

Nonpublic School Advisory Council (NPSAC) Meeting

NH Department of Education, Concord, NH

December 13, 2013

Present: Stephen Poirot, Chair; Bill Bennett, Lisa Braiterman, Judith Fillion, Father John Fortin, Lyn Kutzelman, Gregg Magoon, Eileen Mullin, Trudy Wright, Leslie Higgins, Marie Morgan

Guests: Gina Powers, Ashley Frame

The meeting was held at the Walker Building, room 100.

Chairman Stephen Poirot opened the meeting at 10:15 am.

He welcomed Father John Fortin from the Diocese of Manchester as the newest member of the Council. The other members introduced themselves.

Ashley Frame, a Department of Education staff member, presented information on Title IIA, a federal grant to support the professional development of public and nonpublic school educators. Public school officials are the fiscal agent for these funds and must consult with the nonpublic nonprofit school officials in their districts during the design, development, and implementation of the district's professional development program. If the professional development needs of the private school teachers are different from those of public school teachers, a separate plan needs to be developed for the private school. Consultation must occur in a timely manner and before the school district makes any decision that affects the opportunities of eligible private school teachers to participate in this program. Title IIA funds can be used to:

- Provide professional development for educators;
- Pay for related costs for professional development (supplies, materials, substitutes, mileage, equipment, etc.);
- Recruit and retain educators; and
- Support teachers for class-size reduction (CSR).

The local public schools' enrollment is used to determine equitable services to the private schools. This allocation is posted each year on the Department's website. Districts may be able to meet some of the equitable services obligation through *in-kind* (no money exchanged) activities. For more information:

- See Attachment 1, Title IIA or go to: <http://www2.ed.gov/programs/teacherqual/guidance.pdf> (section G).
- Visit the NH Department website, www.education.nh.gov, click on "T" for "Titles," then "Title IIA".
- Contact Ashley at: ashley.frame@doe.nh.gov

Ms. Frame left the meeting at 10:30.

The attendees voted to approve the NPSAC Meeting Minutes for October 11, 2013.

Chairman Poirot requested attendees consider Richard "Rick" Johnson to fill the vacancy on the Council created by the departure of Peter Flint, Administrator at the Trinity Christian School in Concord. In November 2011 Mr. Johnson was appointed the founding Head of School at the Beech Hill School in Hopkinton, NH. The Beech Hill School is for students in grades 6 – 8. Council attendees reviewed Mr. Johnson's resume (Attachment 2). Bill Bennett made a motion to nominate Mr. Johnson to a seat on the Council.

Eileen Mullen seconded the motion. The members in attendance unanimously voted to recommend to the Commissioner that Mr. Rick Johnson be selected as a nonpublic school representative on the Council.

The revised Ed 406.02(a)(3), Approval of Nonpublic Schools, states “The commissioner shall appoint one public school administrator.” Nobody has submitted any nominations. Gregg Magoon suggested someone contact the NH School Administrators Association or the NH Association of School Principals. Chair Poirot stated he would check with them.

A ceremony to honor Bud Moore, a cofounder of the NPSAC and its chair for 25 years, was tentatively planned to follow today’s meetings. Due to scheduling issues it was postponed.

There was some discussion regarding the NH Interscholastic Athletic Association (NHIAA) rule which prohibits nonpublic school students from representing more than one school in an academic year. This has been interpreted to mean a private school student playing football for a public school in the student’s hometown because the private school does not have a football team, cannot play any other interscholastic sport for the private school in the same year. This issue had been brought before the Council previously by Kent Bicknell and David Parker. Lisa Braiterman stated that several students from her school had also been impacted and she would like to get this resolved before the summer. Eileen Mullin noted that students taken from their homes by the courts and placed in homes and schools in another district could also be impacted.

Lisa suggested that the issue be brought to the New England Preparatory School Athletic Council (NEPSAC) for their input. Chairman Poirot noted that Tilton School has a representative on that Council.

The discussion covered several points. Allowing public students to participate on private school teams occurs at some private schools. There is a need to define the exemption being requested from NHIAA. The focus should be on the students and not the schools. The NHIAA rule should be compared to RSA 193: 1-c below.

RSA 193:1-c Access to Public School Programs by Nonpublic or Home Educated Pupils. –

I. Nonpublic or home educated pupils shall have access to curricular courses and co-curricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating participation in curricular courses and co-curricular programs, provided that such policy shall not be more restrictive for non-public or home educated pupils than the policy governing the school district's resident pupils.

Chairman Poirot noted that he was willing to continue the study of this issue.

Under Old Business, the school bus transportation issue discussed at previous NPSAC meetings was re-introduced. Chairman Poirot stated that he and Lisa are officers of a group of 9 NH private schools which is studying the NH school bus transportation rules and plan to develop a minimum protocol to suggest to the Department of Safety (DOS). The key is to keep students safe without mandated expensive requirements. Gina Powers recognized Linda Johnson’s successful efforts to convince the DOS that the present school bus rules cannot pertain to the private schools because the RSA does not pertain to private schools.

Lyn Kutzelman shared her experiences over the past three years trying to understand and comply with the different school bus requirements issued by federal, Massachusetts, and New Hampshire authorities. Some of the NH rules appear to conflict with the federal requirements.

Eileen Mullen added that residential staff members have stated these new rules will be a nightmare.

Other points made during the discussion:

Most nonpublic schools do not bring students from home to school and back, so the rules should be different.

As many as 22 other states regulate private school buses. Their policies should be reviewed.

It is difficult to obtain training for private school bus drivers and to get them on a “training roster”.

Trying to be completely exempt from the school bus rules could harm the image of NH private schools.

Gina Powers updated the members on two NH bills. Rep. Hess of Hooksett has filed HB1509 for the 2014 session relative to: 1) adding nonprofit charitable enterprises such as hospitals and colleges to the list of entities required to pay the business enterprise tax and 2) lowering the rate of the tax.

HB 295 passed. It requires youth skill camp operators to certify to the department of environmental services that their employees and volunteers have undergone a criminal background check.

Judy Fillion updated the attendees on the Education Tax Credit Program overseen by the NH Department of Revenue Administration (DRA) and authorized by RSA 77G. Starting this year, the Education Tax Credit Program allowed a NH business to reduce its state tax bill by donating money to a nonprofit scholarship organization. That organization then awards scholarships to help families with home-schooling costs or to pay the cost of tuition at out-of-district public schools and private schools.

In June a Superior Court judge ruled that the education tax law violated the state Constitution’s ban on sending public money to religious schools, but the program could provide scholarships for secular schools and homeschooling. An appeal by all parties is pending before the New Hampshire Supreme Court.

The Network for Educational Opportunity (NEO) is the only scholarship organization in NH. It awarded 103 scholarships totaling more than \$100,000. Of the total number of scholarships, 56 or 54% of the scholarships awarded went to home-schooled children.

There was a complaint against the NEO charging that NEO did not follow the law which requires that 70 percent of the scholarships – not scholarship money – go to students leaving public schools.

The DRA recently issued a Technical Information Release (TIR), a clarification of the laws or rules. The DRA agrees that “compliance with RSA 77-G:2, I(b) is measured by the *number* of scholarships awarded to eligible students, not the total dollar value of scholarships awarded to eligible students.”

The annual report filed by NEO is available at:
<http://www.revenue.nh.gov/forms/documents/scholarshiporganizationreport.pdf>.

The meeting was adjourned at 11:30 am.

Submitted by:

Marie Morgan

Attachment 1 – Title IIA Attachment 2 – Mr. Johnson’s Resume