a secondary school from another educational program, or state, to determine previous educational experiences toward meeting graduation competencies.

(af) Upon receipt of a written request from the local school board, the commissioner of education shall waive a particular graduation requirement and shall permit the local board to award a high school diploma to a student if the commissioner determines that:

(1) Such action is in the best interests of the student; and

(2) At least one of the following circumstances exists:

a. The student has a debilitating illness which limits school attendance;

b. The student has a physical disability which precludes participation in physical education;

c. The student moved into a New Hampshire school district from out of state during grade 12 and was not able to schedule a particular graduation requirement; or

d. Another condition exists beyond the control of the student similar to the conditions described in a., b., or c. above.

(ag) Each local high school shall provide reasonable accommodations for cocurricular activities as appropriate in order to allow for full access and participation by students with disabilities.

Source. #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05; amd by #9940, INTERIM, eff 6-9-11, EXPIRED: 12-6-11; amd by #10047, eff 12-17-11; ss by #10556, eff 3-27-14

Ed 306.28 Approval Process.

- (a) Pursuant to RSA 186:8, I, and RSA 21-N:6, V, the department shall administer Ed 306.
- (b) The following school approval categories shall apply to the administration of Ed 306:
 - (1) Approved for a 5 year period provided that a school meets and continues to meet all requirements of Ed 306;
 - (2) Conditionally approved; and
 - (3) Unapproved.
- (c) A school which does not meet all of the applicable requirements of Ed 306 shall be designated as conditionally approved, provided that:
 - (1) All identified deficiencies and a timetable for their correction shall be incorporated into the approval designation; and
 - (2) The department shall work with the school officials and the local school board toward correcting all deficiencies.
- (d) A conditionally approved school which fails to meet the requirements of an approved school within 3 consecutive school years shall be designated as unapproved unless approved for delay in full compliance under Ed 306.30.
- (e) Implementation timelines shall be set forth in Table 306-4 below:

Table 306-4

| Section | Implementation Date |
|--|---------------------|
| 306.141 Basic Instructional Standards | July 1, 2015 |
| 306.261 Kindergarten-Grade 8 Curriculum | July 1, 2017 |
| 306.311 Arts Education Program | July 1, 2015 |
| 306.371 English / Language Arts and Reading Program | July 1, 2015 |
| 306.401 Health and Wellness Education Program | July 1, 2015 |
| 306.411 Physical Education Program | July 1, 2015 |
| 306.421 Information and Communication Technologies Program | July 1, 2015 |
| 306.431 Mathematics Program | July 1, 2015 |
| 306.451 Science Education Program | July 1, 2015 |