

New Hampshire
State Board of Education
Minutes of the May 14, 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 9:00 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, Phil Nazzaro, and Helen Honorow. Cindy Chagnon was not able to attend due to another commitment. 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

No public testimony was submitted for this meeting.

AGENDA ITEM IV. COUNCIL FOR TEACHER EDUCATION (CTE)

Laura Stoneking, NHDOE Administrator of the Bureau of Educator Preparation and Higher Education, presented the Council for Teacher Education (CTE) items.

A. 2019 Peer Review: Annual Report

The CTE has added a peer review to the annual report and Ms. Stoneking provided a summary to the Board. Sally Griffin noted that she found it interesting, but cumbersome. Kate Cassady liked the report in terms of the feedback and seeing where everybody is up to date.

Helen Honorow also liked it, but found it difficult when the report referred to last year's report, which was not provided. She also had a concern on the last page where the section on continuous improvement was blank for UNH. Ms. Stoneking promised to look into that.

Chair Cline noted that he was not sure how useful or actionable it was for the Board as an oversight body to see what the institutions' aspirations were, especially as a lot of it was out of context. Phil Nazzaro felt there was no context that would allow him to analyze what was presented. Chair Cline also did not want

to overburden the Board and wondered whether the peer review could be presented more as a small booklet or white paper that looked holistically at each school.

B. Master Professional Educator Preparation Program (PEPP) Roster

Ms. Stoneking has been working on a list of all the programs the Board has approved, including how and when they were approved. The list is constantly changing and Ms. Stoneking reported that there are four programs that she needs to add to New England College's roster. Ann Lane said she found this to be out of context and would like more of a report on accreditations, etc., which would prevent things like what happened at Southern New Hampshire University (SNHU) from sneaking up on the Board. Chair Cline questioned whether Ms. Lane might have meant Plymouth State University (PSU) instead of SNHU. He also felt that it would be valuable input if the peer reviews could identify programs that are doing well, those that need help, and those that are really struggling.

Chair Cline said he really liked the Master Professional Educator Preparation Program [PEPP] Roster and it showed the magnitude of what is offered in New Hampshire, broken down by different institutions. Going forward, he felt it would be beneficial to think about how the State Board of Education should oversee so many programs that are constantly in flux. Can the peer review process be improved?

It was asked why some of the University of New Hampshire's programs are approved by the Council for the Accreditation of Educator Preparation (CAEP) and some by the Department of Education? Ms. Stoneking responded that under the Ed 600 rules, institutions have the option of selecting how CTE reviews their programs. If they have a national accreditation such as from CAEP, the CTE uses that review to make recommendations to the Board.

Ms. Honorow said in terms of the peer review, it is always good to know that people are policing their own. If context can be provided around the goals and how people did in relation to those goals, that would be very helpful. She is also glad that Ms. Stoneking put together the master roster. Ms. Honorow suggested that every time the Board gets a program to review, it might be useful for the members to have the roster to understand the context in which a program is being reviewed. She wondered when someone gets a conditional approval, for example, does Ms. Stoneking's department make sure that the required report is done? What happens behind the scenes when there is not a straight approval? Ms. Stoneking responded that institutions with conditional approval are required to submit a progress report to the Board every six months until they meet conditions. Ms. Stoneking also confirmed that she would be the person who monitored this.

Ms. Stoneking noted that for the last few months, she has been trying to encapsulate the historical aspect of institutions and programs when bringing

something to the Board for a decision. Chair Cline noted that he loves the historical backgrounds because of the context they provide.

C. Southern New Hampshire University (SNHU) Amendment to Recent Substantive Change

Southern New Hampshire University asked the Board to table the amendment to recent substantive change until the following month because they could not be present for today's meeting. The institution wants to phase out their bachelor-level programs for their secondary education licensure and move them into a clinical Masters in Education (M. Ed) program. After further research and the receipt of the Board's feedback, they have reconsidered phasing out the bachelor's, so they can offer a financially responsible option, but also allow for the rich in-depth master's level for students who already hold a bachelor's degree. A mandatory meeting for fall SNHU planning conflicted with their attending today's Board meeting. Ms. Stoneking noted that if approved, the Board would put the consideration of the amendment on the July agenda, not the June one.

Chair Cline said that considering he was concerned about the institution dropping the bachelor's programs, he was not sure they needed SNHU's explanation to consider the amendment. He asked whether anyone on the Board objected to the change. Ms. Stoneking said she wholeheartedly supported the amendment. Ms. Honorow said she did want to hear from SNHU because part of their initial reasoning had to do with resourcing. She wants assurance that the resources will be available around good quality educators, content knowledge, etc. Chair Cline said the document the Board has been provided clearly states that undergraduate and graduate programs will continue to be provided at the current high quality level with the infrastructure SNHU already has in place. Chair Cline believes it would be appropriate to approve them.

