April 2, 2024

Dear Members of the State Board of Education,

Over the past 16-months, I have been collecting educator feedback on revisions to the minimum school approval standards for public schools (Ed Rules 306). Recently, I provided 10 full-day review sessions to a total of 300 educators in Hampton, Amherst, New London, Meredith, and Gorham. Educators put forth outstanding efforts to review all the content areas/program elements outlined in current section codes Ed 306.31 through Ed 306.49. I will present a more detailed report of this work at your April 11th hearing relative to those sections of the rules. However, when time was available during our recent sessions, educators also reviewed sections in the first half of the rules, which are the focus of today's hearing.

I am providing a chart below with specific recommendations related to different sections that are being discussed today, which include revised section codes Ed 306.01 through Ed 306.25. Educators were given access to the January 22, 2024, draft and the February 12, 2024, draft, as well as the existing 306 rules, in order to conduct comparisons and develop recommendations.

Here are some highlights of these recommendations. My written testimony contains specific details.

1. Definitions are important to the full set of rules. It is important to retain technical language in many definitions to support a consistent and shared interpretation of these important tenets of competency-based education from one school to the next. There are several recommendations related to definitions. It was a lack of specific definitions that were missing from NH's initial efforts to implement CBE models across the state. Please refer to Appendix B, which includes the acceptable definition of CBE at a national level.

2. Class Size - Please restore the previous parameters regarding class sizes. This will promote equity across our schools.

3. Career & Technical Education Programs - please consider delaying any changes to this section until I am able to provide my full report on all content areas at the April 11th hearing. CTE Directors and teachers, through the educator review sessions, have created draft rules that will combine this section with the CTE curriculum section, which comes in the second half of the rules.

4. Please restore the Assessment section of the rules. A balanced assessment system is critical to an effective CBE system. Please refer to Appendix B, which includes the acceptable definition of CBE at a national level.

5. School Psychological Services - Please review Appendix A of my written testimony. There were about a dozen school psychologists and members of the state association who created an entire new draft of the rules to update this section to reflect current and best practices. Please consider tabling this section with more discussions with these educators to produce rules that will provide these important services to our students.

6. Further analysis needs to be conducted on sections related to K-8 Curriculum, High School Curriculum, and High Graduation Requirements. Educators have an abundant

amount of feedback on these sections that I have not had enough time to completely review. Initial questions are presented in the chart included with my written testimony.

While the 306 rules have a variety of stakeholders that are responsible for the implementation of the rules to ensure an adequate education, I would encourage you to carefully review the suggestions from educators, as they are most directly responsible for successful implementation of these rules. It is on their shoulders and backs that public schools are able to provide all NH public school students with a "high quality" educational experience, as mandated by law. Language matters in these rules and it is through careful word choice that educators are providing these recommendations. Their suggestions balance both technical educational language that has specific meanings and shared understanding among educators with language that can be shared and communicated with a variety of stakeholders, including students, families, and community members.

Thank you for your time today. I am willing to accept questions and open to a dialogue regarding information obtained through the educator review sessions.

Sincerely,
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Chart on Educator Feedback

Section	Feedback & Suggestions
Ed 306.02 Definitions	1. For those definitions that are provided in additional RSAs, please consider also including the exact wording of that definition in the 306 rules. For efficiency of use, having the wording along with the annotated RSA code prevents a user from having to conduct multiple searches across different documents to have the correct language available in various situations. (i.e. Academic standards, curriculum, career and technical education, etc.) 2. Restore the January 22nd definition of "achievement of competencies." This definition includes further clarity of the importance of connecting how proficiency is defined at a local level. 3. Restore the January 22nd definition of "competencies." This definition was based on CBE research and provides key details of how competency statements can be written, including NHED's own Competency Validation Rubric. 4. Restore the January 22nd definition of "competency-based education." This definition was based on national research and promotes a shared understanding of competency-based education across the state. This is important as it was a missing link early on in many school journeys to implement the model. 5. Restore January 22nd definition of "course of study" - this definition promotes the essence of CBE, which should not be simply about the

