

New Hampshire
State Board of Education
Minutes of the August 14, 2014 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:15 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Cindy C. Chagnon, Bill Duncan, Gary 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.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Cindy Chagnon led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Cynthia Matte, Assistant Superintendent of Schools for SAU #41 Brookline and Hollis, and representing the Brookline School Board, spoke of Brookline School Board's concerns regarding an alternative testing regime to the Smarter Balanced Assessment. Ms. Matte said the Brookline School Board had three concerns which are listed in the Smarter Balanced item.

Theresa Roach, representing parents interested in the MicroSociety Charter School, read a statement and presented a petition with 81 signatures supporting MicroSociety Charter School.

Representative Mary Gorman from the House Education Committee spoke against the Board approving the MicroSociety Charter School.

AGENDA ITEM IV. OPEN BOARD DISCUSSION

A. Update on Charter Schools – Chairman Raffio said that MicroSociety Charter School will be discussed shortly. There will be a change of address and addition of one student for the Next Charter School.

1. Charter School Matrix - Chairman Raffio said that Members Duncan and Honorow had not been able to meet with Keith Burke yet but would be setting up a meeting soon.

B. Update on Unity – Judy Fillion and Craig Shute, Chair of the Unity School Board, updated the State Board on the progress of the Unity elementary school construction project. Trumbull Nelson Construction Company is providing oversight of the project completion and is assuring that sufficient workmen are available to complete the project by the end of August. The community looks forward to school opening on September

Helen Honorow offered condolences to Unity for the terrible loss of students due to an accident.

2. Discussion on Strategic Items – Goals – There was no discussion at this meeting.

3. Smarter Balanced Assessment – Chairman Raffio said that we are currently required to have one state-wide assessment and that upon acceptance of federal funds we agreed to Smarter Balanced with no waiver authority. Chairman Raffio said that Stephen Bennett, Corporation Counsel for the City of Nashua, has written a clear opinion regarding the Nashua Board of Education's authority to postpone the Nashua School District's participation in the statewide Smarter Balanced Assessment and he suggested people get in contact with Attorney Bennett.

The following questions that Assistant Superintendent Matte asked for the Brookline School Board were as follows with answers from the Department.

1. Can the State Board confirm that the cost of administering the Smarter Balanced Assessment will be the responsibility of the state (electronic or paper/pencil)? Commissioner Barry responded that administering the Smarter Balanced Assessment will be the responsibility of the state.

2. What was the process and who was involved in the decision to administer the Smarter Balanced Assessment? This was a decision made by considerable deliberation and advice from New Hampshire's Accountability Task Force, NECAP technical advisors, Superintendents of Schools, Curriculum Directors, and many other stakeholders in consultation with the State Board of Education and the Joint Legislative Committee on Assessment and Accountability. The Department did not make this decision lightly and still maintains that this is the best assessment decision for New Hampshire students and schools.

3. If the Brookline School Board would like to administer an alternative assessment, rather than Smarter Balanced, what is the process? State statutes establishing statewide student assessments do not contain provisions permitting local school districts to unilaterally delay implementation of those assessments.

Scott Marion from the Center for Assessment updated the Board on New Hampshire's choice to participate in the Smarter Balanced Assessment Consortium. Mr. Marion said that when the U.S. Department of Education released the "Notice of Intent to Apply" in 2010 to request proposals for the assessment consortia, states had the choice of electing to be a "governing state" of a single consortium, a "participating state" of one or both consortia, or a non-participant. After considerable thought, input, and deliberation, New Hampshire elected to become a governing state in the Smarter Balanced Assessment Consortium. He explained the purpose and the assessment design. Even though states could participate in one or both consortia, they could only serve as governing states in one consortium. Only governing states were able to make decisions about the consortium. Participating states had no decision-making power. Department leaders felt strongly that if New Hampshire was going to participate in a consortium, it should have a seat at the table.

E. International Student Policy Work – Paul Leather will be meeting with John House-Meyers, Greg Odell, and Cindy Chagnon after the Board meeting today regarding the International Student Policy. This policy will be an item at the September 9th Board meeting.

F. Miscellaneous – Chairman Raffio said the orange card of the Department's Elementary and Secondary School Statistics was very helpful when he is meeting with others.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. MicroSociety Academy Charter School of Southern New Hampshire

MOTION: Bill Duncan made the motion, seconded by Gary Groleau, to take the MicroSociety Academy Charter School of Southern New Hampshire off the table.

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

David Cronin and Thomas Malone updated the Board on concerns several Board members had. A video of students attending a MicroSociety Academy Charter School was shown to Board members. Mr. Cronin said that there are 250 schools with no two alike. It is a hands-on practice of practical skills integrated through the whole day. Appendix G is the Core Curriculum Standards where students paid in school script. The Academy is open to all New Hampshire students. Community support is included in the initial packet. They have had meetings with districts regarding transportation. They have met with Mark Conrad from Nashua and Nashua's transportation director.

