

New Hampshire  
State Board of Education  
Minutes of the March 26, 2014 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:05 a.m. at Northeast Delta Dental, Two Delta Drive, Concord NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Cindy C. Chagnon, Gary W. Groleau, Helen G. Honorow, Gregory Odell, and Emma Rous. Virginia M. Barry, Commissioner of Education and Paul K. Leather, Deputy Commissioner of Education, were present. Patrick Queenan, Attorney from the Attorney General's Office, was also present for some items.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Gary Groleau led the pledge of allegiance. Chairman Raffio asked Mr. Groleau to report on the tragedy that happened recently at NH Ball Bearing. Mr. Groleau said that first of all, the public outpouring for our employees has been heartwarming and deeply appreciated by everybody in our company. Mr. Groleau said he is happy to report that initially 65 people were displaced and all 65 have returned to work; 15 of those 65 received minor injuries, 2 with relatively serious injuries. They have not returned to work but morale is good. We are in a state of rebuilding and forward momentum. Thank you everybody.

Chairman Raffio asked Gregory Odell to make a motion to take the tabled items first so that Mary Mayo can return to the office.

MOTION: Greg Odell made the motion, seconded by Cindy Chagnon, that the Board bring the tabled items forward to follow immediately this motion.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

**AGENDA ITEM VII. LEGISLATIVE ISSUES**

A. Final Proposal for Ed 1200, Limiting the Use of Child Restraint Practices, Ed 1113.04-.06 and Ed 1114.07-.09, Behavioral Interventions, Ed 1120.04, Parental Consent, and Ed 1120.08, Public and Private Insurance (Remove from Table) – A vote is needed by the Board to adopt the Final Proposal. The Department has made changes to the initial proposal in order to

respond to comments from public testimony and the staff attorney, who reviewed the rule for the JLCAR. It is necessary for the Board to act on this rule filing to meet the extended deadline of March 17 to file this final proposal pursuant to RSA 541-A or start a new rulemaking process. The Final Proposal will be submitted to the JLCAR for its review. After a public hearing and approval by the JLCAR, the Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Helen Honorow made the motion, seconded by Gregory Odell, to remove this item from the table.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt the Final Proposal for Ed 1200, Limiting the Use of Child Restraint Practices, Ed 1113.04-06, Ed 1114.07-.09, Behavioral Interventions, and amend Ed 1120.04, Parental Consent and 1120.08, Public and Private Insurance as agreed by the interested parties.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Adopted Rule for Ed 306, Minimum Standards For Public School Approval (Pending Receipt of Conditional Approval) (Remove from Table) – A vote is needed by the Board to adopt Ed 306, Minimum Standards For Public School Approval in rule filing 2013-04. The Office of Legislative Services has determined the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may now adopt the rule. Paul Leather said the JLCAR approved this rule conditioned on the legislature approving related items on adequacy. Paul Leather commended Mary Mayo and others on working together to bring this rule forward. A new guidance document for the Field will be created and sent out shortly.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to remove this item from the table.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education adopt Ed 306, Minimum Standards For Public School Approval in rule filing 2013-94.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

### **AGENDA ITEM III. PUBLIC COMMENT**

Chairman Raffio thanked everyone for accommodating this meeting at Two Delta Dental where the Board is going to have a strategic retreat later in the day so thought it best to have it here.

Bonnie Dunham from the Parent Information Center thanked Board members for delaying the vote on Medicaid-funded services provided as a part of a child's individualized education program and was pleased that the Department along with other associations were able to reach a consensus on this. The Department of Health and Human Services will continue to support the direction of the House. Chairman Raffio thanked Bonnie for her passion and commitment to children.

Robert Sherman from the Nashua Teachers Union spoke of his concerns regarding the Smarter Balanced Test.

### **AGENDA ITEM IV. OPEN BOARD DISCUSSION**

A. Update on Charter Schools – Chairman Raffio said that later on the agenda an adjustment in student enrollment at Gate City Charter School for the Arts would be taken up. Founders Academy has found a location at 5 Perimeter Road, Manchester, NH.