	accumulation of credits. CBE is about the demonstration of competencies. 6. Restore the portion of the January 22nd definition of "credit" that indicated this also refers to a student's readiness for next learning levels. 7. Restore the January 22nd definition of "differentiation." This version was based on research related to this pedagogical approach, which defined the role of the student versus the role of the teacher in creating this type of approach. 8. Restore the January 22nd definition "equity." This version was vetted through research and leaders in DEIJ work. Removal of specific language to clarify different types of needs in lieu of "other barriers to success" leaves too much to interpretation. 9. Restore the January 22nd definition of "individualization." This version was based on research related to this pedagogical approach, which defined the role of the student versus the role of the teacher in creating this type of approach. 10. Restore the January 22nd definition of "instruction." This version provides flexibility instead of being seen as a traditional, non-preferred approach to pedagogy. The revised definition makes instruction and teaching synonymous. There are differences in these two terms. 11. Restore the January 22nd definition of "mastery." This definition was included because there was feedback from schools that proficiency and mastery were being confused from school to school. 12. Restore the January 22nd definition of "personalization." This version was based on research related to this pedagogical approach, which defined the role of the student versus the role of the teacher in creating this type of approach. 13. Restore the January 22nd definition of "remote learning." This definition was based on updated research and provides a shared understanding of the use of this term across all schools. 14. Restore the January 22nd definition of "rigor." This definition was vetted by national research and consultants who specialize in this area. Rigor is important to the CBE model. Having a shared definition among schools will provide consistency in terms of defining proficiency related to competencies, even when competencies are defined at the local level. 15. Restore the January 22nd definition of "work study practice."
Ed 306.06 Culture & Climate	(b)(1) Suggested change - Review ways in which equity gaps related to academic, social, emotional, and physical needs can be reduced, and develop and implement a plan to address under-performance in these need areas of individuals and groups, using qualitative and quantitative data, to eliminate barriers to learning opportunities.
Ed 306.12 Provisions of Staff & Staff Qualifications	Restore statement (g) related to principal authority to grant a minor assignment to a licensed educator.
Ed 306.14 Student-Educator Ratios (Class Size)	Restore January 22, 2024 draft language related to required class sizes at all grade ranges, including class size limits related to laboratory classes, number of workstations, and the size and design of the area.

Ed 306.16 Career and Technical Education Programs	Recommendation - table an action on this section as the educators have a proposal to combine this section with Ed 306.34 Career & Technical Education Curriculum. This proposal will be presented on April 11, 2024.
Ed 306.17 Alternative Course of Study (Program)	(a) Add the work individualization to the list - "of a student's learning opportunities through individualization, personalization, and differentiation…" Keep "standard school" as this definition exists in RSA 189:24. This also applies to parts (b), (h), and (l) Restore statement (e) from January 22, 2024, draft to link alternative learning plans to duty of a parent RSA 193:1(h)(1-3). Restore
Ed 306.18 Remote Learning (Distance Education)	Restore the option to use remote learning, at the decision of the local school board, when schools are used for civic community events, such as, but not limited to, polling locations, annual school/town meetings, etc. The decision will be based on balance between school safety for students and support partnerships between schools and civic community events. (See January 22, 2024 draft).
Ed 306.24 Assessment	Restore the assessment section as presented in the January 22, 2024, draft document, especially the section on competency-based assessments. Assessment is a key principle of the CBE Model.
Ed 306.19 (was .25) School Psychological Services	**Please refer to the detailed document created by various school psychologists who participated in the various educator review sessions. This document is provided as Appendix A to this testimony.**
Ed 306.20 Kindergarten Through Grade 8 School Curriculum	**Please note: I am still processing all the feedback and suggested language changes for this section and will include further recommendations in my report for April 11th hearing.** 1. Why is Kindergarten not included in the opening paragraph of this section? Please add. 2. Consider including a consistent definition of play-based learning under part (b) 3. Why is technology & engineering missing from the list for grades 1 through 8? 4. There are many concerns about the ELO section. I am still analyzing all of those in order to present that information at the April 11th hearing. 5. Why the removal of granting high school achievement of competencies leading to high school graduation? 6. Why the removal of the statement related to Holocaust and genocide education no later than 8th grade?
Ed 306.21 High School Curriculum, Credits, and Co-Curricular	**Please note: I am still processing all the feedback and suggested language changes for this section and will include further recommendations in my report for April 11th hearing.** 1. Concern about the general use of learning opportunities versus courses. 2. Concerns about ELO language - analysis still in progress

