

Recommendations to Reverse Harm and Strengthen Public Schools

Recommendations to address major concerns and craft meaningful public school approval rules that advance a positive, student-centered vision for our schools.

Reaching Higher NH
October 2023

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INTRODUCTION

All New Hampshire students deserve access to public schools where they can learn, grow, and thrive. Public schools are often the heart of their communities and flourish when they have the support and investment from their communities. Every young person, regardless of their background, family income, or zip code, deserves an education that prepares them for the future of their choosing.

One of the most important ways that we as a state can ensure that all young people have access to high-quality public schools is through the Minimum Standards for Public School Approval that lays the foundation for all public schools. These minimum standards, known as the public school approval rules, are laid out in State Administrative Rule ED 306 and are mandates for a school to operate in New Hampshire.

The public school approval rules should be rigorous yet flexible so that local public schools can meet the needs of the students, teachers, and communities they serve. They should also set a foundation to ensure that all students have access to a high-quality education in a safe school, no matter where they live, and empower local communities to design and implement learning environments tailored to their needs.

Revisions to the public school approval rules are an opportunity for us to reimagine how our public schools can create nurturing spaces where all young people have a strong sense of belonging and where they can learn, grow, and thrive. It is an opportunity for the state to apply evidence-based practices in every classroom in the state to ensure that all students have access to high-quality instruction and learning opportunities.

However, the New Hampshire Department of Education and the State Board of Education are in the process of an overhaul that would erode public schools in communities and statewide by removing necessary safeguards for students, teachers, and families, undermining teachers, and opening the door to the commodification of education.

Four Concern Areas

In September 2022, Reaching Higher NH analyzed the proposed rule overhaul that identified several major areas of concern. Though there have been some minor changes to the proposal, the New Hampshire Department of Education did not substantially address the concerns in the document presented to the State Board of Education on March 9, 2023. In fact, the NHED made additional changes that would harm students, teachers, and communities.

The four concern areas include:

- **Equity and student protections:** The NHED's proposed overhaul would remove guidance for safe and healthy schools and protections for students and staff.
- **Gutting of program elements:** Removes all requirements for programs of study, including the basic elements that exist in each content area to ensure equitable student experiences.
- **Local control:** Removes local competencies and removal of certified educators in granting credit.
- **Lowering standards for schools, teachers, and students:** Removes references to instruction that dilute learning and minimize the science of teaching.

Recommendations to Reverse Harm and Strengthen Public Schools

Reaching Higher NH offers the following recommendations in order to address major concerns and craft meaningful public school approval rules that advance a positive, student-centered vision for our schools:

EQUITY AND STUDENT PROTECTIONS:

- Ensure that requirements that guarantee opportunity for all students are included.
- Incorporate rules that create safe, supportive, and nurturing learning environments.

RESTORE PROGRAM ELEMENTS:

- Ensure that school boards and school leaders have the frameworks they need to build learning programs that are robust, comprehensive, and responsive to student needs.

EMPOWER LOCAL LEADERS AND SCHOOLS:

- Restore the ability of school districts to design high-quality local competencies that align with state academic standards.
- Ensure that anytime, anywhere learning is a fundamental part of instruction, and that it is captured through authentic evidence and student work that demonstrates mastery against clear standards and criteria.
- Prioritize the update of the state's academic standards in all content areas to ensure that all students, regardless of place, are taught the same core, fundamental skills and knowledge.

RAISE STANDARDS FOR SCHOOLS, TEACHERS, AND STUDENTS:

- Remove harmful language that will dilute and privatize learning.
- Recenter high-quality instruction and materials.
- Institute consistent, clear, and actionable rules by establishing definitions of key terms.

These recommendations serve as a starting point to ensure that the public school approval rules design an educational system that centers students and innovative learning, prioritizes flexibility and research, and advances a vision for high-quality public schools for all.



ABOUT THE PROPOSED OVERHAUL

The public school approval rules serve as the foundation for public schools and should reflect the state's desire for high-quality public schools for all that contribute to strong and prosperous communities. The current proposed overhaul is harmful to young people, schools, and communities and would erode and dismantle the public schools that the vast majority of New Hampshire young people attend. As currently proposed, the New Hampshire Department of Education's proposed overhaul opens the door for private companies to dismantle public schools and exploit our students and communities.