Ann Lane noted that her daughter is in limbo currently, not knowing when her education will resume, so as a parent of a college-age student, Ms. Lane would support approving the amendment at today's meeting. Students need to know what is available to them.

Mr. Nazzaro believes that the discussions SNHU are having at their own meeting today (*the reason they can't be at the Board meeting*) will impact what SNHU and its campus looks like moving forward, so it would be good to hear from them. If the Board moves to approve, however, he will support that as it is not mandating anything.

With respect to the limbo question, Ms. Honorow noted that the original proposal was a "teach-out" and students in the programs were going to be able to complete them. She then asked whether it would be possible to add SNHU to the June agenda and Ms. Stoneking said that it could be added instead of waiting to July. Ms. Lane said that her concern was not with students in the program, but

those coming in to begin their undergraduate program. Chair Cline shared that concern, although he is okay with tabling this issue until June.

MOTION: Helen Honorow made the following motion, seconded by Sally Griffin, that the State Board of Education honor Southern New Hampshire University's request to table their amendment to recent substantive change and that they be placed on the June agenda.

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

D. Plymouth State University (PSU) Extension Request

The meeting was joined by two representatives from Plymouth State University (PSU): Dr. Mary Earick and Brian Walker. Ms. Stoneking explained that PSU has several situations around the current expirations for programs. At today's meeting, PSU is asking for two extensions for the programs listed in the Board materials. One extension, made to align with a CAEP review, requests that the expiration be moved to August 2020. The second, made to align with a different part of their CAEP review, requests the expiration be moved to February 2022.

Dr. Earick stated that the first request was made so that an official letter about the CAEP review could be presented to the Board at the June meeting (*the letter will not be received until late June*). The second request was made because the next accreditation cycle for PSU's advanced programs is spring 2021. PSU is bringing all of its national accreditation into alignment with CAEP.

Chair Cline asked for more background on the CAEP review for the first group of programs. Dr. Earick stated that PSU passed every standard in its targeted CAEP report, with two areas for improvement, which is not uncommon and does not prevent approval. PSU's board will vote on the report, resulting in one of two outcomes: full approval or approval with a stipulation for an additional report within a 24-month period.

Ms. Honorow stated that in her view there has been a history of PSU not being cooperative or responsive to the issues raised by the Board and the Department. She recalled a disagreement about the CAEP review where PSU pulled out and said they would do a different review. She also pointed out that the meeting materials note that PSU's 2019 Intuition of Higher Education (IHE) CTE Annual Report is marked "not submitted."

Dr. Earick responded that the Department of Education did an onsite visit in March 2018. She was told that with the onsite visit and a report submitted, PSU

did not need to submit an annual report that year. Ms. Stoneking explained that she was not in a position to speak to that as it was before her tenure at the Department. Ms. Honorow asked whether that happens generally and Ms. Stoneking said there is some confusion with a singular institution with clusters of programs with different expiration dates. An onsite review could address some programs and not others if the programs have different expiration dates.

Brian Walker said he is the representative for PSU on the Council for Teacher Education (CTE). He attended the Board meeting in November 2019 regarding a progress report and spoke with Chris Ward. The understanding was that PSU did not have to put forth number 4a [*on the printed materials provided to the Board at today's meeting*].

Ms. Stoneking asked whether Dr. Earick could provide any documentation that PSU did not need to submit an annual report for those outlying programs. Dr. Earick responded that that information came from the administrative assistant who supported the person in the job before Ms. Stoneking. Angela Adams stated that Marie Blanchard is no longer in that position and has not been for over two years. Dr. Earick said she would go through her emails, but also wondered if she could reach out to the chair of the CTE that year.

Ms. Honorow asked Dr. Earick whether she could just submit the CAEP report she did for that year and Dr. Earick replied that she could do that immediately. Ms. Stoneking noted that the annual report for the Department is completed electronically through Survey Monkey, however, and the window for 2019 has closed. Also, what CAEP requires is vastly different from that of the Department and CTE annual report. The next window to submit will not be until fall, for the 2020 annual report. Ms. Stoneking already has the CAEP report from PSU, but she would have to pull out and extrapolate all the applicable information. Dr. Earick also emailed the CAEP report to Ms. Stoneking while this discussion was taking place.

Ms. Honorow remarked that the CAEP report is not what should be submitted for an annual report. Dr. Earick clarified that she fills out Survey Monkey for the CTE, using the data that she sends to CAEP. She did not do this in 2018, however, because she was advised that it was not necessary to do that second step.

Ms. Honorow asked for an assurance that the Board will get complete compliance and cooperation from PSU with all of the Department's and CTE's requirements. Dr. Earick replied, "Absolutely," but noted that PSU has no control over CAEP and its dates. In addition, the Department is invited to come to all of PSU's national meetings. For the past two-and-a-half years, PSU has been trying to align all of its programs on one calendar with its national accreditation.

