

New Hampshire
State Board of Education
Minutes of the September 9, 2014 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:00 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

Gregory Odell led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

There was no Public Comment at this meeting.

AGENDA ITEM IV. OPEN BOARD DISCUSSION

A. Update on Charter Schools – Chairman Raffio said that the Department had received notification the Windham School Board is not supporting a new charter school development. This does not affect the State Board's evaluation if the application is brought forward to the State Board. There are two requests for increase in enrollment – Surry Village Charter School and The Birches Academy – scheduled for later on the agenda. There was a brief discussion on the draft prepared by Bill Duncan relating to charter school rulemaking.

Helen Honorow felt that the Board should hold a retreat to discuss charter schools to have a larger understanding about charter schools.

1. Charter School Matrix – Bill Duncan reported that he and Helen Honorow have been looking at the dashboard and annual reports on the charter schools with the idea of streamlining the information for the dashboard. He and Helen Honorow would like to sit down with the Commissioner, Deputy, and Keith Burke to discuss how they should proceed so that the Board and Department staff have easy access to the charter school reports without requiring more Department staff time. Helen said that Michelle Gauthier had sent the annual reports from the charter schools to them. Some annual reports contain substantive information while others do not. There should be standardized information from all charter schools. Bill said that the Commissioner and Department staff should all share the same vision to make the process productive and there should be transparency in the reporting process. Chairman Raffio reminded Board members and Department colleagues that we do not want any double entries of data points due to limited resources.

B. Update on Unity - Judy Fillion and Craig Shute, Chairman of the Unity School Board, provided an update on the Unity Elementary School construction project. The State Board welcomed the news that the school had opened the previous day and applauded the efforts of the community. Opening day enrollment was 108 students.

C. Discussion on Strategic Items – Goals – Board members would like to see climate in the schools emphasized as a goal. Emma Rous and Bill Duncan said they should have an initial proposal by the end of the school year. Commissioner Barry said that it is absolutely essential to change the climate of schools. Commissioner Barry said that the Pittsfield School District is a good example for culture and climate in the schools. Emma said she would like to see a report on paper and to have a model policy. She would like to see conferences and workshops to discuss the model policy.

D. City of Manchester – Chairman Raffio said the Department had received a letter from the Mayor of Manchester regarding Smarter Balanced assessment. The State's position remains that there is no waiver possible on the annual assessment. Commissioner Barry did respond to a letter from the Superintendent of Schools in Manchester. Commissioner Barry said the Department is looking for greater flexibility from the U.S. Department of Education but so far has not received approval to do this. Commissioner Barry, Deputy Commissioner Leather, and others will be meeting with the Secretary of Education on September 23 to discuss the waiver. Commissioner Barry said there has been continuous confusion on what the waiver is since there are different types of waivers. Currently, there are no waivers for students to not participate in statewide assessment.

Deputy Commissioner Leather said there has been no formal report on class size from Manchester as school just started.

E. Miscellaneous – Bill Duncan said that the NEA/NH is holding its fall professional development conference for teachers on October 10 and that several of the charter schools will present there.

Chairman Raffio said that the International Studies policy would be on the October 9 State Board agenda. Mr. Leather said they had a meeting after last month's Board meeting and they would have a revision of the model policy for the October Board meeting.

Mr. Leather said the Governor's STEM Task Force would be reporting out in the next couple of weeks with a final report for the middle of November.

Chairman Raffio said the Business and Education Coalition would be meeting next week.

Mr. Leather said the work-study practice would be piloting accountability models. There are foundation grants for the new accountability model. He has been in conversation with the College Board and the SAT would be given in the eleventh grade. There are ten states following PACE right now. He said that Nate Greenberg has done a study analysis on the SAT.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Petition of Town of Lempster – Pursuant to Ed 213.02, the Town of Goshen has filed a motion for rehearing of the State Board of Education's declaratory ruling. The Town of Lempster has objected. Attorney Bernard Waugh, Attorney for the Town of Goshen, and Attorney Justin Richardson, Attorney for the Town of Lempster, were present. Each presented testimony. After a brief discussion the Board voted.

MOTION: Helen Honorow made the motion, seconded by Bill Duncan, that the State Board of Education deny the Town of Goshen's Motion for Rehearing.