B. Update on Unity - Judy Fillion and Chip Baldwin, Principal of the Unity Elementary School, reported that the Town of Unity had voted to support an additional 2.75 million dollar bond which will allow for the completion of the elementary school building project. A new construction company is on site and the district has secured the services of an additional architect. Mr. Baldwin assured the Board that the school would be ready for the 2014-15 school year. Chairman Raffio said that he would like someone from Unity to appear at all meetings until the school opens.

C. Discussion on Strategic Items – Mini Retreat – March 26 – Chairman Raffio said that at the Retreat the Board would be discussing “dashboard metrics” and Department priorities.

D. Open Letter of Support for Nashua Teachers Union Statement on Smarter Balanced Assessment – Chairman Raffio acknowledged that the Board had received this letter regarding Smarter Balanced Assessment. Chairman Raffio said that the Smarter Balanced Assessment is in place and that federal funding would be at risk if it were delayed or if school districts use a different test.

E. Miscellaneous – McAuliffe Sabbatical Process; The “Ed”ies – Chairman Raffio said that Cindy Chagnon would represent the Board on the McAuliffe Sabbatical Committee.

Chairman Raffio asked if there are Board members who would be attending the “Ed”ies the first weekend in June. He would not be able to attend due to a prior commitment but Cindy and Helen are planning to attend.

Chairman Raffio said he would be appearing at a conference on Common Core through St. Anselm’s on May 19 along with Bill Duncan and others.

Cindy Chagnon said that on Saturday night City Year would be honoring Mr. Raffio for Lifetime Achievement Award for all his dedication and hard work caring about children in New Hampshire. Ms. Chagnon said she wanted to congratulate Mr. Raffio ahead of time.

Chairman Raffio said he went to a meeting in Manchester with Fred Bramante on 10,000 Mentors. There was really good feedback from the Manchester School Committee and there is no cost to the school districts.

Chairman Raffio said he had met with Adam Rubin from 2Revolutions on bench marking best practices data base. Mr. Leather said the Department has been working with 2Revolutions for several years to create a data base for best practices innovations and NH Networks has been created. NH Networks is on line with a single sign on process for educators. They are working on building a public entrance that will be available. New Hampshire was the first state involved with 2Revolutions. There are now ten states involved. Chairman Raffio said he would like to have 2Revolutions at a future Board meeting. Commissioner Barry said that part of the strategy in using the Network is to start with our Superintendents and to really make sure that they see the value of the Network. Our liaisons are attending the regional meetings and are meeting with curriculum and assessment individuals so that will be the next layer with the hopes that this fall through our Title II programming districts they will start with teachers but right now we have had over 7,000 teachers involved. Certain teachers will engage very quickly in this work and others will decide whether or not this is something they want to engage in but 7,000 teachers so far have been involved.

**AGENDA ITEM V. SPECIAL PRESENTATIONS**

A. NH International Education Position Statement - A Framework for Creating an International Education Policy – John House-Myers from the Bow School District, spoke to the Board on this position statement. Mr. House-Myers said that the immigration bill is stalled in the House in Washington. New Hampshire students must be provided with the opportunities that will allow them to acquire the skills and experiences that will enable them to actively participate and compete in an increasingly connected and integrated 21<sup>st</sup> century global workforce. Board members decided that they should establish a committee to discuss a position statement with Deputy Commissioner Leather supporting. The committee members right now will be John House-Myers, Gregory Odell and Cindy Chagnon.

MOTION: Cindy Chagnon made the motion, seconded by Gregory Odell, to endorse a committee to discuss the NH International Education Position Statement A Framework for Creating an International Education Policy.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Gate City Charter School for the Arts – Approval of Charter School Amendment Student Enrollment Increase – Karin Cevasco, Chairperson, and Lisa Bollinger, Member of the Board of Trustees, spoke to the request to approve a charter amendment for an increase in student enrollment and grade expansion. A vote is needed by the Board to approve a charter amendment for an increase in student enrollment and grade expansion. Gate City is requesting to open in September 2014 with up to 140 students in grades K-6 and add grade 7 in the 2015-16 school year. Accelerating the school's enrollment plan will allow for reasonable growth and benefit students, as well as provide additional revenue to ensure the school's ability to cover facility lease costs.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education authorizes the Gate City Charter School for the Arts' charter amendment to increase student enrollment and grade levels to 140 students in grades K-6 for the 2014-15 school year and add grade seven in the 2015-16 school year.

