

New Hampshire  
**State Board of Education**  
Minutes of the April 9, 2020 Meeting  
Meeting held telephonically due to the COVID-19 State of Emergency

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:02 AM. The meeting was held telephonically due to the COVID-19 state of emergency. Drew Cline presided as Chair.

Members present: Drew Cline, Chair, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro, and Helen Honorow. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner were also in attendance.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Chair Drew Cline led the Pledge of Allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

There was no public comment at this meeting, but the agenda notes that written commentary can be submitted to [Angela.Adams@doe.nh.gov](mailto:Angela.Adams@doe.nh.gov) to be published with the monthly meeting materials.

**AGENDA ITEM IV. COUNCIL FOR TEACHER EDUCATION (CTE)**

Laura Stoneking, NHDOE, Administrator, Bureau of Educator Preparation and Higher Education, provided a summary of the actions needed.

**A. Granite State College and University of New Hampshire—One-Year Extension for Approved Educator Preparation Programs in Response to the COVID-19 State of Emergency**

The COVID-19 State of Emergency necessitated the postponement of an onsite review at Granite State College originally due to take place the day of the current meeting. The next review is scheduled for November 2020 and although the department anticipates that that will continue as scheduled, the motion would allow a buffer to adjust the onsite reviews for Granite State College and the University of New Hampshire in the event circumstances warrant it.

Chair Cline noted that after conferring with Chris Bond, the attorney for the department, it has been agreed that it is not necessary to read every single Ed rule if the motion states that the extensions be granted for the approved educator prep programs listed in the summary in the packet.

Because the extensions for the two schools cover different dates, Chair Cline suggested two motions, one for each school, to be voted on separately.

**MOTION:** Cindy Chagnon made the following motion, seconded by Kate Cassidy, that the State Board of Education move to grant a one-year extension from August 30, 2020 to August 30, 2021 for the Granite State College approved educator preparation programs as listed.

**VOTE:** The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.

**MOTION:** Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education move to grant a one-year extension from May 30, 2021 to May 30, 2022 for the University of New Hampshire approved educator preparation programs as listed.

**VOTE:** The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.

#### **AGENDA ITEM V. CHARTER SCHOOL REPORTS/UPDATES**

A. Compass Classical Academy Charter School—Six-Month Charter Extension in Response to the COVID-19 State of Emergency

B. North Country Charter Academy—Six-Month Charter Extension in Response to the COVID-19 State of Emergency

Jane Waterhouse, NHDOE, Charter School Administrator, submitted requests for six-month extensions to the charter school renewals for Compass Classical Academy Charter School and North Country Charter Academy due to the COVID-19 situation in New Hampshire. The six-month extensions would be from September 2020 to June 2021.

As the extensions have the same start and end date, Chair Cline felt that both could be entertained in the same motion.

**MOTION:** Cindy Chagnon made the following motion, seconded by Ann Lane, pursuant to Ed 318.12 and Ed 318.13, that the State Board of Education authorize the extension of the charters for

six months for Compass Classical Academy Charter School and North Country Charter Academy. They are moved from September 2020 to March 2020.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.

#### **AGENDA ITEM VI. COMMISSIONER'S UPDATE**

Commissioner Frank Edelblut provided an update on the framework that they are calling "remote instruction + remote support = remote learning for students in New Hampshire."

Students across the state are engaging in various methods and modes of learning, with most engaged in computer internet-based instruction with their educators and curricular materials. Some students have less than adequate access to the internet, so some of them continue to learn in an analog-only environment. Other students are working in a blended environment. The Department is working hard to bring up the capacity of all students in the state to have electronic access, whether that means access to the internet or access to a computer device. The Department has had great cooperation from the schools, the communities, and its business partners and Commissioner Edelblut provided several examples of these. The Department has taken the approach of identifying where there is a gap and then trying to close that gap for each child.