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

B. AARP NH/NH Institute of Politics Statewide Essay Content Relating to 100th Anniversary of the NH Presidential Primary – Todd Fahey from AARP NH and Ann Camann from the New Hampshire Institute of Politics & Political Library at Saint Anselm College, met with the Board. They wanted to alert the Board to an impending statewide educational initiative being offered by two of New Hampshire's influential nonprofit and educational organizations. In partnership with AARP NH, the New Hampshire Institute of Politics & Political Library at Saint Anselm College is pleased to sponsor the New Hampshire Primary 100th Anniversary Essay Contest. The essay contest will be launched in December 2014 and will be open to all ninth-grade students enrolled in civics education classes throughout the state, at both public and private schools as well as home-schooled. Students will be invited to submit an essay about New Hampshire's first-in-the nation Presidential Primary and the important civic role New Hampshire citizens play in nominating our President. Students across the state will be encouraged to explore the strong traditions and greater significance of the primary – why political participation truly matters. Chairman Raffio asked what role the State Board of Education could play in this essay project. Commissioner Barry said that Todd and Ann could present this initiative to the Superintendents of Schools at a late fall meeting and information could be sent out to the Superintendents. Emma Rous said the State Library has a section of artifacts on the primary.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education endorse the New Hampshire Primary 100th Anniversary Essay Contest being offered by AARP New Hampshire and the New Hampshire Institute of Politics & Political Library at Saint Anselm College and ask Chairman Raffio to write a letter of endorsement to be sent to Superintendents.

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

C. Enriching NH's Assessment and Accountability Systems Through Quality Performance Assessment – Paul Leather introduced Ellen Hume-Howard of Sanborn, Michael Chew of Pelham, and Ginny Doyle of SAU #18. Mr. Leather presented a power point presentation. Since 2005, the Department has promoted and required student demonstration of mastery of course level competencies. In 2012, New Hampshire's submission for the ESEA Flexibility Waiver to the US Department of Education included an increased emphasis on competency-based education and performance assessment aligned with the Common Core in English language arts and mathematics. In addition, the New Hampshire Minimum Standards for School Approval require that New Hampshire schools have graduation competencies in other core academic areas.

The Department, working with teams of New Hampshire educators, have developed model core competencies in Math, ELA, Science, and now in Work Study Practices. In this coming year, Arts and Social Studies model state competencies will be developed. We request that the Board approve the Work Study Practice competencies for use in statewide assessment practice.

MOTION: Gregory Odell made the motion, seconded by Bill Duncan, that the State Board of Education approve the College and Career Ready competencies in Work-Study Practices for statewide use by the public schools, K-12, and for the Department of Education's use in its statewide assessment system.

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

D. Student/Hooksett School Board – SB-FY-14-06-015 – Gordon Graham, Attorney for the Hooksett School Board, Charles Littlefield, Superintendent of Schools for SAU #15, and the parent, were present. Chairman Raffio asked the parties if they would like the hearing in public or nonpublic session. They elected to hold the hearing in public session. The Parents appealed the school board's decision to suspend Hooksett's Policy JCB and to table the parents' request under Policy JCB for the assignment of their daughter to Londonderry High School for the 2015-16 school year. The school board filed a Motion to Dismiss alleging that the State Board of Education does not have jurisdiction to review the school board's decision to table the parents' request for reassignment of their child. The school board argues that the request was not ripe; and consequently, should be dismissed. The parent has objected to the Motion to Dismiss and alleges that the Hooksett School Board violated its own policies. Each party presented testimony.

MOTION: Helen Honorow made the motion, seconded by Gary Groleau, that the State Board of Education accept the Hearing Officer's Report and adopts the Hearing Officer's Recommendation.

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 – No; Helen Honorow – Yes. The motion was adopted by a 6 – 1 vote.

E. Public Hearing – Initial Proposal – Ed 507.06, Ed 507.07 and Ed 614.03, School Counseling, and Ed 507.08 and Ed 614.06, School Psychology Certification and Teacher Preparation Programs – Chairman Raffio opened the hearing at 11:00 a.m. Ed 507.06, 507.07, and 507.08 identify the certification requirements for School Counseling Director, School Counselor, and School Psychologist. Ed 614.03 and Ed 614.06 also identify the requirements for teacher preparation programs for school counseling and school psychology. These rules had expired April 2013 and July 2014 but are being adopted again with changes to provide updated standards for school counseling and school psychology. There was no testimony at this hearing. Chairman Raffio closed the hearing at 12:00 noon.