Programs	3. Concern about the removal of Table 306-1 outlining the minimum courses per content area for consistent high school programs of studies across all NH public high schools - restore the table 4. Restore language related to "credit shall equate to the level of rigor necessary to master competencies.." (statement j) 5. Physical education is missing from the list of required courses in program areas (statement q(5)).
Ed 306.22 Graduation Requirements	**Please note: I am still processing all the feedback and suggested language changes for this section and will include further recommendations in my report for April 11th hearing.** 1. Restore "requirement" versus "expectations" 2. Concern about the reduction of electives from 6 credits to 2.5 credits for students - removal of student agency (choice and voice) 3. Why the silo effect of various social studies courses? Prior to the table outlining new graduation requirements there is this statement: "Encompass a complete body of interrelated student accomplishment and be considered as a whole, not as discrete silos; and..require students to demonstrate their ability to apply and transfer their learning…" Furthermore, state laws indicate that "logic and rhetoric" and "personal finance literacy" shall be integrated with other content areas. Why are these two additional topics placed in separate graduation credit silos? Why the separation of NH and US History? 4. Why the removal of digital portfolios? 5. Why the removal of statements about the value of interdisciplinary learning?

Appendix A - Proposed New Rules for School Psychological Services - Submitted by Educators and State Association

Ed 306.19 Comprehensive School Psychological Services.

a. If a district employs a school psychologist as an optional service pursuant to RSA 189:49, IV, the standards in (b)-(e), in addition to the requirements below, shall apply:

1. Nothing in this section shall prevent a school district from contracting services with a qualified school psychologist;
2. Employing school districts shall ensure that parental consent and student information are protected as required under applicable state and federal law.

b. Employing school districts shall require that school psychological services are provided by New Hampshire Education Department (NHED) licensed school psychologists in a coordinated, organized fashion, and are deployed in a manner that results in the provision of a comprehensive continuum of services based on this section and The National Association of School Psychologists (NASP) Model for Comprehensive and Integrated School Psychological Services, and the current practice standards established by the National Association of School Psychologists (NASP).

1. School districts should strive to meet the nationally recommended ratio of one (1) school psychologist to every five-hundred (500) students enrolled. School psychological services shall be available to all students to support their social-emotional, developmental, and academic instruction needs

toward meeting requirements of the Every Student Succeeds Act (ESSA) while utilizing a Multi-Tiered System of Support (MTSS) framework for academics and behavior.

2. Employing school districts shall ensure that an effective program of supervision, evaluation, and professional development of school psychological services exists.

3. Mentoring shall be available to all school psychologists to an extent sufficient to ensure the provision of effective and accountable services.

4. Beginning school psychologists in their first year of employment as a school psychologist shall receive a minimum of an average of one hour of direct (i.e. phone, video conference, or in person) mentoring contact per week, on average.

    a. Mentors shall meet Ed 500 requirements for certification as a school psychologist and have at least 3 years of professional experience as a school psychologist in a school system.

c. School psychological services include the delivery of a comprehensive range of services to support the academic, social, developmental, behavioral, and mental health needs of students. Scope of service includes the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior through the applications of psychological and educational principles. Through their specialized knowledge in both psychology and education, school psychologists help create safe, healthy, and supportive learning environments that strengthen connections between home, school, and the community. School psychologists provide a continuum of data driven, evidence based, culturally responsive and developmentally appropriate services to support students, families, and other school professionals.