In terms of student privacy, particularly with respect to the Zoom and Google platforms, Commissioner Edelblut has heard the stories of "zoom-bombing," including two prominent cases in New Hampshire. Generally, when zoom-bombings have occurred, it is because the users have not configured their software correctly to provide the right precautions. The Department has held multiple trainings for their educators and school leaders across the state on how to use the technology safely. So far, they have not had an instance in the school system.

In addition, in terms of support for students, the Department has stood up food programs. They have received waivers across the food programs relative to serving food over the April vacation. The school systems continue to serve about 50,000 meals a day to students across the state in a variety of ways, including centralized pickups, bus drivers dropping meals off, etc. The Department is awaiting a wavier that will provide some flexibility for its summer programming.

The Department has also spent a lot of time and continues to work on its support for those students with Individualized Education Plans (IEPs). Commissioner Edelblut sees this as a sequential three-tiered safety net. First, is the Department able to provide the services enumerated in a student's IEP in a

remote manner or mode of delivery? If not, can the services be provided in person in small cohorts or even one-on-one? Finally, if none of those options are possible, the students must be tracked in terms of what is not getting done and how they are performing relative to their IEP goals, with an eye to recognizing that the Department may need to create compensatory services. The vast majority of the schools around the state have really embraced the ability to focus on supporting all students, including those with IEPs.

The Department has been keeping a “hot list” of school districts that are struggling a bit more in this area, using red, yellow, and green statuses. Most schools have a green status in terms of working with parents and being able to deliver services. Eight districts are yellow and one remains red. The Department continues to work with those districts to encourage them to adopt creative practices that other districts are using.

In some cases, districts are trying to find opportunities for students to receive in-person services, although this necessitates working through apprehensions about the contact between the service provider and the students and parents.

Another area of concern relative to IEPs has been some COVID-19 hotspots in some of the student residential facilities. So far, none of those hotspots have affected any students specifically in terms of COVID-19; any cases have been in the adult populations. The residential programs are doing a great job of preparation in terms of supporting students while also keeping them safe. Safeguards include staff members who have stayed overnights on campus and limitations on people coming in and out of the facilities.

Initially, there was a pullback in terms of working with some third-party service providers. Those providers stood ready to continue to support students, even with the change in modality in how to provide services, so over time that gap has been closed somewhat. Some service providers are nonprofits and small businesses and may not be available and able to stay in business if the Department does not continue to allow them to work with students.

A related concern is transportation (bus) companies, who also do not currently have work. They are trying to work with districts individually, as each has their own contract. The Department is encouraging the districts to work with the bus companies and figure out what they need to ensure that the transportation companies will still be there to serve communities once everyone comes through the COVID-19 crisis.

The Department has started a hashtag: #NHLeadsRemotely. Positive stories of things happening in the schools are being shared with that hashtag. There is also a website, [www.nhlearnsremotely.com](http://www.nhlearnsremotely.com), where the Department provides guidance and resources to schools. Commissioner Edelblut encouraged

the Board members to check out both the website and the stories shared with the hashtag.

The Department also released a document of extended guidance the week of the meeting, which is a framework and tone-setting document to help people manage the circumstances on a longer-term basis.

The commissioner related that for about a month, the Department has been doing statewide calls three times a week with school leaders. The calls are a great conduit to get information out across the state. Those calls are then followed up with interim calls during the week with the leaders of nonpublic and charter schools. There are also calls with special education directors, facilities people, and residential program providers.

The governor will be making a decision soon as to whether things will continue in a remote instruction and support model. There is some anxiety among the schools to just make a call about whether to come back or not, but Commissioner Edelblut thinks it would be premature to make the call today. He reminds the schools that the governor has been trying to keep all systems in sync in New Hampshire. He also believes that they will have a decision no later than April 17 in terms of whether or not they will continue, but they want to be sensitive to making a decision that may later create incongruence if schools are closed but restaurants, etc. are starting to open back up.

