

Nonpublic School Advisory Council (NPSAC) Meeting
NH Department of Education, Concord, NH
February 8, 2012

Present: Brian Bell, Doug Cummings, Claire Doody, Peter Flint, Mary Moran, Linda Johnson, Deborah Krajcik, Lyn Kutzelman, Eileen Mullen, Steve Poirot, Claire Pstragowski, Judy Fillion, Ed Murdough, Leslie Higgins, Marie Morgan
Guest: Gina Rotondi with the Rath, Young, and Pignatelli Law Firm.

This meeting was held at the Walker Building located at 21 South Fruit St. in Concord.

Ed Murdough opened the meeting at 10:00 am.

The NPSAC Meeting Minutes for December 2011 were approved.

Ed noted there is a school representative vacancy on the Council. Deborah Krajcik had recommended Gregory Magoon, Education Coordinator at the Contoocook School. The Contoocook School is one of several social service agencies operating under the umbrella of the North American Family Institute (NAFI). It is also approved as a NH Department of Education Special Education provider. Ed distributed Mr. Magoon's resume. Deborah Krajcik made a motion that the NPSAC nominate Mr. Magoon as a NPSAC school representative. Lyn Kutzelman seconded the motion. A vote was taken. There was no opposition. Ed Murdough will forward the nomination to Commissioner Barry for her approval.

Ed distributed proposed revisions to Administrative Rule Ed 400, Approval of Nonpublic Schools.

Regarding Ed 401.03, School Year, there was discussion about the definition of instructional time and if required study halls held during the evening at residential schools or required weekend meetings could be counted as instructional time. (They can if required and supervised.) One proposed change would require private schools to include an additional 30 hours in their calendar to provide for instructional time lost due to inclement weather or unexpected circumstances.

Under Ed 404.01, Application for Initial Approval of Nonpublic School Program, paragraph (b)(2) would be revised to read:

(b) A non-public school seeking initial program approval shall be approved for program purposes, by meeting the requirements of this section and one of the following:

- (1) Receive accreditation or approval from an organization that has been recognized by the NSAC in accordance with Ed 405.01;
- (2) Receive approval from the Bureau of Special Education in accordance with the provisions of Ed 1114; **including, but not limited to award of a high school diploma to any student who meets the requirements of Ed 306.27(m)**; or
- (3) Receive program approval through the alternate method for program approval in accordance with Ed 405.02.

Ed explained that some SPED approved schools do not want to grant high school diplomas. Reasons for this were discussed as well as the need to encourage the initial IEP team at the public school to discuss which school will grant a student's diploma. This section will be reviewed and brought back to the Council in March.

Ed introduced changes to Ed 407, Retention of Student Records. Paragraphs (a) and (c) below would be added. The School Approval Office often receives calls from students who are having difficulty obtaining their high school records because their high school has closed. The changes address this problem.

Ed 407.01 Student Records.

a) Each nonpublic school shall permanently maintain individual student records including:

- (1) Pupil registers as required by RSA 189:27-a,
- (2) Transcripts of academic performance, and
- (3) Record of award of high school diploma.

b) (no change) In the event of a school closing or termination of operations, the school shall notify the department of education where student records shall be maintained permanently, or the school shall deposit these records with the department of education.

c) Records shall be maintained in a format determined by the school. A hard copy of pupil registers shall be maintained.

This review generated several questions about student records and especially the transfer of student records between public & private schools. What does the state/federal law require? What about medical records? Disciplinary records related to the Safe Schools law? Should a school accept a student before the records arrive? Should copies or original documents be sent? What should the sending school keep for their records? And should an elementary or middle school permanently keep a student's record of performance when that student usually transfers to another school?

The student records issue will be added as a meeting topic in the future.

Linda Johnson gave an update on HB 1201 which would tax Pinkerton Academy in Derry, a 501(c)(3) nonprofit organization. The Bill was amended to allow any town with a private academy (the only other one is Coe-Brown Academy in Northwood) to tax it with legislative approval. Members had several questions regarding the purpose of such a bill, if it was allowed under IRS, and if it could spread to other private schools.

Gina Rotondi noted that HB 1482 aims to tax hospitals which are primarily organized as nonprofit organizations.

Judy Fillion noted that HB 1607 and a corresponding Senate Bill are almost identical, but very much changed from the original House bill. They would establish an educational tax credit to offset the business profits tax. These funds would support private schools and homeschoolers. It is uncertain how this drain of funds would impact public schools. It may depend on the number of private schools in

a particular town/city. There is also a fear that some businesses could possibly have control over one or more schools. Council members had questions regarding these bills.

Gina Rotondi noted that Sen. Hood had just submitted SB 402 requiring districts to adopt a policy concerning Youth Sports Concussions. Her firm will follow this bill.

Judy Fillion reported that the Department of Education is no longer involved with Drivers Education. Public schools no longer receive a subsidy for driver's education.

Ed Murdough noted that Trooper McHugh from the Department of Safety has agreed to attend the March meeting to review school bus requirements. Also, Tricia Tilley will speak about the SPARK program, an early childhood group.

Linda Johnson distributed a document she prepared for the National Association of Independent Schools (NAIS) titled, Guidelines for Dealing with Educator Sexual Misconduct. Judy Fillion noted there are other requirements to follow when an educator is certified by NH or another state. Judy noted that Cheri White is the new administrator of the Bureau of Nutrition Programs and Services. Since new federal legislation will impact private schools and school lunches, this should be added to a future agenda.

It was noted that The Meeting School in Rindge, the only Quaker school in the state, is closing after more than 50 years. The School's Board of Trustees is looking for another group which might continue an educational program or school on the property.

The meeting was adjourned at 11:50am.

Submitted by Marie Morgan