Chair Cline noted that in 2018, PSU communicated that they were not going to go with CAEP, so he is happy that the school is re-engaging with them. Dr. Earick clarified that PSU is now dual nationally accredited with CAEP and Association for Advancing Quality Educator Preparation (AAQEP).

Chair Cline said he did not see a problem granting the extension for the first programs, but the last four programs were ones that the Board had conditionally approved due to certain issues. He wondered what assurance the Board has that PSU has addressed those issues? Dr. Earick stated that those four programs were on a separate timeframe with the National Council for Accreditation of Teacher Education (NCATE), who has extended their accreditation through December 31, 2021. Dr. Earick is fine with having another onsite visit if the Board wanted to do that in the fall. In addition, on an annual basis, Dr. Earick will be reporting all of PSU's data to the Department. If the Board wants additional reports or assurances, she is willing to provide those annually.

Chair Cline asked about follow-up that the Board was supposed to have received on the four programs that were approved conditionally in August 2018. Dr. Earick said that she had sent two progress reports to the CTE. Ms. Stoneking said that based on the Board's meeting minutes, the first progress report was submitted on time in May 2019. The date for the second to be submitted was July 2019 and presented to the Board at the November 2019 meeting. Chair Cline apologized for not having that November report at the Board's fingertips, but recalled that it was largely positive.

Ms. Lane said that she was uncomfortable providing an extension before the CAEP approval. If PSU were not to receive the CAEP approval, what are the consequences should that happen? Dr. Earick stated that that could not happen under CAEP's rules, as you have to fail one or more standards. She said that PSU will either get full accreditation or full accreditation with a stipulation for additional data in two years. A final letter from CAEP should arrive no later than June 25. Ms. Stoneking shared a recent communication from Chris Ward, CTE chair, who also is involved with CAEP, although Ms. Stoneking could not recall his title. It cautioned that while in most cases the recommendations are passed through and accepted by CAEP, there are no guarantees. While they hope and expect that CAEP will vote to change PSU's probationary accreditation to full accreditation based on the recommendations in the site visit report, it is possible for CAEP to come to a different conclusion.

Dr. Earick responded that while it is correct that they can add a stipulation, it will come from the Areas for Improvement (AFIs). If you have a stipulation, then you can fail a standard. PSU did not go into the final review with any stipulations. On April 25, the final report was submitted and there are no stipulations listed, although there are two AFIs. She did note that they could create a stipulation based on those AFIs. Dr. Earick discussed possible outcomes with Ben Frattini, Senior Accreditation Associate with CAEP, and determined that there are two possibilities:

1) full accreditation or 2) changing the AFIs to stipulations. In this latter case, PSU would still have accreditation and probation would be removed.

Sally Griffin asked whether it would be possible for the Board to grant an extension until the next Board meeting, at which point PSU would have all their CAEP reports. Dr. Earick replied that that would be fabulous and confirmed with Chair Cline that PSU would have their CAEP accreditation decision for the next Board meeting.

Ms. Cassady asked why PSU is late if the report expires on May 31? Dr. Earick said that it is a function of CAEP only holding a meeting once a year. Moving forward, Dr. Earick would like to get decisions a year early, so the decision letter comes in six months prior to having to go to the Board. Ms. Cassady reiterated her concern with PSU meeting deadlines

Ms. Stoneking said there might be confusion between the CAEP accreditation timeline and what that means for Board approval. She believes whatever pathway the institution selects, that information has to go forward to the Board. The information from national accreditors can be used, but the date is the one that the Board grants, regardless of CAEP or any other national accreditor's deadlines.

MOTION: Sally Griffin made the following motion, seconded by Kate Cassady, that the State Board of Education grant Plymouth State University a one-month extension of 15 programs to June 30, 2020.

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

Chair Cline asked Angela Adams to send the entire Board the PSU progress report that was in the November 2019 Board meeting materials packet. He also asked Ms. Stoneking to provide to the Board any other updates or follow-up material that occurred at the state level relevant to PSU since November. Dr. Earick stated that the response from CTE to PSU's progress report might be relevant in this context.

AGENDA ITEM V. LEGISLATIVE UPDATES

A. Initial Proposal: Remote Instruction—Basic Instructional Standards and School Year (Ed 306.14 and Ed 306.18(a)(7))

Amanda Phelps, NHDOE Administrative Rules Coordinator, began with a summary of the process around the emergency rule that is in place versus the

proposal in front of the Board at today's meeting. The emergency rule for Ed 306.18(a)(7) will be in effect until September 8, 2020, at which point it would revert to its original wording, which would require school districts to submit a plan to the commissioner. The approval of the initial proposal for Ed 306.14 and Ed 306.18(a)(7) would begin the process of implementing a regular rule. The Board would hold a public hearing for the rule in July and if all goes smoothly, the rules could be adopted as early as September 10, 2020, just two days after the emergency rules expire. If the rules got held up, there is no statute preventing the adoption of another emergency rule while the regular rulemaking process is finalized. These rules are designed to provide flexibility for school districts while the School Transition Reopening and Redesign Taskforce (STRRT) works on providing preliminary recommendations about return to school. If the Board finds that the work coming out of that taskforce requires rulemaking, recommendations could be implemented during the final proposal phase.