VOTE: The motion was adopted by a 5 - 1 vote of the Board, with Gregory Odell voting in the opposition, and with the Chairman voting.

C. New Hampshire Teacher of the Year and Finalists – Lori Temple reported that the Commissioner of Education selects one exceptionally skilled and dedicated teacher to serve as a leader and ambassador of all the excellent teachers in our State. In New Hampshire, Hannaford Supermarkets is proud to partner with the Department to help sponsor the New Hampshire Teacher of the Year Program. Teachers may be nominated or self apply. Each candidate submits a written application containing biographical and professional information, essays on topics ranging from personal teaching philosophy to the issues facing education, and letters of endorsement. The Teacher of the Year Selection Committee meets to choose semi-finalists from the applications received. The Committee then visits semi-finalists' schools where they observe the teacher in class, interview school personnel, community members, parents and students, as well as the semi-finalist. The committee then chooses finalists. Over the summer the finalists present their professional portfolios and give a speech on education to the committee. The committee then selects the NH Teacher of the Year. The 2014 New Hampshire teacher of the Year is Joseph Lee, a Social Studies teacher at Pinkerton Academy. The finalists are : Jane Calnan, a Reading Specialist at the Dr. George Emerson Elementary School in Fitzwilliam; Carrier Charette, an English teacher at Franklin High School; Janice Ellerin, a Life Science teacher at Hollis Brookline Middle School, and Lori-Lyn Griffin, a Science Teacher at Hampstead Middle School. Carrie Charette, Janice Ellerin and Joey Lee spoke of their experiences teaching and being involved in this program.

D. Endorsement of Sample Policy for Students Who Have Sensitivity and/or Ethical Conflicts with Lessons or Activities that Cause Harm or Death to Animals – Stanley Freeda from the Department said that an endorsement or adoption is needed by the Board for a developed policy and resource list for districts to adopt or adapt and use to provide opportunities for students who have sensitivity and/or ethical conflicts with lessons or activities that cause harm or death to animals. Educators in New Hampshire understand that the most successful teaching and learning results when performance-based lessons are personalized and students have a voice in directing their own learning pathways. Activities that support learning must address social, emotional, physical, and cognitive aspects of learning and provide comprehensive supports for students who might not be comfortable with certain learning activities. An activity in which living or dead animals are viewed, cut, killed, inspected, touched, handled, preserved, mounted, or otherwise manipulated in ways which may cause harm to them, is a potential source of ethical conflict or sensitivity that may adversely affect student learning. Students need opportunities to replace instructional activities that may cause ethical conflicts with choices that are more engaging for them without loss of academic value. Adopting this policy will allow students with sensitivity and/or ethical conflicts to request and receive alternate activities that meet the standards of the original lesson and allow for the learning and meeting

of competency without requiring the handling, harming, or killing of animals. Mr. Odell raised some concerns regarding organizations interested in a policy. After discussion, Board members decided that in the sample student choice policy organizations should not be included. Commissioner Barry said that the Superintendents Association asked the Department to work with science teachers to come up with a policy. Commissioner Barry thanked Stanley Freeda for his work on this draft policy.

**MOTION:** Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education recommend that school districts in New Hampshire develop a student choice policy so that students who have sensitivity or ethical conflicts with activities that cause harm or death to animals may have alternate opportunities to meet their course competencies and endorse this policy and resources as an example for use by districts as they develop their own student choice policies.