The State Board of Education has the responsibility to engage communities in crafting public school approval rules that advance Granite Staters' collective vision for public education and a prosperous future. **These recommendations serve as an important step for that critical dialogue.**

equity and student protections



EQUITY AND STUDENT PROTECTIONS

The public school approval rules should reflect the state's collective goal of having strong, inclusive, and rigorous public schools that give young people the opportunity to learn, grow, and thrive, and prepare them for the future that they choose. All young people, regardless of background, family income, or zip code, deserve access to a high-quality public education where they feel a sense of belonging, pride, and ambition.

However, student outcomes are often based on a student's race, family income, or community. The public school approval rules are one of the most important tools that the state can use to make sure that school districts adopt policies to ensure that all learning spaces are designed to meet the educational needs of all learners. Equity must be at the heart of all policies and practices, from state-level decision-making, to school funding, to the everyday classroom.

EQUITY

is the elimination of the predictability of success or failure by any social or cultural factor and the dismantling of inequitable practices and policies that are barriers to access and success.

from The Equity Collaborative

RECOMMENDATION 1: Ensure that requirements that guarantee opportunity for all students are included in the public school approval rules.

The public school approval standards, as currently written, include critical language that ensures that all students, regardless of where they go to school, are protected against discrimination and bias and have the tools and resources they need to be their best. However, the proposed overhaul of the public school approval rules removes this language, undermining existing public schools and harming students, teachers, and families.

To guarantee that all students have what they need to thrive in school, the State Board of Education must restore this language.

Action Items for Recommendation 1

- Restore all language that guarantees opportunity for all students (see supporting documents)
- Adopt language that would require all schools receiving public funds are inclusive, supportive, and free of bias and discrimination.
- Adopt professional standards to ensure that all classrooms utilize culturally responsive teaching to weave together rigor and relevance.
- Work with lawmakers to ensure all public schools, regardless of their location in the state, have the resources they need to meet the needs of their students.

RECOMMENDATION 2: Include rules that create safe, supportive, and nurturing learning environments.

New Hampshire students deserve to learn in environments where they feel safe, supported, and affirmed, with the tools and resources they need to learn, grow, and thrive. A positive school climate fosters a sense of belonging among students, teachers, and families and is associated with academic achievement and positive youth development. A positive school climate has also been shown to increase parental and community engagement in schools.

Healthy learning and development can only happen when students feel safe and supported, and the minimum standards for public school approval are the state's avenue to ensure that all public schools have these evidence-based policies and practices in place. New Hampshire's existing school climate rules have been a model for other states: in 2011, the Granite State was featured in the National School Climate Center's report on state policies for school climate and bullying prevention; however, the New Hampshire Department of Education eliminated those exemplar rules in their proposed overhaul, moving our state away from being a leader in school climate policy and practices.

Healthy learning and development can only happen when students feel safe and supported, and the minimum standards for public school approval are the state's avenue to ensure that all public schools have these evidence-based policies and practices in place.

Action Items for Recommendation 2

- Restore school climate requirements in the public school approval rules.
- Empower schools to adopt and embrace restorative approaches by requiring policy alignment and providing professional development for teachers, school leaders, and staff.

Restore school climate requirements in the public school approval rules.

The NHED's proposed overhaul of the public school approval rules (NH Administrative Rules, Section ED 306.06) eliminates requirements that ensure a healthy and positive school climate, including rules regarding fair school discipline, school norms, and professional development requirements for school staff.

To restore school climate as a central tenet of the public school approval process, the NHED and NH State Board of Education should restore the language that was removed. This would require public schools to prioritize school climate, shared decision-making, and student leadership to be approved as a public school in the state.



Photo by Allison Shelley for EDUimages

Empower schools to adopt and embrace restorative approaches.

Restorative approaches aim to build strong in-school relationships between and among students and teachers, and have been linked to greater feelings of connectedness and belonging. These approaches are most impactful when they're meaningfully implemented school-wide, and have been shown to positively impact student behavior, disciplinary outcomes and disparities, and school climate.

Evidence suggests that traditional and exclusionary practices, like suspensions and expulsions, are harmful to students, especially to students of color and students with disabilities, and increase the likelihood of future misbehavior. However, schools that have shifted from these exclusionary practices to restorative approaches have seen improvements in student outcomes and school climate. To do this, the NH Department of Education and State Board of Education must:

- Restore rules that mandate that teachers and staff receive professional development in how to support a safe and healthy school environment.
- Enact rules that ensure that all teachers and staff receive high-quality training in restorative approaches and create a positive school climate for students.
- Work with state lawmakers to provide resources, support, and incentives professional development, and other support -- both financial and otherwise -- to ensure that statewide implementation of restorative practices is successful.