Ms. Honorow asked about the modification in the emergency rule, where it states, "the plan shall include procedure for participation by all students." She asked why that was done with the concerns about students with disabilities? Ms. Phelps stated that everything was taken out of Ed 306.18(a)(7) and put into Ed 306.14. Ms. Honorow questioned whether "accessibility by and inclusion for both individual and school-wide uses" is the same as "participation of all students"? Ms. Phelps stated that in the original rule, they took out "participation by all students". Chair Cline stated that the intent is to absolutely include those students, so if tightening of that language needs to be done, they are open to that.

Ms. Honorow stated that "participation by all students" did not sound as robust as "accessibility for all students." She also noted that although accessibility certainly applies to students with disabilities, it also needs to encompass students who do not have iPads, for example.

Chair Cline responded that it includes "accessibility" and "inclusion" because the "accessibility" was supposed to address the issue without regard to defining it too narrowly, whether it is a student with an IEP or a child without a computer. In addition, "for both individual and school-wide uses" means that districts should be able to do both school-wide remote instruction, but should also be able to offer individual remote instruction. The Department is looking at returning to school in the fall and there needs to be options available to children with individual issues that do not allow them to safely come back until there is a vaccine.

Ms. Honorow suggested adding "for all students" to the phrase. After further discussion on the exact wording, there was consensus that it would work to restate the beginning of 9 as "remote instruction for all students which shall include", followed by the a), b), and c) statements. Chair Cline worried that an administrator might feel like they had to offer remote instruction for the entire district and it might

be better to state, “remote instruction accessible to all students, which shall include.”

Ms. Honorow asked if the intent of the policy is to have every school district provide remote instruction to any student who wants it, regardless of whether or not they have a medical issue. Chair Cline replied that they would need to look at that going forward, because the uncertainty may last a year or two or three. He felt that what the rule is trying to accomplish is for districts to have the capability to offer remote instruction if needed. The intent was also a permanent rule that would do away with districts having to get permission from the state to do remote instruction beyond a five-day weather emergency. The goal is to give districts the ability and structure to offer remote learning on a permanent basis that is not tied to emergency orders.

Ms. Honorow stated that to her, the rule as written, says that the districts would have to offer remote learning to anybody, without limitation, beyond the emergency situation we find ourselves in. It was noted that people cannot be forced to disclose HIPAA-related information, including medical information relative to a child, parent, grandparent, or caregiver.

Chair Cline noted that they did not want to tie this to an emergency order, weather declaration, or pandemic because they want the remote learning capabilities to be available and accessible and not something that has to be suddenly ramped up or even created from scratch.

Ms. Honorow reiterated that she worried about telling districts they have to offer *a la carte* education. There might be cases where a family wants remote learning because of an unresolved bullying situation, for example. Chair Cline agreed they could work on the language to make it clearer, while noting he is reluctant to write in language that restricts based on emergency, health status, etc. They want this to be accessible to all children going forward. He suggested putting in language about the district working with the family if it is not a school-wide issue.

Commissioner Edelblut noted that there may be educators who today may not feel comfortable being in instructional environments but are quite capable of providing a remote instruction option to the students they serve. Again, the Department has to be sensitive of not soliciting information because they do not have the right to adjudicate people’s health information.

Ms. Honorow then wanted to make clear that she was not suggesting that remote learning should be offered to a student who felt they were being bullied as there are many other options in the current education system. Her worry is that the current language tells the district “you must”. She would not be reluctant to include some parameters on remote instruction. She feels the way it is written, if a student wanted remote learning for three weeks while they went on vacation with their family, the district would have to provide that.

Mr. Nazzaro said that while he is all for granting districts the ability to offer remote instruction, he wants to ensure that the Department is not creating an unfunded mandate that forces districts to do two distribution channels at all times. While he is not inclined to provide a list of things that allow a district to go to remote instruction—a list that might not have included a pandemic six months ago—he would like to see some way to ensure that districts are not required to have two distribution channels, which could be financially burdensome.

Ms. Lane noted that under “remote instruction for all students which shall include,” item c) is confusing in terms of whether the students are assessing themselves or the students are being assessed. The language under c) needs to be made clearer that it is student work that is being assessed and not students who are assessing. Chair Cline accepted Ms. Lane’s point about c) and suggested it could read “assessment of all student work.”

Second, Ms. Lane has a concern about how the state would know that districts are actually complying, especially as it pertains to students with individual learning plans, students with economic disadvantages, and minority and English language learners. In a more permanent remote learning situation, how would the Board know it is being delivered to the most vulnerable students? Chair Cline said that was an issue that is ever present. You cannot monitor that in a real-time way and you find out by complaint.