The school psychologist shall provide and evaluate the effectiveness of comprehensive psychological services in the education setting. These services are provided to help children and youth develop academic and behavioral skills through:

1. Data-Based Decision Making
Utilize assessment methods for identifying strengths and needs; develop effective interventions, services, and programs; and measure progress and outcomes within a multitiered system of supports. Systematically collect data from multiple sources as a foundation for decision-making at the individual, group, and systems levels, and they consider ecological factors (e.g., classroom, family, and community characteristics) as a context for assessment and intervention.

2. Consultation and Collaboration
Apply varied models and strategies of consultation and collaboration applicable to individuals, families, groups, and systems, as well as methods to promote effective implementation of services.

3. Academic Interventions and Instructional Supports
Utilize understanding of the biological, cultural, and social influences on academic skills; human learning, cognitive, and developmental processes; and evidence-based curricula and instructional strategies.

4. Mental and Behavioral Health Services and Interventions
Utilize understanding of the biological, cultural, developmental, and social influences on mental and behavioral health, behavioral and emotional impacts on learning, and evidence-based strategies to promote social–emotional functioning. In collaboration with others, design, implement, and evaluate services that promote resilience and positive behavior, support socialization and adaptive skills, and enhance mental and behavioral health.

5. School-Wide Practices to Promote Learning
Utilize understanding of the systems structures, organization, and theory; general and special education programming; implementation science; and evidence-based, school-wide practices that promote learning, positive behavior, and mental health. In collaboration with others, develop and implement practices and strategies to create and maintain safe, effective, and supportive learning environments for students and school staff.

6. Services to Promote Safe and Supportive Schools
Utilize principles and research related to social–emotional well-being, resilience and risk factors in learning, mental and behavioral health, services in schools and communities to support multi-tiered prevention and health promotion, and utilize evidence-based strategies for creating safe and supportive schools. In collaboration with others, promote preventive and responsive services that enhance learning, mental and behavioral health, and psychological and physical safety. Implement effective crisis prevention, protection, mitigation, response, and recovery.

7. Family, School, and Community Collaboration
Utilize the principles and research related to family systems, strengths, needs, and cultures; implement evidence-based strategies to support positive family influences on children's learning and mental health; and various strategies to develop collaboration between families and schools.

8. Equitable Practices for Diverse Student Populations
Utilize knowledge of individual differences, abilities, disabilities, and other diverse characteristics and their impact on development and learning. Also understand principles and research related to diversity in children and families. Implement evidence-based strategies to enhance services in both general and special education and address potential influences related to diversity. Demonstrate skills to provide professional services that promote effective functioning for individuals, families, and schools with diverse characteristics, cultures, and backgrounds through an ecological lens across multiple contexts.

9. Research and Evidence-Based Practice
Utilize research design, statistics, measurement, and varied data collection and analysis techniques. Implement various techniques and technology resources for data collection, measurement, and analysis to support effective practices at the individual, group, and/or systems levels.

10. Legal, Ethical, and Professional Practice
Adhere to ethical, legal, and professional standards.

11. School psychologists shall use assessment findings to diagnose educational and behavioral disorders and to facilitate educational treatment planning.

Appendix B - Aurora Institute Definition of CBE

CompetencyWorks
AN INITIATIVE OF THE AURORA INSTITUTE

What Is Competency-Based Education?

An Updated Definition

WRITTEN BY:
Eliot Levine
Susan Patrick

A NEW DEFINITION OF COMPETENCY-BASED EDUCATION

The field of K-12 competency-based education is expanding, and knowledge is growing. From 2017 to 2019, CompetencyWorks engaged in a multi-stage, participatory process to update the 2011 working definition.

The revised 2019 definition of competency-based education is:

1. Students are empowered daily to make important decisions about their learning experiences, how they will create and apply knowledge, and how they will demonstrate their learning.
2. Assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence.
3. Students receive timely, differentiated support based on their individual learning needs.
4. Students progress based on evidence of mastery, not seat time.
5. Students learn actively using different pathways and varied pacing.
6. Strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems.
7. Rigorous, common expectations for learning (knowledge, skills, and dispositions) are explicit, transparent, measurable, and transferable.