**VOTE:** The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

**E. SAU Items**

1. Hill Plan for Withdrawal for AREA – A vote is needed by the Board on the AREA Withdrawal Plan, which would permit Hill (the sending district) to withdraw from the AREA agreement with Franklin. RSA 195-A:14, VII requires the Board to review proposed withdrawal plans to determine whether the plan meets the statutory requirements of RSA-A:14,IV. If the plan meets the requirements, the Board shall recommend for or against the adoption of the plan based on the Board's assessment of the plan's feasibility. If the opinion of the Board is that the proposed plan does not meet the statutory requirements, then the deficiencies shall be noted and the plan shall be returned for revision. If the Board determines that the proposed withdrawal meets the statutory requirements for a withdrawal plan, then the plan shall be returned to the Hill School Board for publication and a vote at the next annual or special school district meeting. The Board's recommendation shall be reported to the legislative body of the AREA districts. If the Hill voters adopt the withdrawal plan, by a majority vote, it will no longer be a member of the AREA agreement. Since it is the only sending district in this agreement, it would terminate the AREA agreement. If the Board sends the plan back with deficiencies noted, the plan must be revised and resubmitted to the Board for review. Attorney John Teague, representing Hill, Attorney Matt Upton, representing Franklin, and Attorney Paul Fitzgerald, representing the City of Franklin, were present and spoke to the issue. The Board decided the plan needs additional information regarding the disposition of property and a

statement of assumption of liabilities upon dissolution of the AREA. The Plan also lacks a detailed analysis of the financial and educational consequences of the proposed withdrawal. Further, the Board recommends that the committee meet within the next thirty (30) days to allow the Franklin representatives to participate. A letter will be sent out to all parties stating the Board's concerns.

**MOTION:** Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education return the Plan to the Hill School District. Pursuant to its review under RSA 195-A:14, VII, the State Board of Education found the following deficiencies: The Plan needs additional information regarding the disposition of property and a statement of assumption of liabilities upon dissolution of the AREA; and the Plan lacks a detailed analysis of the financial and educational consequences of the proposed withdrawal. Further, the Board recommends that the committee meet within the next thirty (30) days to allow the Franklin representatives to participate. This order constitutes the notation of all deficiencies and the prompt return of the Plan for the committee to make the requisite revisions under RS 195-A:14, VII.

**VOTE:** The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Board members suggested this be placed on the April 24, 2014 State Board agenda.

2. Town of Lempster's Petition for Declaratory Ruling - Upon recommendation of Counsel, the State Board of Education acknowledged receipt of the Town of Lempster's Petition for Declaratory Ruling, and voted to delegate authority to the Chairman to issue procedural orders.

**MOTION:** Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education acknowledges receipt of the Town of Lempster's Petition for Declaratory Ruling and to delegate authority to the Chairman to issue procedural orders.

**VOTE:** The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

The parties submitted an assented to proposed scheduling order as follows: On April 15, 2014 submission of memoranda and exhibits by parties (electronically to Board and counsel with hard copies to the Board by First Class Mail); April 29, 2014 submission of reply memoranda and exhibits, if needed, as above; and May 13, 2014 Hearing (Oral Argument) on the Petition for Declaratory Ruling. The Chairman signed the proposed scheduling order. Copies will be sent to all parties.

F. Ozland Early Learning Center/New Hampshire Department of Education – SB-FY-13-01-004 –On the basis of the Department’s withdrawal of this appeal, the Hearing Officer recommends that the matter be dismissed without prejudice.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education accept the Hearing Officer’s Report and adopt the Hearing Officer’s Recommendation.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

G. Student/Rochester School Board – SB-FY-14-08-003 – This item was deferred to the April 24, 2014 State Board meeting.

#### **AGENDA ITEM VI. NEW DEPARTMENT BUSINESS**

There was no New Department Business.

#### **AGENDA ITEM VII. LEGISLATIVE ISSUES**

Paul Leather reported that there are a number of bills being taken up. The crossover has occurred and we expect resolution on some bills in the next couple of weeks. There are several bills on the Common Core and Smarter Balanced Assessment. HB 1432 on Assessment would require the Department to provide a report to the Legislature on the implementation of the Smarter Balanced Assessment System in two years. Commissioner Barry said the Department recognizes the concerns of the House but these tests are very valuable for the state. Mr. Leather said that Rep. Neal Kurk’s privacy bill is a move forward for privacy around assessment and the Department supports it.