Chair Cline is happy to work on the language in these areas, but is reluctant to put in a checklist of when to offer remote learning. The districts need to scale up this capability and have it ready to deploy. This is the beginning of a process to get the rules in place and we have until September to tweak the language.

Ms. Honorow said that her concern was not coming up with a list, but that the current wording requires the school districts to have a remote learning program in a very broad way. She feels it needs some limiting language, such as “remote instruction when necessary.” The mandate would be a huge burden for districts to contend with when eventually they are back to instruction within the brick-and-mortar school building.

Chair Cline disagreed with the characterization of this being an unfunded mandate. The Department requires districts to have instructional materials and all kinds of things. In addition, the districts are all doing remote instruction already.

Chair Cline is not opposed to putting in limiting language, but he does not know what that would be at the moment.

Commissioner Edelblut said that the Department is planning for all kinds of eventualities, so the more tools in the toolbox, the more helpful. He recommended

moving forward in order to help the superintendents know what September will look like, even if the language will become more precise later.

Mr. Nazzaro likes the policy so that the local districts do not have to come to the state every time [they might need to go to remote instruction], but his comment about an unfunded mandate referred to the districts having to move from a single distribution channel (all brick-and-mortar or all remote learning) to needing to maintain two distribution channels simultaneously.

Ms. Honorow asked whether it might be worded, “In remote instruction, when necessary,”? Chair Cline said he would be open to that, although he was not sure how one would define “necessary.” Ms. Honorow responded that the school district would be the one coming up with the plan. Mr. Nazzaro suggested language authorizing the local administrations to make the call on switching to remote instruction.

Ms. Cassady asked why they can’t just write these emergency instructions and policies solely for COVID-19? Chair Cline said it was because they wanted it to encompass additional future viruses, weather events longer than five days, and future events that cannot be anticipated now. It also has to encompass children who might have health vulnerabilities to COVID-19 or other diseases who would continue to be at risk even after the expiration of an emergency order. Ms. Cassady said she shared Ms. Honorow’s worry about potentially presenting an option to students and their families to stay home one day and go to school the next or take remote learning while vacationing in Europe for three weeks.

Chair Cline said that was why they want to hear from superintendents. He also asked why wouldn’t you want a student who was home with the flu for a week to have remote instruction? Remote instruction is not being defined as video access to the school. A lot of the remote instruction taking place now is essentially homework assignments. Chair Cline believes that adding “when necessary” would be beneficial, for example in stopping instances where a child just does not feel like going to school that day.

Chair Cline explained that this is an initial proposal and will be widely distributed for input from the field. He does not anticipate that the final rule will look anything like the current initial proposal. There is a balance to be found between going too far and restricting things too tightly.

Mr. Nazzaro said he would agree with the idea to add “when necessary” after “remote instruction.” He would word it “when deemed necessary by the local school board,” so it is not open to interpretation as to who decides what is necessary. Chair Cline thought it may come to that, but he is reluctant to reference the local school board or the state at this point.

In preparation for a motion, Ms. Phelps read the rule with the amendments that had been proposed during the discussion:

Remote instruction for all students, when necessary, which shall include a) academic work equivalent in effort and rigor to typical classroom work; b) accessibility by and inclusion for both individual and school-wide uses; and c) assessment of all student work completed during remote instruction.

Ms. Cassady stated that she was still not comfortable with the word “necessary” because it is open to interpretation. Chair Cline agreed, but said it provides some tightening and it will probably be tightened further as the process moves forward. It eliminates some willy-nilly requests for remote instruction.

Ms. Honorow said she liked what Mr. Nazzaro proposed in referencing “as necessary by the school district or school board.” Chair Cline said he does not like that at this point in the process because it cuts parents out of the discussion. It provides no recourse for a parent who, for example, might have a child with a medical issue. He reiterated that this is an initial proposal and he would strongly oppose giving *carte blanche* to the state or district to determine “necessary.”

Chair Cline invited the Board members to send further thoughts on this topic to him, Ms. Adams, the Commissioner, or all three of them.

MOTION: Ann Lane made the following motion, seconded by Sally Griffin, that the State Board of Education approve the initial proposal for Ed 306.14 and Ed 306.18(a)(7), Remote Instruction—Basic Instructional Standards and School Year as amended.

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

Ms. Cassady asked when the wording would next be worked on. Chair Cline replied that the initial proposal will go out to the superintendents and stakeholders and Ms. Phelps will solicit feedback. Chair Cline does not want to mess with the wording until that feedback starts coming in. There will be a public hearing in July, which would leave May to July to take that feedback.