Regardless of what call is made, the governor has committed to giving the system plenty of opportunity to pivot back if that's what the decision is.

After seeing some projections indicating that New Hampshire will peak [*in terms of COVID-19*] the Thursday a week after this meeting and then drop off dramatically toward May, Cindy Chagnon expressed a hope that the state will be able to get back to school and have senior proms and graduation. Commissioner Edelblut said that it was that kind of information that the governor was looking at when he talks about not rushing decisions. Beyond data, however, the additional considerations that need to be taken into account are perception and the potential for a rebound.

Sally Griffin asked whether the number of students not connected during remote learning is known. Commissioner Edelblut said he didn't know the answer in terms of internet connectivity. At this point, the majority of students are not in an analog environment and have some degree of connectivity. In terms of children who may just be dropping off the radar, in its extended guidance, the Department reminded education leaders of the mandatory reporting responsibilities relative to this new world. In addition, they have been working with the Division for Children, Youth and Families (DCYF), who put out additional guidance for educators that Department has shared on the weekly calls and posted to the website. That

guidance includes some guidelines for educators to be attuned to in terms of what abuse indicators look like in a remote environment.

Despite a lot of the messaging directed at families, some schools have had to put in some effort to get everyone connected, even if that means knocking on doors. Solving some individual problems may be needed to have the larger problems dissipate.

The commissioner has not heard of any students at this point in time who are completely off the radar.

Ms. Chagnon received a call about two weeks ago from a special education coordinator who was extremely stressed about whether they needed to have their paperwork in on schedule as the state regulations require. The coordinator was more focused on trying to get services set up for students, so trying to set up IEP team meetings seemed impossible. She asked whether this situation has been dealt with and if new timelines have been established. Commissioner Edelblut said at this point, the issue is more with federal deadlines than with state deadlines. The federal Office of Special Education Programs (OSEP) has not waived timelines at this point in time, although there has been a lot of conversation around that. There are some concerns that if the deadlines are waived, some children will not receive services.

The recently passed Coronavirus Aid, Relief, and Economic Security (CARES) Act requires the US Secretary of Education to ask for additional waivers of Congress. One area where a waiver will be requested is within the Individuals with Disabilities Education Act (IDEA), which would include that which Ms. Chagnon is asking about. Commissioner Edelblut does not know if waivers will be sought by the US Secretary, and if sought what they would be, and if they would be granted.

Work is being done on whether IEP meetings can be done telephonically and whether they can employ electronic signatures on some forms.

Helen Honorow reported that several people have pointed out to her that when students return in the fall, they very well may not be where they ordinarily would have been in academic achievement. These questions have come particularly from people in Title I schools where the support at home may face language barriers, parents who are essential workers, etc. Has there been thought about what things will look like when students are back in school, having been promoted to the next grade, but maybe are not at the mastery level? The commissioner replied that there has been. He noted that he was the last commissioner in the country to sign a waiver on assessments. His biggest hurdle was the Standard Assessment Test (SAT), because one thing he has learned in his job is the value of doing a school-day SAT, in particular for economically disadvantaged students who otherwise might not take the assessment. New

Hampshire is not able to run a school-day SAT for a variety of reasons, not the least of which is that they are the only state left and would have required the College Board to burn an entire cadre of expensive secure test items just for New Hampshire.

As a result, New Hampshire has waived all assessments for this year. They have created, however, a voluntary assessment that will probably be rolled out in early May as an open URL link. Teachers and families can use it. Users can enter their information or do it anonymously under a guest user option. Subjects covered will be math, English, and science. That will help get a temperature on how students are doing.