A. Final Proposal for Ed 1200, Limiting the Use of Child Restraint Practices, Ed 1113.04-.06 and Ed 1114.07-.09, Behavioral Interventions, Ed 1120.04, Parental Consent, and Ed 1120.08, Public and Private Insurance (Remove from Table) – This item was taken up at the beginning of the meeting.

B. Adopted Rule for Ed 306, Minimum Standards For Public School Approval (Pending Receipt of Conditional Approval) (Remove from Table – This item was taken up at the beginning of the meeting.

### **AGENDA ITEM VIII. NEW BOARD BUSINESS**

Chairman Raffio said he had been in conversation with Governor Hassan concerning the appointment to the State Board. Governor Hassan is working on the open position.

Chairman Raffio said that the Governor is appointing a STEM Task Force and would, likely select, a representative or two from the Business and Education Coalition.

### **AGENDA ITEM IX. COMMISSIONER'S REPORT**

Commissioner Barry will have a report at the Mini Retreat this afternoon.

### **AGENDA ITEM X. OLD BUSINESS**

There was no Old Business at this meeting.

### **AGENDA ITEM XI. CONSENT AGENDA**

#### A. Minutes of February 13, 2014 Meeting

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to approve the Minutes of February 13, 2014, as amended.

VOTE: The motion was adopted by a 5 – 1 vote of the Board present, with Gregory Odell abstaining, and with the Chairman voting.

#### B. Minutes of Nonpublic Session February 13, 2014

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to approve the Minutes of Nonpublic Session February 13, 2014.

VOTE: The motion was adopted by a 5 – 1 vote of the Board present, with Gregory Odell abstaining, and with the Chairman voting.

C. Adopted Rule – Ed 315, Home Education – The JLCAR has approved this final proposal at their March 21, 2013 meeting. The State Board may now adopt the rule.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt Ed 315, Home Education Program in rule filing 2013-180.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Adopted Rule – Ed 501, 502, 503, 507.11, & 612.04, Certification Information, Elementary Education – The JLCAR has approved this final proposal at their March 21, 2013 meeting. The State Board may now adopt the rule.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt Ed 501-503, Certification Information, Ed 507.11 and Ed 612.04, Elementary Education, in rule filing 2013-181.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Commissioner Barry said she would like to share some concerns. The Department has received the report from the National Center for Teacher Quality. The Department is planning to analyze the pre-service preparation programs. The Department will be working with the Professional Standards Board and the Council for Teacher Education. They are twenty-three institutions involved. The Department has failed in the eyes of outside evaluators for mathematics and the instruments that we are using with the number of students failing. This has been discussed with both groups. Now that we have the documents mathematics will really be an issue for us to determine as a board as to what requirements we are going to impose on our post-secondary institutions.

MOTION: Helen Honorow made the motion, seconded by Gregory Odell, that the State Board of Education authorize the Commissioner of Education to work closely with the Professional Standards Board, the Council for Teacher Education, and IHE's to study all teacher preparation programs and requirements around certification.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

**AGENDA ITEM XII. TABLED ITEMS**

A. Final Proposal for Ed 1200, Limiting the Use of Child Restraint Practices, Ed 1113.04-.06 and Ed 1114.07-.09, Behavioral Interventions, Ed 1120.04, Parental Consent, and Ed 1120.08, Public and Private Insurance Table)  
This item was removed from the Table.

B. Adopted Rule for Ed 306, Minimum Standards For Public School Approval (pending Receipt of conditional Approval) – This item was removed from the Table.

**AGENDA ITEM XIII. NONPUBLIC SESSION**

The Board did not go into Nonpublic Session at this meeting.

**AGENDA ITEM XIV. ADJOURNMENT**

MOTION: Cindy Chagnon made the motion, seconded by Emma Rous, to adjourn the meeting at 11:15 a.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

*Virginia M. Barry*

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Secretary