Board members felt the cost of technology seems low and also had concerns about the curriculum. Mr. Odell had concerns regarding whether the idea shows “need” instead of “want.” They will aggressively seek foundation grants. Chairman Raffio reminded Board members that the Board had to decide if this school meets the criteria of a good charter school and that the Department supports the school.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education authorizes the MicroSociety Academy Charter School of Southern New Hampshire application to move forward.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Gregory Odell – No; Cindy Chagnon – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – No.

B. Report to the Board by Professional Standards Board – Judy Fillion introduced Barbara Cohen, Chair of the PSB. The Professional Standards Board continued to carry out the 2012-2013 charge from the Board. This year, as in 2012-2013, subcommittees were given directions which included aligning proposed rules with The Interstate Teacher Assessment and Support Consortium and other national organizations as relevant and to ensure that the necessary rigor was incorporated into the content standards. Additionally, more emphasis was placed on the relationship between the Professional Education Standards (610s) and the content standards (612s). PSB committee members enforced the request to remove the redundancy in the area of pedagogy from the drafts submitted. Commissioner Barry attended the PSB meeting in March. The Commissioner discussed the previous year’s charge from the Board that the PSB work collaboratively with the Council of Teacher Education on common areas of interest. The PSB has been receiving regular updates from the CTE, but the two groups had not worked closely together. Following the meeting with Commissioner Barry, Tom Schram and Audrey Rogers, who are representatives of the IHE Network, were invited to the April PSB meeting. They discussed the IHE’s role in the preparation of highly effective teachers and their work on developing and field testing their own version of the Teacher Candidate Assessment of Performance process. Frank Hoell, CTE Chair, and Kelly Dunn, were invited to the PSB meeting in May. They discussed the 600s roll out and the piloting of the new approval process. The CTE and IHE will be attending the September 2014 PSB meeting to discuss how the three groups can move forward collaboratively on initiatives that strengthen education for New Hampshire students.

C. Next Charter School

1. Student moving out of state – Next Charter School has received word from one of their current students that her family is moving out of state as of October 1, 2014. She has expressed a desire to remain enrolled at Next up until that point. This presents a challenge for the charter school because we will have a seat open up on October 1. We currently have a waiting list and would like to offer this seat to the next student on the list prior to the start of the school year so that this student does not need to transition between schools mid-year.

2. Change of Address – Next Charter School has moved to 1 West Running Brook Lane, Derry.

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education authorize Next Charter School an increase in the 2014-2015 enrollment cap from forty-five to forty-six seats. The Board also voted to acknowledge the new address for Next Charter School as 1 West Running Brook Lane, Derry.

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

D. Teacher/Farmington School Board – SB-FY-14-08-004

MOTION: Bill Duncan made the motion, seconded by Helen Honorow, to take the Teacher/Farmington School Board – SB-FY-14-08-004 – off the table.

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

MOTION: Bill Duncan made the motion, seconded by Helen Honorow, to go into nonpublic session pursuant to RSA 91-A:3.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Gregory Odell – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan to come out of nonpublic session.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Gregory Odell – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan that the State Board of Education adopt the decision of the hearing officer reversing the local board's decision, finding it was clearly erroneous. The Board will publish a narrative order. It voted to delegate authority to draft its narrative order to the Chairman. The order will be presented and voted upon at the next Board meeting scheduled for September 9, 2014. For purposes of reconsideration as per RSA 541, the Board's approved narrative order will constitute the Board's final decision.

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

E. Approval of Professional Preparation Programs Franklin Pierce University – Judy Fillion introduced Kelly Dunn, Director of Teacher Education at NHTI, and Laura Wasielewski, Chair of Teacher Education at St. Anselm College. In March 2012, a review was conducted of Franklin Pierce University's graduate programs. Due to unmet standards found in the review, the University "taught out" and terminated two advanced special education preparation programs – Intellectual and Developmental Disabilities and Emotional and Behavioral Disabilities. Also, the University determined that administration of its graduate and undergraduate programs needed to be fully integrated. The University volunteered to be the first to pilot review of all its programs under the state's new program approval standards. The University decided to discontinue its Fine Arts major. Based on this and Franklin Pierce University's self-assessment in preparation for the March 2014 review, the University withdrew its request for re-approval of its Art Education Program and is developing a "teach-out" plan for that program. The review of all of the University's other graduate and undergraduate programs occurred March 26-28, 2014. The final report was presented to the Council for Teacher Education on July 21, 2014. As a result, the Council is requesting that the Board grant the approval indicated in the motion.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education grant Franklin Pierce University: (1) approval with specific targets for improvement through August 31, 2021, with a progress report due on August 31, 2015, and an annual report due each year thereafter for the following professional educator preparation programs: English Language Arts Grades 5-12, Life Sciences Grades 7-12, Social Studies Grades 5-12, Graduate General Special Education; (2) Provisional approval with specific targets for improvement through August 31, 2017, with an initial six month progress report due January 31, 2015 and annual report thereafter responding to recommendations, for the following professional educator preparation programs: Elementary Education Grades K-6, Elementary Education Grades K-8; (3) Provisional approval through August 31, 2017, with an initial one year progress report due on August 31, 2015, and an annual report each year thereafter responding to recommendations, for the following professional educator preparation programs: New program in English Language Arts Grades 5-8, Conversion program in English Language Arts Grades 5-8, Conversion program in Life Sciences Grades 7-12, New program in social Studies Grades 5-8, Conversion program in Social Studies Grades 5-8, New undergraduate program in General Special Education; Conversion program in General Special Education.