In terms of the fall, the commissioner is committed to running a school-day SAT in either late September or early October for next year's seniors. Relative to the New Hampshire Statewide Assessment System (SAS), they have talked about running one in the fall. New Hampshire does have a waiver from the federal government, so the state is not required to run that SAS from a federal accountability standpoint, but they would still like to know how students are doing. Some districts are pushing back saying they don't want the SAS and they will be doing local assessments. The current plan is that they could run those localized assessments, but would ask them to provide that information to the state so they can continue to build trend lines for students to measure their academic growth. That way the state can see where gaps have developed and make decisions on where to deploy funding to close them.

Ms. Honorow asked whether the same kinds of conversations are happening with charter schools around gaps in testing and where students are in relation to their peers? The commissioner replied that the conversations at the school leadership level include traditional public, charter, and private schools.

Ms. Chagnon asked about using Title I and Title II funds to close gaps in the fall and whether that would mean reallocation such that a school that had done really well with its students might not get what they were expecting from Title I and II? Commissioner Edelblut responded that with those grants, 90% of the funds are "pass through funds" and 10% of the funds stay at the Department for administration or state-level activities. The state-level activities are things that the Department can support across the state, for example professional development around math functions if they were seeing gaps in that area. In addition, the Department can make sure that the 90% that passes through to the schools are being invested in programs that will fill in those gaps.

The CARES Act that recently passed Congress contains about \$37 million of funding for New Hampshire schools. The funds will pass through the Department using the Title I funding formula and provide schools with additional supplemental funding of about 85% of what they receive for Title I. The schools will have broad latitude in terms of how they deploy those funds.

In addition, there is \$9 million of governors' education discretionary funds, which are supposed to be used by the governor to help those schools, including post-secondary, that are most impacted by COVID-19. The commissioner said he would encourage using these funds to make sure that gaps are closed for special education students and to focus on technology gaps for any similar events in the future.

Ann Lane asked for an update on how students at technical schools are doing. Commissioner Edelblut reported that this could potentially be a bit of a problem. In all of the CTE programs there is a combination of academic instruction and hands-on instruction with the equipment. The academic instruction can be continued, but there is a need to give students access to the equipment. It is becoming increasingly probable that this will be difficult to do. The Department is dividing up its cohorts of populations. The highest concern they have is for students who are seniors enrolled in a CTE program. Even within that group, some of those seniors may need CTE credit to graduate from high school. Currently, the state is trying to identify who those seniors are. The Department is also planning for a summer intervention at the various CTE centers that would allow those students to gain the hands-on experience and testing they need.

For some of those seniors, the Department may be able to graduate them on a competency-based level, but they may not have acquired enough hours to obtain their certifications. As a result, the state will try to find opportunities for them over the summer to get the required hours. Various industries require the students to have a certain number of practicum hours in order to get their licenses.

For students in the program who are sophomores or juniors, the state is trying to move instructional material from the fall and pull it back to the spring semester, with the idea that the fall semester would involve more practicum and hands-on work than usual.

Ms. Honorow asked about post-secondary education programs and students who are in a student teaching phase. With each program doing it differently, how are the Institutes of Higher Education (IHE) handling that so their students can be recommended for certification this year? Commissioner Edelblut replied that many of the students are from New Hampshire and are quite adept at shifting over to remote instruction and support model, so the practicums were continuing. Some students, however, reside out of state, so the practicum hours were an issue for them when the post-secondary schools went to remote instruction. The Department brought that to the attention of the secondary schools and at this point in time, everybody has been plugged in and is able to continue and will meet those in-service hours that they work toward. Some of the educators will receive an in progress license (IPL) [interim] license after they complete their programs. They will then have a full year to take their Praxis assessment, because the Educational Testing Service (ETS) is not offering it currently in this environment. The



Department then told superintendents that if they are thinking of hiring a cohort, a student on an IPL in this environment does not mean they have not successfully completed the program.