AGENDA ITEM VI. PUBLIC SCHOOL APPROVAL

A. School Year Waiver Requests in Response to the COVID-19 State of Emergency

Nate Greene, Administrator of the NHDOE Bureau of Educational Opportunities, provided an overview of the waiver requests. The Department let public and non-public schools know that if they were not in a position to complete the minimum requirements for a standard school year, they would need to request a waiver from the Board.

A number of schools and districts reached out for waivers based on the 180-day calendar, but it turned out they were more than meeting the minimum requirements for instructional hours.

Two nonpublic schools would require a waiver of time in order to end school on the days they were requesting for this year. They are St. Thomas Aquinas and Cardigan Mountain School.

Ms. Lane asked whether there were any requests from public schools, and Mr. Greene replied that the requests from public schools all turned out to be far above the minimum requirement for instructional hours. The requirement for school districts is either/or, so those schools did not require a waiver.

Ms. Lane asked whether Mr. Greene had any reason why the Board should not approve the two waivers for St. Thomas Aquinas and Cardigan Mountain School and he replied that he did not.

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approve the school year waiver requests in response to the COVID-19 state of emergency for Cardigan Mountain School and St. Thomas Aquinas.

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

In closing, Mr. Greene noted that the speed with which New Hampshire moved to remote instruction kept instruction rolling and helped eliminate the need for a large number of end-of-school-year waivers.

AGENDA ITEM VII. NONPUBLIC SCHOOL APPROVAL

A. Commissioner's Nonpublic School Approval Designation Renewal Report

Shireen Meskoob from the NHDOE Bureau of Educational Opportunities presented her office's review of 23 renewal applications from schools whose approvals expire June 30. A vote is needed to accept and approve the

recommended designations for the 23 nonpublic schools. Eighteen of the schools seek to renew their attendance approval status and five schools seek to renew their program approval status.

An important clarification is that each of the 23 renewal reports included in the Board members' packets has boxes that were left unchecked. Unchecked boxes are not an indication that a school failed to submit relevant information for its renewal, but merely indicate that there were no changes in that category since the school's last filing. To avoid confusion, Ms. Meskoob will make sure that every section of the checklist is marked from now on.

Ms. Honorow noted that some schools are approved for attendance only, but then it also says they are approved to have special education students attend. She asked for a clarification on how the districts can send special education students to a school whose program is not approved. Ms. Meskoob replied that there are two different kinds of program approvals. If the Department approves a program for special education, it means it has worked with the Bureau of Student Support to ensure that they have special education programs that qualify to take in students. Program approval for nonpublic schools, on the other hand, is completely separate from special education and deals with accreditation.

Ms. Honorow said she thought she understood that schools can be specially approved to take special education placements, but she thought it was no longer permitted to have a student with an IEP attend an unapproved program. She also asked about the language that stated the schools were receiving approval for compulsory attendance only and that the school may neither claim nor imply that their educational program has received the approval of the State Board of Education. While generally Ms. Honorow would be happy about that language, she wondered what would happen, for example, in the case of a parent who asks whether a program is approved when it is offered at their IEP meeting? How is that distinction around the special education program piece being made to parents?

Mr. Greene replied that the special education approval is done through the Bureau of Student Support, which is separate from this approval process and is far more rigorous. The Bureau of Student Support has a list, which it posts on its website and provides to school districts and parents, that indicates which of the nonpublic schools has the special education program approval designation.

Commissioner Edelblut explained that these approvals are approvals of a school for attendance, whereas the special education approvals are for the approval of the special education programs.

Moving forward, Ms. Meskoob said she will be very explicit in saying "nonpublic school approval" versus "approval of special education program by the Department."

Ms. Lane noted that the report states that Pioneer Junior Academy follows the [Northern] New England Conference calendar. She asked how the Department will receive confirmation that their calendar satisfies 180 days as all the Board can approve them for is attendance? Ms. Meskoob said that the school submits a copy of the calendar. In fact, it is an added assurance to also have the Northern New England Conference making sure that Pioneer abides by New Hampshire law.

Ms. Lane noted that four schools submitted their requirements on time, for which they should be commended. In addition, five of them mention the recently approved code of conduct in their handbooks, which Ms. Lane was pleased to see, but was curious why other schools do not mention the code of conduct, although she acknowledged they are not required to.

Finally, if the measure is approved, Ms. Lane would like to see Hampshire Country School, the Pioneer Junior Academy, and Sant Boni School all have a stipulation attached to their approval that states that in future, it would be greatly appreciated if they submitted their requirements on time because it puts an unreasonable burden on the Department when they are months late. Ms. Meskoob promised to relay that to those schools. Also, the schools have the General Statics of Nonpublic Schools (A3N) form and Restraint and Seclusion reports due at the end of June so she will focus on getting the schools to submit those on time.

Caitlin Davis, NHDOE, Director, Division of Education and Analytic Resources stated that they started adding late submission dates for informational purposes because the Department does not have any recourse for nonpublic schools when they fail to meet various reporting requirements. They were hoping the extra level of visibility may incentivize schools to report on time.