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

1. Schedule of Professional Preparation Program Approval Expirations – Judy Fillion and Robert McLaughlin were present. Judy Fillion reported on this topic. The new Ed 600's were approved on March 22, 2013, providing comprehensive changes in the program approval process and criteria. A moratorium was put on program approval site visits during academic year 2013-14 due to the revision, to enable planning all aspects of the new review process, providing training for all institutions of higher education in the new process, and planning to conduct an intensive pilot of all approved programs at an institution of higher education in March 2014. The pilot has been conducted, IHEs oriented, and steps taken for including out-of-state reviewers on review teams. Plans are being made to engage the Council for Teacher Education in beginning the process of reviewing annual reports now required of all IHEs. The annual report review is intended to ensure unmet standards are addressed in a full and timely manner and to support continuous program improvement.

The Council is requesting that the Board grant the extension indicated below for each respective Institution of Higher Education. This schedule does not include reviews each year of conditionally and provisionally approved programs, substantive change request reviews, proposed new programs and annual reports from all IHEs.

MOTION: Cindy Chagnon made the motion, seconded by Gregory Odell, that the State Board of Education grant the following program approval expiration dates: August 31, 2015 Upper Valley Educators Institute; August 31, 2016 Granite State College, New Hampshire Institute of Art, Southern New Hampshire University; August 31, 2017 New Hampshire Technical Institute, Concord's Community College, Rivier University, University of New Hampshire; August 31, 2018 New England College, Plymouth State University; and August 31, 2019 Antioch University New England, Dartmouth College, St. Anselm College. The State Board voted to revisit the dates for these two expiration dates: August 31, 2021 Keene State College; and August 22, 2022 Franklin Pierce University (contingent upon approval granted in 2014).

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

F. Annual Home Education Report 2013-2014 – Amy Gall, Chair of the Home Education Advisory Council, presented a power point presentation for the Annual Home Education Report for 2013-2014. There was discussion on the reporting form that Superintendents of Schools need to fill out for the Department.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education accepts the Report of the Home Education Advisory Council.

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

AGENDA ITEM VI. NEW DEPARTMENT BUSINESS

A. Commissioner's Non-Public School Approval Designation Report – Judy Fillion met with the Board on this item. A vote is needed to accept and approve the recommended designations for New Hampshire non-public schools with an approval status expiring June 30, 2014. Administrative Rule Ed 400 requires non-public schools to submit a request every five years to renew their program approval status and every three years to renew the attendance approval status. Approval of this Report allows the schools with an expired approval status to continue to operative.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education accept and approve the Commissioner's Non-Public School Approval Designation Report for 2104.

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

B. Appointments to the Professional Standards Board – Judy Fillion met with the Board on this item. At the beginning of each school year the Board appoints members to the Professional Standards Board. There are currently nine vacancies to be filled. Recommendation is made as follows:

Category I – Teachers and Education Specialists

- Appoint Margaret Maroni – first three-year term (2014-2017)
School Psychologist, Nashua NH
- Appoint Nancy D. Morse – first three-year term (2014-2017)
ESOL Teacher, Hollis NH
- Re-appoint Dennis Perreault – second three-year term (2014-2017)
Social Studies Teacher, Litchfield NH
- Appoint Anne K. Wallace – first three-year term (2014-2017)
Mathematics Teacher, Hampstead NH

Category II – Higher Education and Education Administration

- Appoint Christine Boston – first three-year term (2014-2017)
Pupil Personnel Services Director, SAU #11, Dover NH
- Appoint Gerard Buteau – first three-year term (2014-2017)
Professor of Education, Plymouth State University, Plymouth NH
- Re-appoint Carl Ladd – second three-year term (2014-2017)
Superintendent, Northumberland, Stark, Stratford NH

Category III – Qualified Lay Persons

Appoint Erin Grogan – first three-year term (2014-2017)
Partner, Assessment and Evaluation-The New Teacher Project,
West Chesterfield NH

MOTION: Gregory Odell made the motion, seconded by Gary Groleau, that the State Board of Education approve the above appointments and re-appointments to the Professional Standards Board.