Another issue that has come up for post-secondary and some high school seniors has to do with some schools planning to only issue pass/fail grades in this final quarter of the year. The Department set out to understand how the post-secondary institutions view untraditional grading and accomplishment and also published some information for the university and community college systems in terms of students not being penalized in terms of admissions and scholarships. Some schools such as Plymouth State have said that even for poor performance, they would acknowledge that the students are under unusual circumstances and duress, so they will not be penalized. The Department has also worked with the New England Board of Higher Education (NEBHE) to ensure that New England colleges won't penalize students for admissions or scholarship awards. The National Collegiate Athletic Association (NCAA), however, has a draconian policy where if a student is in a pass/fail class, they will give that student the lowest passing grade possible. This could affect athletic eligibility and scholarships. The Department's conversations with the NCAA are such that they will likely change that policy and be flexible in its application. Currently, the NCAA is still dealing with the cancellation of March Madness, but Commissioner Edelblut believes that with a bit of time, they will be able to work through that policy.

Cindy Chagnon asked if the governor does decide to continue remote instruction for another five or six weeks, how would graduation and other ceremonies be handled (if there were any)? Commissioner Edelblut said there is no single or definitive answer because everyone is still looking at this issue and trying to figure out what it might look like. In addition to graduations, there are proms, other award nights, and other rites of passage that could be disrupted. Most schools that the commissioner has talked to are committed to trying to find an opportunity to do a physical graduation, even if they have to wait until early August.

## **AGENDA ITEM VII. TABLED ITEMS**

### **A. Capital City Public Charter School Status Change**

It was asked whether the meeting planned for the Tuesday following the Board's March meeting went ahead as planned. Attorney Chris Bond reported that some Department staff did meet with the auditor and counsel for the school. An update on the status of the audit was provided and they agreed to reach back out to the Department once the audit was nearing completion. Attorney Bond reported that the word he got was that the tenor of the meeting was one of cooperation and an attempt to be forthcoming.

Attorney Bond received an update on April 8 from the counsel for the school that the Department will see the first draft of the audit report this week. Once that

is received, Attorney Bond will get information together for the Board for May. The school has also represented to the Department that they have removed Stephanie Alicea from any financial obligations at the school. In addition, the chairperson of the board resigned suddenly and without notice, so they are now working on trying to get a replacement chair.

Sally Griffin asked whether the two audits were being done, one by the state and one independently? Caitlin Davis, NHDOE, Director, Division of Education and Analytic Resources, clarified that as it does with all first-year charter schools, the Department had to do a first-year audit of Capital City. That was why Capital City was originally called to the Board and then there have been continuing follow-up meetings. Outside of that, there is a monitoring process of funding that schools receive and as a result of that, Capital City had a next step of having an audit performed to make sure the federal funds were spent in compliance. She explained that all charter schools are required to have audited financial statements prepared every year, so the school is working with their auditor to prepare those. So there are actually three separate but similar reports going on currently.

Ms. Griffin asked for the status of the three: which preliminary audit materials is the Department expecting to receive this week? Ms. Davis replied that that would be the second audit, to make sure the federal funds were spent in compliance. Once that audit is complete, the auditor will move on to do the school's audited financial statements. The school is getting their books into a better place so that the auditor can move on to work on those audits for fiscal years 2018 and 2019.

Ms. Chagnon then asked about the removal of Stephanie Alicea, noting that she was in charge for a year and a half and questioning whether she is being held accountable for that time period? Ms. Davis replied that going forward, Ms. Alicea no longer has oversight of financial operations, but was not sure about possible accountability in the event of things having been misspent. Ms. Davis believes first they need to wait for the results of the audit. Attorney Bond agreed with that and added that the school's attorney has represented that going forward, Ms. Alicea will not be involved in any financial reporting or responsibility. It is still an open question as to accountability and that will be driven by the audit findings. The school is just trying to give the Department comfort that they have acknowledged that it's not appropriate for Ms. Alicea to continue to have any role in that regard. Attorney Bond takes that as a positive sign. The counsel also went out of his way to let Attorney Bond know that he represents the school and does not represent Ms. Alicea.