Across New Hampshire, schools have successfully adopted restorative approaches. The NH Department of Education and the NH State Board of Education have the opportunity to follow their lead and support all schools in their adoption of restorative approaches. This alignment would ensure that all public schools in New Hampshire adopt restorative approaches and philosophy to center students, community, connection, and belonging in district policy.

restore program elements



RESTORE PROGRAM ELEMENTS

RECOMMENDATION 3: Ensure that school boards and school leaders have the frameworks they need to build learning programs that are robust, comprehensive, and responsive to student needs.

The public school approval rules include frameworks for every subject area that the state requires by law. These frameworks, also known as “program standards” or “program elements,” include requirements for every subject, including core subjects like English/Language Arts, math, art, and social studies, as well as elective subjects like business education.

These frameworks are important for three reasons:

- They ensure that all students in New Hampshire receive consistent instruction and assessment in every required subject, regardless of where they attend school;
- They provide teachers, school leaders, and school boards with the guidance they need to plan and implement high-quality curriculum, course offerings, and other programming; and,
- They provide a framework for a constitutionally adequate education under state law and are directly related to state funding for education.

The New Hampshire Department of Education’s proposed overhaul guts the content of core subjects and electives by removing the requirements for program elements. The proposal makes these requirements optional for school districts and programs by changing the program elements and assessment requirements from “shall include” to the vague terminology “may include.”

This allows school boards to cut, or altogether eliminate, programming. It could also allow private companies to sell educational materials or classes that do not meet minimum requirements, so long as they “teach to” a graduation competency.

Action Items for Recommendation 3

- Change the “may include” to “shall include” in every content area.
- Restore the substance of the program elements and provide frameworks for teachers, school leaders, and school boards to build robust, comprehensive, and responsive curriculum, course offerings, and other programming.
- Restore Career Education as a program element.
- Work with teachers and school leaders with content area expertise to update the individual subject program elements, including those with expertise in child development (example: engaging elementary and middle school math teachers to update the K-8 math program elements).

The New Hampshire Department of Education’s proposed overhaul guts the content of core subjects and electives by removing the requirements for program elements.

empower local leaders and schools



EMPOWER LOCAL LEADERS AND SCHOOLS

RECOMMENDATION 4: Restore the ability for school districts to design high-quality local competencies that align with statewide academic standards.

The New Hampshire Department of Education's proposed overhaul would eviscerate local control by removing the authority of local school districts and public schools in establishing district and graduation competencies, and requiring that all schools align their high school programs with a set of 24 statewide graduation competencies.

Competency-based education, when implemented with integrity and a collective commitment, represents a groundbreaking shift in what it means to learn and grow in school. It is a way of doing school that empowers students and engages them in deeper learning, and promotes equity in opportunity and outcomes.

New Hampshire schools have been on a path to transforming schooling from a system that prioritized seat time and teacher-centered policies, to a system that puts students at the center of their learning and encourages them to authentically and meaningfully engage in their learning. But, since 2017, there's been an erosion of state support for public schools and competency: first, from cutting support for competency-based education and shifting away from a statewide vision for 21st century learning, and then from pulling out of a nationally-recognized pilot program for innovative assessment.

Today, the New Hampshire Department of Education is doubling down on eroding support for public schools through the public school approval standards, and is consolidating power and decision making to itself and the 7-member State Board of Education.

Today, the New Hampshire Department of Education is doubling down on eroding support for public schools through the public school approval standards, and is consolidating power and decision making to itself and the 7-member State Board of Education. The proposed rules dilute public schools and strip the authority of local school districts to design and implement education programs that work for their students, schools, and communities by:

- **Minimizing graduation credits to a set of 24 statewide graduation competencies and removing the authority of local school boards to set their own graduation competencies.** District-level graduation competencies describe the knowledge and skills that are deemed necessary in order to graduate from high school. The proposed overhaul not only shifts this responsibility to determine what should justify a high school diploma to the State Board of Education, but minimizes a high school diploma to 24 general statements (competencies) that have yet to be crafted, reviewed, or approved by schools, families, or communities.

- **Removing the authority of the local school board in determining how courses, independent study, distance learning, and other opportunities lead to high school graduation.** The proposed overhaul removes this authority and shifts the responsibility to determine how students graduate high school onto the State Board of Education.

If adopted, the proposed overhaul would move New Hampshire backwards and farther from what we know works for students and communities. The overhaul moves our state farther away from a competency-based, innovative, and responsive education system.