F. Student/Hooksett School Board – SB-FY-14-06-016 - Gordon Graham, Attorney for the Hooksett School Board, Charles Littlefield, Superintendent of Schools for SAU #15, and the parent, were present. Chairman Raffio asked if the parties would like this hearing in public or nonpublic session. They elected to hold this hearing in public session. The parents appealed the school board's decision to suspend Hooksett's Policy JCB and to table the parents' request under Policy JCB for the assignment of their son to Londonderry High School for the 2015-16 school year.

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon, that the State Board of Education accept the Hearing Officer's Report and reject the Hearing Officer's Recommendation.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Gregory Odell – No; Cindy Chagnon – Yes; Tom Raffio – No; Bill Duncan – No; Helen Honorow – Yes. The motion was adopted by a 4 – 3 vote.

G. Student/Candia School Board – SB-FY-14-02-009 – Karen Hewes, Attorney for the parents, Gordon Graham, Attorney for the Candia School Board, Charles Littlefield, Superintendent of Schools for SAU #15, and the parents, were present. Chairman Raffio asked the parties if they would like this hearing held in public or nonpublic session. The parties said they would like the hearing held in nonpublic session.

MOTION: Emma Rous made the motion, seconded by Gary Groleau, 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: Emma Rous made the motion, seconded by Gary Groleau, 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: Bill Duncan made the motion, seconded by Gary Groleau, that the State Board of Education voted to reject the request for a Motion for Rehearing and Reconsideration and delegated the Chairman to have a narrative prepared which will be signed by the Chairman.
- VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Gregory Odell – Yes; Cindy Chagnon – Abstained; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.
- MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education seal the minutes.
- VOTE: This motion was adopted by unanimous vote of the Board present, with the Chairman voting.

H. Teacher/Farmington School Board – SB-FY-14-07-001 – James Allmendinger, Attorney for the Teacher, Peter Phillips, Attorney for the Farmington School Board; and Steven Welford, Superintendent of Schools for SAU #61, were present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. They elected to hold the hearing in public session. The Teacher appealed the Farmington School District's determination relative to Teacher Non-Renewal. At the July 24, 2014 meeting the Board voted to remand the matter back to the Hearing Officer to restructure its decision to include findings of fact and conclusions of law and "the decision" of the hearing officer, pursuant to Ed 210.01, with a deadline of thirty days for response. Board members received the Hearing Officer's restructured decision. Each party presented testimony.

MOTION: Cindy Chagnon made the motion, seconded by Emma Rous, that the State Board of Education reject the Hearing Officer's Report and Recommendation.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – No; Gregory Odell – No; Cindy Chagnon – Yes; Tom Raffio – No; Bill Duncan – No; Helen Honorow – No. This motion failed by a 5 – 2 vote.

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

VOTE: This was done by a roll call vote: Emma Rous – No; Gary Groleau – Yes; Gregory Odell – Yes; Cindy Chagnon – No; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes. This motion passed by a 5 – 2 vote.

I. Teacher/Farmington School Board – SB-FY-14-08-004 – James Allmendinger, Attorney for the Teacher, Peter Phillips, Attorney for the Farmington School Board, and Steven Welford, Superintendent of Schools for SAU #61, were present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. They elected to hold the hearing in nonpublic session.

MOTION: Emma Rous made the motion, seconded by Gary Groleau, 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: Emma Rous made the motion, seconded by Gary Groleau, 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 Gregory Odell, that the State Board of Education approve the narrative order and authorized Chairman Raffio to sign.

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: Gregory Odell made the motion, seconded by Emma Rous, to seal the minutes.

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

J. Principal/Hollis School Board -FY-14-05-014 – Kevin Buchholz, Attorney for the Principal, the Principal, James O’Shaughnessy, Attorney for the Hollis School Board, and Andrew Corey, Superintendent of Schools for SAU #41, were present. Chairman Raffio asked the parties if they would like the hearing held in public or nonpublic session. They elected to hold the hearing in nonpublic session. Cindy Chagnon recused herself as she is aware of the situation.

MOTION: Emma Rous made the motion, seconded by Gary Groleau, 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 – Abstained; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Emma Rous made the motion, seconded by Gary Groleau, 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 – Abstained; Tom Raffio – Yes; Bill Duncan – Yes; Helen Honorow – Yes.

MOTION: Gary Groleau made the motion, seconded by Helen Honorow, that the State Board of Education accept the Hearing Officer's Report and adopts the Recommendation.

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

MOTION: Gregory Odell made the motion, seconded by Emma Rous, to seal the minutes.