Chair Cline added that they are still waiting on clarifications of job descriptions and responsibilities that the Board asked for from Capital City at the last meeting. He also takes it as a positive sign that the school has communicated that Ms. Alicea will not have any oversight over money. It indicates that they are working on the process of clarifying those job descriptions.

## **AGENDA ITEM VIII. CONSENT AGENDA**

### **A. Meeting Minutes of March 12, 2020**

Ann Lane noted that the meeting minutes appeared to be accurate, but many speakers were left unidentified, so it is important to correct the minutes with the identities of the speakers. Angela Adams asked the Board Members to go back through the minutes and note where they spoke and, working with the video, she would update the minutes accordingly. Ms. Adams also noted that going forward, it would be helpful if the Board Members stated their names prior to speaking. In addition, because Ms. Adams was not present at the March meeting, she was unable to go through the minutes and correct who said what.

Helen Honorow referred to some missing comments she made at the March meeting during the general board discussion (*possibly after Steve Appleby spoke*) regarding her appreciation of the opportunity to see what the volunteers do to review post-secondary education programs. She would like those comments to be in the minutes. She offered to write something to be included. Chair Cline suggested that Ms. Adams go back and refer to the recording of the open board discussion to capture what was said.

Chair Cline noted that because the Board was going to edit one of the items in the consent agenda, they should remove it from the consent agenda.

**MOTION:** Phil Nazzaro made the following motion, seconded by Helen Honorow, that the State Board of Education remove the minutes from the March 12, 2020 State Board of Education meeting from the Consent Agenda.

**VOTE:** The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.

**MOTION:** Phil Nazzaro made the following motion, seconded by Helen Honorow, that the State Board of Education conditionally approve the meeting minutes of the March 12, 2020 State Board of Education meeting pending edits.

**VOTE:** The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.

B. ADOPT—Confidentiality and Record Retention (Ed 1102.04 h & Ed 1119.01)

C. FINAL PROPOSAL—Requirements for Specific Educator Endorsements (Ed 506 to Ed 508)

D. FINAL PROPOSAL—Renewal and Denial of Credentials (Ed 509, Ed 512 and Ed 513)

E. EMERGENCY RULE—Alternative Pathways (Ed 505)

F. EMERGENCY RULE—Special Education Teacher and Early Childhood Special Education Teacher (Ed 507.40 & Ed 507.41)

G. EMERGENCY RULE—School Year—Amend Ed 401.03(e) to address Remote Instruction Policies

With respect to items D and E on the Consent Agenda regarding emergency rules, Ann Lane asked for confirmation that no changes were made to the body of each rule. Amanda Phelps, NHDOE, Administrative Rules Coordinator, confirmed that there were no changes—these are the rules as they are in place currently and are under an interim rule status.

Cindy Chagnon noted that some of the comments seem to indicate concerns around credentials and the license. Ms. Chagnon asked Ms. Phelps if she was comfortable with what was written. Ms. Phelps responded that she was not and that what is before the Board will allow more time to make corrections/updates through the rulemaking process and Ed 505 is currently stuck in the Joint Legislative Committee on Administrative Rules (JLCAR) process and expired yesterday. As a result, they need to get the rules back in place and then all the other issues will be brought up later through the regular rulemaking process.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education approve the Consent Agenda.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.

## **AGENDA ITEM IX. ADJOURNMENT**

Angela Adams thanked Kim Wilson for standing in for her last month.

Chair Cline then thanked Fallon Reed, Chief of Planning and Grants, State Coordinating Officer, New Hampshire Department of Safety, Homeland Security and Emergency Management for facilitating this meeting.

**MOTION:** Cindy Chagnon made the motion, seconded by Ann Lane, to adjourn the meeting at 10:30 AM.

**VOTE:** The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Phil Nazzaro and Helen Honorow with the Chair abstaining.



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Secretary