Ms. Lane reiterated that a note could be included with their approval letters that the Board recognizes that they have not been timely and, in the future, it would be appreciated if they were. Ms. Meskoob said she would do that.

Ms. Meskoob also noted that in reference to the code of conduct, she and Mr. Greene are working with the Department attorney to make sure with every school that there is guidance available and references to things such as the code of conduct in ensuring that the grievance policy on public disclosures is thorough and well-thought out.

MOTION: Ann Lane made the following motion, seconded by Kate Cassady, that the State Board of Education accept and approve the following schools for continued attendance approval status for the period of July 1, 2020 through June 30, 2023: Bethlehem Christian School, Dublin Christian Academy, Granite Hill School, Laconia Christian Academy, NFI North, Inc. - Davenport School, NFI North, Inc. - Contoocook School, Parker Academy, Pine Haven Boys

Center, RSEC – Academy, RSEC – Longview, RSEC - Vista Learning Center, Second Start, Spaulding Youth Center, The Cornerstone School, Wediko Children Services, Inc., White Mountain Waldorf School, Windham Woods School, and Woodland Community School

MOTION: Ann Lane made the following motion, seconded by Kate Cassady, that the State Board of Education approve the following schools for continued attendance and program approval status for the period of July 1, 2020 through June 30, 2025: Bishop Brady High School, Hampshire Country School, Pioneer Junior Academy, Sant Boni School, and Shaker Road School.

VOTE: The motions were approved as a slate by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

AGENDA ITEM VIII. CHARTER SCHOOL REPORTS/UPDATES

A. Amendment to Northeast Woodlands Public Charter School's Charter

Jane Waterhouse, NHDOE Charter School Administrator, explained that Northeast Woodlands Public Charter School wishes to amend their charter by adding a preschool program. She introduced Jesse Badger, Chairman of the Board of Trustees of the Northeast Waldorf Education Foundation, to speak about the amendment.

Chair Cline wanted to first note that the State Board of Education has no oversight of pre-K programs. This charter request would not give the Board any authority to regulate that as an educational program. Mr. Badger confirmed that this amendment is a business organizational issue and not an education issue for the Board.

Mr. Badger stated that Northeast Woodlands is well into the hiring process for faculty and administrators and they have nearly 100 applications already through open enrollment for next fall. It has been brought to their attention that the school would be better served to have a pre-K program that accompanies their charter, for not only charter student siblings, but also as a feeder into the charter.

Mr. Greene noted that standalone pre-K's and daycare centers fall under the authority and licensing of the Department of Health and Human Services (DHHS). There is a statute, however, that states that if you are attaching a preschool or daycare center to a K-12 institution, you are now exempt from the DHHS licensing requirement. It tosses the ball back toward the Department of

Education. As a result, at some point the Board may want to have a discussion around that and the associated authority.

In this specific case, because the Board has the final authority on charter schools, they wanted to bring it forward, even though the Board does not have oversight over any academic programs or aspects of a preschool program per sé.

Ms. Cassady congratulated Mr. Badger and Northeast Woodlands for an excellent job. She also liked the preschool idea with the associated transition to kindergarten.

MOTION: Kate Cassady made the following motion, seconded by Phil Nazzaro, that the State Board of Education authorize Northeast Woodlands Public Charter School to amend the charter to include an early childhood preschool program and to change the school's growth plan to allow for an increase in enrollment of 15 students each year.

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

AGENDA ITEM IX. COMMISSIONER'S UPDATE

Commissioner Frank Edelblut shared some of the work being done by the newly formed School Transition Reopening and Redesign Taskforce (STRRT), which is scheduled to have its first meeting later today.

STRRT is very broad and is structured with workgroups focused on specific domains and two members from the workgroups are members of the larger taskforce. There are approximately 60 people, providing input from across the community. The Commissioner recognizes that local control is strong in New Hampshire and the districts have quite a bit of autonomy in managing their districts.

STRRT will make recommendations to the governor to use in his decisions about health policy and to the Department to support schools and school leaders. The information will be framed by data and input that STRRT receives from Health and Human Services, who is a participating member in this work.

The workgroup domains are instruction, student wellness, operations, and technology and an additional two crosscutting workgroups comprised of associations and students/student input.

The number one goal for September is safety for students. Because risk can be reduced but not eliminated, what will that look like? Another goal is comfort.

When you are not able to eliminate 100% of the risk, how do you create a system to that accommodates students, families and educators who are approaching education with various information that the Department may or may not be able to ask about? Can the Department support all of its learners and educators recognizing that risk tolerance is going to be different for different people?

STRRT also wants to be responsive to the information that has been gleaned through the current remote instruction process. If a similar pivot to remote instruction has to be done again in future, it should be easier and less disruptive.