It accelerates a disturbing trend to undermine public education in New Hampshire by reducing a high school diploma to a set of 24 statewide graduation competencies, removing the authority of local school boards in determining how students will meet those requirements, and consolidating power to the NH Department of Education and the State Board of Education.

Action Items for Recommendation 4

- Restore local control over graduation and district competencies, allowing local school districts to create programs that fit the needs of their students, schools, and communities.
- Restore the authority of the local school board in determining how courses, independent study, distance learning, and other opportunities lead to high school graduation.

RECOMMENDATION 5: Anytime, anyplace learning requires high-quality assessments where learning is captured through authentic evidence and student work that demonstrates mastery against clear standards and criteria.

Anytime, anyplace learning is a critical component of a high-quality education. Allowing students to earn credit for internships, apprenticeships, and out-of-school educational experiences supports students to gain critical skills and knowledge and explore their interests and passions, while providing real-world, transferable skills.

A critical component of anytime, anyplace learning is making sure that students are set up for success and that their learning is captured through defensible evidence that demonstrates mastery against clear standards and criteria. In clear terms, it means that students have worked with a certified educator and out-of-school partner(s) to plan out the learning outcomes, how they'll be achieved, and how they'll be measured.


However, the NH Department of Education's proposed overhaul eliminates this by removing school-based certified educators from validating that knowledge and skills have truly been mastered, and that the experiences are rigorous enough to qualify for graduation credit.

The proposed overhaul eliminates the authority of the local school board to require a certified educator to validate whether or not a student has demonstrated the required knowledge and skills to be awarded credit, and another section introduces the possibility that any certified educator can award credit to students, even if that educator is not part of the student's public school.

With these changes, public high schools could be required to grant credit for programs offered by external companies, even if the programs are not as rigorous and do not align with the high school's curriculum.

Action Items for Recommendation 5

- Restore rules that require that a certified educator assess and validate student learning through high-quality assessments.
- Ensure graduation credits accurately reflect mastery of the knowledge and skills required in the associated subject area, and that the student has provided demonstrable evidence.



A critical component of anytime, anyplace learning is making sure that students are set up for success and that their learning is captured through defensible evidence that demonstrates mastery against clear standards and criteria. In clear terms, it means that students have worked with a certified educator and out-of-school partner(s) to plan out the learning outcomes, how they'll be achieved, and how they'll be measured.

raise
standards
for
schools,
teachers,
and
students



RAISE STANDARDS FOR SCHOOLS, TEACHERS, AND STUDENTS

RECOMMENDATION 6: Remove harmful language that will dilute, commodify, and privatize learning.

The current proposed overhaul would undermine public schools by:

- **Replacing requirements for teaching and instruction to vague language like “opportunities” and “facilitate learning.”** This lowers the bar for what constitutes a course or credit and undermines the expertise of the state’s professional educators.
- **Changing the credit threshold from “mastery” to “acknowledgment” or “demonstration” of competencies.** By lowering the bar from “mastery” to “acknowledgment” of the skills and knowledge required to earn a credit, the proposed overhaul would create a system where students may advance to the next course or topic without fully attaining essential knowledge and skills.
- **Removing requirements around course rigor.** By removing references to course rigor and mastery of skills and knowledge, the proposed rules would create an educational system that boils down to checking boxes and would dilute student learning.
- **Removing requirements for physical school facilities.** The proposal removes all requirements for physical facilities that are not operated by a school district, which would open the door for private companies to sell public education programming without having to comply with basic safety regulations.

These changes also set a precedent that could open the door for the commodification of learning, and set the conditions for the state to outsource courses and instruction to private companies.

Finally, these changes could have alarming implications for school funding: by changing the requirements for teaching and instruction to “opportunities,” school boards could cut existing, in-school programming and replace it with lower quality, less accessible programs or options. Lawmakers could also defend the state’s already low state adequacy rate, and could further cut state aid to public schools, by interpreting “opportunities” in such a way where schools wouldn’t have to offer in-person programming.

In order to ensure that all public school students, regardless of which school they attend, have access to high-quality, rigorous, and engaging content taught by a qualified educator, the NH State Board of Education should restore references to instruction and certified educators.