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

AGENDA ITEM VII. LEGISLATIVE ISSUES

A. Initial Proposal – Ed 318 Charter Schools, and Ed 319, Open Enrollment Schools – Mary Mayo reported on this item. A vote is needed by the Board to enter the rulemaking process to adopt the Initial Proposal for Ed 318, Charter Schools and Ed 319, Open Enrollment Schools. These rules are being readopted to update them to be consistent with current law RSA 194-B which has been amended by Chapter 241, 2009; Chapter 265, 2010; Chapter 185, 2012; and Chapter 144, 2013. The pilot program in RSA 194-B:3-a has become “the approval by the State Board of Education.” The law RSA 194-D, Open Enrollment Schools, was established in 2009 and Ed 319 rules are being moved to a separate part to coincide with that change. The application and renewal processes are being updated to reflect current practice. If the Board adopts the Initial Proposal, the Department will enter the rulemaking process by filing it with JLCAR, along with a request for a fiscal impact statement. Bill Duncan submitted draft rules for charter schools and open enrollment for discussion only. Board members decided that the Initial Proposal would be submitted to the JLCAR. Since the Board did not have a chance to review Bill’s draft rules they will be reviewed at the September 9th Board meeting. The Board will hold a public hearing at its October meeting. This information will be published in the Rulemaking Register next month. Commissioner Barry suggested the Board hold more than one public hearing on this item in October. Both hearings will be held in Concord.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education adopt the Initial Proposal for Ed 318, Charter Schools and Ed 319, Open Enrollment Schools and that the Board hold a public hearing on this filing for October 9, 2014 at 11:00 a.m. and another hearing date to be determined to be held in October and in Concord.

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

AGENDA ITEM VIII. COMMISSIONER'S REPORT

Commissioner Barry reported that the Department has lost 23 positions. We submitted requests for twelve waivers for critical staff positions – five have been approved. We have not had a Business Administrator for two years. This position has been reclassified to Executive Project Manager. The waiver committee turned down the request for a math position. There is a freeze on for new hires. We tried to have a position in Higher Education reclassified from part time to full time but it was rejected. We have 33 special education federally funded positions of which some are vacant. We have reorganized some sections of the Department to improve communication. It should be completed by November.

Commissioner Barry said New Hampshire is fifth highest in the nation.

Commissioner Barry said the Education Summit held in Keene was a huge success. There were national speakers for teachers and educators.

Chairman Raffio said that the Board will publish a narrative order on the Farmington case at the September 9th State Board meeting.

Paul Leather mentioned the Charter School Tracking that was prepared for the federal grants 2010-2015.

AGENDA ITEM IX. OLD BUSINESS

There was no Old Business at this meeting.

AGENDA ITEM X. CONSENT AGENDAA. Minutes of July 24, 2014 Meeting

MOTION: Gregory Odell made the motion, seconded by Gary Groleau, to approve the Minutes of July 24, 2014 Meeting, as amended.

VOTE: The motion was adopted by a 5 - 0 vote of the Board present, with Emma Rous and Cindy Chagnon abstaining, with the Chairman voting.

B. Minutes of Nonpublic Session July 24, 2014 Student/Candia School Board – SB FY-14-02-009

MOTION: Helen Honorow made the motion, seconded by Gregory Odell, to approve the Minutes of Nonpublic Session July 24, 2014 Meeting Student/Candia School Board – SB-FY-14-02-009 and to seal the minutes.

VOTE: The motion was adopted by a 5 - 0 vote of the Board present, with Emma Rous and Cindy Chagnon abstaining, with the Chairman voting.

C. Minutes of Nonpublic Session July 24, 2014 Teacher/Farmington School Board – SB-FY-14-08-004

MOTION: Gregory Odell made the motion, seconded by Gary Groleau, to approve the Minutes of Nonpublic Session July 24, 2014 Meeting Student/Farmington School Board – SB-FY-14-08-004 and to seal the minutes.

VOTE: The motion was adopted by a 5 - 0 vote of the Board present, with Emma Rous and Cindy Chagnon abstaining, with the Chairman voting.

AGENDA ITEM XI. TABLED ITEMS

- A. Teacher/Farmington School Board – SB-FY-14-08-004
- B. MicroSociety Academy Charter School of Southern New Hampshire

AGENDA ITEM XII. NONPUBLIC SESSION

The Board went into Nonpublic Session under Special Presentations.

AGENDA ITEM XIII. ADJOURNMENT

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to adjourn the meeting at 1:35 p.m.

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

Secretary