VOTE: The motion was adopted by a 6 – 0 vote with Cindy Chagnon abstaining.

AGENDA ITEM VI. NEW DEPARTMENT BUSINESS

A. Surry Village Charter School – Approval of Charter School Amendment Student Enrollment Increase – Commissioner Barry said she had spoken with Matora Fiorey, the Director of the Surry Village Charter School. Commissioner Barry said that a vote is needed by the Board to approve a charter amendment for an increase in student enrollment. The proposed amendment increases the number of students from 92 to 99. The current language within the charter application states the Surry Village Charter School will accommodate approximately 92 students K-8. They would like to amend their charter from “approximately 92 students” to a maximum of 99 students.” The first day of school enrollment reached 97 students. Approval of this charter amendment would allow funding for all 97 students.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education authorize the Surry Village Charter School's charter amendment to increase maximum enrollment to 99 students in grades K-8.

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

B. The Birches Academy of Academics & Art – Approval of Charter School Amendment Student Enrollment Increase – Commissioner Barry said a vote is needed by the Board to approve a charter amendment for an increase in student enrollment. The proposed amendment increases the number of students for the 2014-15 school year from 192 to 196. The current language within the charter application states the expected growth for the 2014-15 school year is 192 students. The Birches Academy of Academics & Art would like to amend their charter to serve 196 students for the 2014-15 school year. The first day of school enrollment reached 196 students. Approval of this charter amendment would allow funding for all 196 students.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education authorizes the Birches Academy of Academics & Art's charter amendment to increase enrollment to 196 students for the 2014-15 school year.

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

AGENDA ITEM VII. LEGISLATIVE ISSUES

A. Adopted Rule for Ed 513.01, Basic Academic Skills and Subject Area Assessment and Ed 513.03, Highly Qualified Teacher – A vote is needed by the Board to adopt this rule filing 2014-69 which includes: Ed 513.01, Basic Academic Skills and Subject Area Assessment and Ed 513.03, Highly Qualified Teacher. The JLCAR has reviewed the final proposal at its August 21, 2014 meeting and the Board may now adopt the rule.

MOTION: Helen Honorow made the motion, seconded by Gregory Odell, that the State Board of Education adopt this rule filing 2014-69 which includes: Ed 513.01, Basic Academic Skills and Subject Area Assessment and Ed 513.03, Highly Qualified Teacher.

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 on the CAPE (Clinical Assessment Educators Preparation) National meeting she attended recently. Twenty-three states were represented at this meeting. There is a strong focus on concerns about educator preparation priorities. Higher Education has deep concerns about state teacher evaluations tied to student performance. There appeared to be little alignment with INTASC regarding state standards and educator evaluations. There is heavy focus on serious issues with VAM models. There is a task force being formed looking at equity in our schools as it relates to teachers (preparation, recruitment, retention, incentives, support).

AGENDA ITEM IX. OLD BUSINESS

There was no Old Business at this meeting.

AGENDA ITEM X. CONSENT AGENDA

- A. Minutes of August 14, 2014 meeting – The minutes needed to be amended.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to approve the Minutes of August 14, 2014, as amended.

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

- B. Minutes of Nonpublic Session August 14, 2014 Teacher/Farmington School Board – SB-FY-14-08-004 –

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, to approve the Minutes of Nonpublic Session August 14, 2014 Teacher/Farmington School Board – SB-FY-14-08-004 and to seal the minutes.

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

C. Wilton-Lyndeborough Cooperative School District Articles of Agreement, Amended March 2014 – Commissioner Barry said the Department has reviewed this request for a decision regarding the recently amended Articles of Agreement pertaining to the apportionment of capital expenses between the towns of Wilton and Lyndeborough. It is clear that the intent of the affirmative vote in March was to approve the renovation and to secure a bond with Lyndeborough's portion set at 96,564.00 per year of the bond. Since then the district has negotiated a 20 year bond that will result in substantial savings to the district. Because the intent of the voters was to limit the Lyndeborough share to 96,564.00 each year, the Department will allow the apportionment of the negotiated bond as described in the district's August 6th communication.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approve the letter dated August 26, 2014 regarding the apportionment of the negotiated bond as described in the district's August 6th communication.

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

AGENDA ITEM XI. TABLED ITEMS

There were no Tabled Items at this meeting.

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 Helen Honorow, to adjourn the meeting at 1:50 p.m.

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

Virginia M. Barry

Secretary