A competency-based school or district should implement all seven elements of the definition. Strong implementation also requires policies, pedagogy, structures, and culture that support every student in developing essential knowledge, skills, and dispositions.

ORIGINAL AND REVISED DEFINITIONS OF COMPETENCY-BASED EDUCATION

Original Definition of Competency-Based Education (2011)[1]

1. Students advance upon demonstrated mastery.
2. Competencies include explicit, measurable, transferable learning objectives that empower students.
3. Assessment is meaningful and a positive learning experience for students.
4. Students receive timely, differentiated support based on their individual learning needs.
5. Learning outcomes emphasize competencies that include application and creation of knowledge, along with the development of important skills and dispositions.

[1]Sturgis, Patrick, & Pittenger, 2011

Revised Definition of Competency-Based Education (2019)

1. Students are empowered daily to make important decisions about their learning experiences, how they will create and apply knowledge, and how they will demonstrate their learning.
2. Assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence.
3. Students receive timely, differentiated support based on their individual learning needs.
4. Students progress based on evidence of mastery, not seat time.
5. Students learn actively using different pathways and varied pacing.
6. Strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems.
7. Rigorous, common expectations for learning (knowledge, skills, and dispositions) are explicit, transparent, measurable, and transferable.

2011 → 2019

BELIEF STATEMENTS

Practitioners and policymakers need a concise definition of competency-based education to enable clear communication and inform action. Realizing the promise of competency-based education systems also requires examining a more extensive set of essential beliefs. The following belief statements complement and contextualize what we mean by the definition of competency-based education.

We believe:
- Competency-based education is a replacement of the systems, structures, and pedagogies of the traditional system.
- Competency-based education is driven by the equity-seeking need to transform our educational system so all students can and will learn through full engagement and support and through authentic, rigorous learning experiences inside and outside the classroom.
- Equity is a central goal of advancing competency-based education systems.
- Communities that aspire to achieve equity must work toward implementing all elements of a competency-based education system.
- All students can learn and must be challenged, believed in, and supported to achieve deep learning aligned with common, high expectations across the education system.
- Educators need to organize innovative learning environments around the needs of students who learn in different ways and in different time frames.
- Students need to learn academic knowledge and the skills and dispositions to apply it (such as growth mindset, self-regulation, social-emotional learning, and habits of success).
- Learning happens anytime and anywhere.
- Deeper learning is collaborative and socially embedded.
- Transparency of learning expectations and assessment results is essential for creating a culture of learning and accountability.

What do students experience in a competency-based school?

Below are examples of experiences that every student should have in a well-developed personalized, competency-based system.

1. I am fully supported in developing academic knowledge and skills, the ability to apply what I have learned to solve real-world problems, and the capacities I need to become an independent and lifelong learner.

2. I feel safe and am willing to put forward my best effort to take on challenging knowledge and skills because I have a deep sense of belonging; feel that my culture, the culture of my community and my voice is valued; and see on a daily basis that everyone in the school is committed to my learning.

3. I have the opportunity and support to learn the skills that allow me to take responsibility for my learning and exercise independence.

4. I have access to and full comprehension of learning targets and expectations of what proficiency means.

5. I have the opportunity to learn anytime, anywhere, with flexibility to take more time when I need it to fully master or go deeper and to pursue ways of learning and demonstrating my learning that are relevant to my interest and future.

6. I am able to own my education by learning in ways that are effective for me with the support that allows me to be successful.

7. I receive timely feedback, instruction, and support based on where I am on my learning progression and my social-emotional development to make necessary progress on my personalized pathway to graduation.

8. My learning is measured by progress on learning targets rather than level of participation, effort, or time in the classroom.

9. Grades or scoring provide feedback to help me know what I need to do to improve my learning process and reach my learning goals.

10. I can advance to the next level or go deeper into topics that interest me as soon as I submit evidence of learning that demonstrates my proficiency.

Resource Link:
https://aurora-institute.org/wp-content/uploads/what-is-competency-based-education-an-updated-definition-web.pdf