

**NH Department of Education  
Division of Educator Support and Higher Education  
Higher Education Commission**

**October 10, 2023: Commission Meeting**  
**May 25, 2023 Meeting Minutes**

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**Frank Edelblut**  
Commissioner  
Commissioner

**Christine Brennan**  
Deputy

**STATE OF NEW  
HAMPSHIRE  
DEPARTMENT OF  
EDUCATION  
Division of Educator Support and Higher  
Education  
Higher Education Commission  
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An emergency meeting of the Higher Education Commission was held on Thursday, May 25, 2023, at 4:00pm via Zoom. The following members present:

Donald Birx, Chair  
Sr. Paula Marie Buley, Vice Chair  
Frank Edelblut  
Shawn Fitzgerald  
Cathy Provencher  
Mark Rubinstein  
Melinda Treadwell  
Michael Apfelberg  
Mark Laliberte  
Kevin O'Shea

The following members were not present:

James Dean  
Joseph Favazza

Charles Lloyd  
Kim Mooney  
Michele Perkins  
Susan Stuebner  
Alfred Williams

1. Chair Donald Birx called the meeting to order at 4:00pm. A quorum was present.
2. Director Appleby shared the Final Proposed Revisions to the Hedc 400 Administrative Rules.
  - The revised Hedc 400 rules were sent in a packet prior to the meeting.
  - The Office of Legislative Services made comments and requested changes.
  - Director Appleby outlined the four significant changes:
    - o Removal of operations section of the rules and creation of Hedc 100 section. Doing so means the operations portion of the rules will not expire. OLS also advised that creation of an executive committee would require a statutory change, not a change to the Hedc 400 rules. The executive committee section has been removed.
    - o Reference to RSA 292:8c through 8:h has been removed. OLS has noted we can only use the RSA reference if the Hedc 400 rules state the same; however, stating the same creates unnecessary redundancy in the rules.
    - o Reference to RSA 292:8-kk has been removed, owing again to redundancy of the Hedc 400 rules to the RSA.
    - o Addition in the fee table of accreditation observation 'by designee' in addition to the Director.

If approved by the Higher Education Commission, the final proposal will be sent back to OLS to be placed on next month's JLCAR agenda. If JLCAR votes to move forward, we will have a final adoption vote at an upcoming Higher Education Commission meeting.

Cathy Provencher moved, seconded by Sr. Paula Marie Buley, to approve as recommended the final proposal revision of the Hedc 400 Administrative Rules.

Prior to a vote for approval, there was discussion prompted by Dr. Mark Rubinstein regarding 401(c)(4) and the term 'entity.' The current rules state, "Contract with a New Hampshire entity that develops curriculum or instructional materials." Dr. Rubinstein was concerned that, without a definition or clarification of the term, there was the potential that the language creates a loophole or gap in coverage not addressed elsewhere in the rules.

Director Appleby noted there should possibly be an 'or' notation after 401(c)(1) and (2).

Regarding the origin of the 401(c)(3) language, Dr. Richard Gustafson did not specifically confirm that there has been an outside entity working with one of our colleges or

universities, but from time to time there has been a contractual arrangement with another entity or institution – example of college contracting out ESOL work and having an outside group offer ESOL classes. Director Appleby noted that the section might be relic language from a time when there were concerns about correspondence schools.

Discussion was concluded with the recommendation that the verbiage remain, but that the section be flagged as a future item for review. Director Appleby will research the history of the language and past rule iterations with OLS and report his findings to the Commission at a future meeting.

Chair Birx called for a vote on the motion for approval. The motion was approved without dissent via roll call vote.

Frank Edelblut moved, seconded by Sr. Paula Marie Buley, to adjourn the meeting. The motion was approved without dissent via roll call vote.

1 The meeting was adjourned at 4:27 p.m.