Action Items for Recommendation 6

- Restore language that mandates instruction, teaching, and instructional resources throughout the document, acknowledging that facilitation of learning is an essential component of high-quality instruction. (See supplemental documentation for specific rule recommendations)
- Restore mastery as a threshold of credit, to ensure that all students advance when they demonstrate the application and transfer of essential knowledge and skills.
- Return the school facilities requirements in ED 306, the public school approval standards, to ensure that buildings are safe and accessible for all students, and that the state must fund appropriate facilities.

RECOMMENDATION 7: Recenter high-quality instruction and materials.

Access to high-quality instruction is one of the most important factors to ensuring that all students, regardless of background, income, or place, have the tools they need to succeed. Decades of research has shown the importance of evidence-based instructional practices, as well as school wide policies, that prioritize deeper learning for every child.

State-level policymakers, including the State Board of Education, should encourage the use of these policies and practices through the public school approval rules. However, the NH Department of Education's proposed overhaul removes all mention of instruction and learning materials. These removals would undermine the expertise of teachers, lower the bar for teaching and learning, and would abandon the vast bodies of research that show that high-quality instruction is a major component of a high-quality education for all students.

Action Items for Recommendation 7

- Restore references to teaching and instruction in the proposed overhaul.
- Restore Ed 306.08, Learning Resources, which was removed by the NH Department of Education.
- Establish a vision of public education that ensures that all students, regardless of place, have access to high-quality instruction by qualified teachers.
- Incorporate evidence-based practices within the standards connecting a deep body of research to instructional expectations for all NH's public schools.
- Work with New Hampshire lawmakers to provide school districts with the resources they need to recruit and retain qualified teachers and staff, have the capacity to develop and implement high-quality, evidence-based teaching practices, and have the ability to offer continuing professional development opportunities on the science of learning and development.

These removals would undermine the expertise of teachers, lower the bar for teaching and learning, and would abandon the vast bodies of research that show that high-quality instruction is a major component of a high-quality education for all students.

RECOMMENDATION 8: INSTITUTE CONSISTENT, CLEAR, AND ACTIONABLE DEFINITIONS OF KEY TERMS.

Administrative rules include definitions to ensure that people can understand and interpret them. Their purpose is to avoid confusion and misinterpretation, and ensure that the rules can be applied no matter the circumstance, making them a crucial part of meaningful public school approval rules that advance a positive, student-centered vision for our schools.

The proposed overhaul of the public school approval rules strips key definitions, opening the door to misinterpretation, or worse, abuse of the rules.

Furthermore, the definitions in the initial proposal do not represent evidence-based research and practices in education policy making. The current proposal offers dated, diluted and ambiguous guidance to schools, educators, and local leaders. The ambiguity and confusion in the current proposal opens the door for private companies to exploit the rules and further privatize public education in New Hampshire. The lack of clear definitions could also open the state and local school districts up to legal challenges.

The NH Department of Education and the State Board of Education must include clear, consistent, and actionable definitions of key terms, and use them consistently throughout the proposal in order to eliminate confusion and misinterpretation.

Use language that does not leave the rule open to different interpretations. Vague or general words or phrases must be defined or avoided altogether in favor of precise language. Select one term in the rules, instead of several terms, to express the same concept.

-New Hampshire Drafting and Procedure Manual, 2019

Action Items for Recommendation 8

- Restore the term “local school board” throughout the document to eliminate confusion.
- Add the following definitions and integrate these terms throughout the document: competency based education; evidence-based practices; science of learning.
- Restore the term “instruction” throughout the document, and define it to include the facilitation of learning, high-quality instructional practices, the art and science of teaching, and high-quality instructional materials.
- Provide proper, clear definitions for the following terms that are used throughout the document and are not currently defined: learning opportunities; learning resources.
- Restore definitions for the following terms that were removed by the NH Department of Education: college and career readiness; district competencies; mastery.
- Revise definitions for the following terms that were changed by the NH Department of Education to lower expectations for students and schools, and align them with evidence-based definitions: competencies; competency-based assessment; credit; educator; extended learning; instructional time; proficiency.
- Remove the following definitions that lower the expectations for students and schools: acknowledgement of achievement.



Reaching Higher NH is a nonpartisan 501(c)3. Our mission is to provide all New Hampshire children with the opportunity to prepare for college, for immediate careers, and for the challenges and opportunities of life in 21st century NH, by serving as a public education policy and community engagement resource for New Hampshire families, educators, and elected officials.

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Any comments relating to the material contained in this document may be sent to:

Reaching Higher NH, Inc.

11 South Main Street, Suite 200, Concord, NH 03301

www.ReachingHigherNH.org

Email: admin@reachinghighernh.org