It is somewhat odd to have a taskforce developing recommendations for an ambiguous future, ranging from full access to buildings to limited cohort access to buildings or no access to buildings. In addition, the circumstances may change over the months.

STRRT is also focused on the opportunities to raise quality standards across the board with remote instruction and to lessen the variability in the experiences of students, families and educators. That variability occurs not just from one school system to another, but even within a school.

STRRT is going to survey its constituent communities extensively and pull that information together. They hope to have some summary recommendations to school leaders and the governor by the end of June. That will then be followed up by a more detailed report.

STRRT is working with the Region 1 Comprehensive Center, which is a company funded by the US Department of Education to provide support to state educational agencies. They are providing professional facilitators to help with meetings and some of the surveying.

Commissioner Edelblut does not expect a homogenous response as they move forward, as some districts will have certain protocols in place and other districts will have other protocols. As a result, STRRT is trying to equip local school leaders to be as effective as possible.

Ms. Honorow asked whether it is possible to get a draft version of the [remote instruction] rule that is being proposed to the appropriate STRRT work group at today's meeting? Commissioner Edelblut said he would bring it, but he was not sure if it would be appropriate to introduce it now. It probably should be introduced first at the workgroup level to get input. He also felt it was important to get input from across the domain groups as it is relevant to most of them. He said he would make sure that STRRT has an opportunity to weigh in on it.

Ms. Honorow then referred to Commissioner Edelblut's comments at the last Board meeting about trying to devote some resources and time to assess the gaps for students when they return to [brick-and-mortar] school. Ms. Honorow

reported that she is hearing from a number of educators who are demoralized because some students have checked out or are “sick of it.” The educators are doing the best they can, but are feeling like there are limitations. She asked the commissioner to update the Board on assessing the gaps and whether professional development might play a part.

Commissioner Edelblut said the Department is putting together a professional development program for educators to access remotely. It is a formative assessment for the educators themselves to determine the knowledge and skills gaps a student might have and then formulate a curriculum to meet those needs. The universal design for learning platform is being used as a framework.

From a top down level, the Department is continuing to plan for its spring assessment, which is an open URL assessment that students, families, and educators can use. The Department is currently negotiating with the vendor on what the output will look like because they have not been happy with how it was coming out.

The Department is still having conversations relative to the approach they will take in the fall in terms of measuring student learning gaps that may have developed during the pandemic.

Ms. Lane said that she has a close friend who is a reading specialist that works in a lower socioeconomic district. The reading specialist reports that when the children are in the building and she has access to them, she has reasonable success. Now that the students are not in the building, she is challenged to even have contact with her students. If remote learning continues, Ms. Lane is greatly concerned about the progress that these children will make due to the limited access to them.

Commissioner Edelblut said that was a concern that many people across the state and probably across the nation share. He did not have an easy answer, but he reiterated the professional development he spoke to Ms. Honorow about, which includes tools for the remote world. Also, on a recent school leader call, they had DHHS on the call and they shared materials relative to contact with students. They want to make sure that no students are falling off the radar.

Ms. Griffin commended the commissioner for his extraordinary work in these unpredictable and challenging times. She is eager to see the results of the STRRT.

AGENDA ITEM X. OPEN BOARD DISCUSSIONS

Ms. Lane asked about a piece of the charter school law that states that every November 1, whoever oversees the charter school law develops a report [194-b:21 Oversight Report]. She asked whether that happened last November

and whether the Board could get access to that report? Caitlin Davis reported that the report is prepared by the Charter School Oversight Committee of the legislature and they did not meet last year. They met one time this spring with the intention of meeting again after that, but then the COVID-19 state of emergency happened. She and Mr. Greene attended one meeting where they did not have a quorum, so they rescheduled. The rescheduled meeting was subsequently cancelled. Ms. Davis believes that the last time they filed a report was around 2012 or 2014.

Ms. Lane found that curious as the law states they are supposed to submit it yearly. She asked when the next report was expected? Ms. Davis stated that they cannot make the legislature meet. The fact that they were not meeting came to light when the charter school grant went to the fiscal committee. The Department received a whole list of questions, including "what is the status of the report?", which was odd since it was not the Department's report to file. At that point, the legislature discovered that they were supposed to be meeting and hurried to hold a meeting.

Ms. Lane requested that the Board be kept apprised of the status of that future report. Ms. Davis reported that she did not believe they would know, as it is entirely in the hands of the legislature. She noted that Ms. Cassady sits on the committee. When Ms. Davis and Mr. Greene attended the committee meeting that did not have a quorum, she discovered that the committee had been emailing a State Board member that had not been on the board for years and provided the committee with Ms. Cassady's contact information.

Ms. Cassady reported that she heard from the committee on March 10. They were going to meet but it was cancelled because of the state of emergency. She had a great talk with a woman from the committee. Ms. Cassady reported that the committee does not understand what charter schools are about or the strict requirements.

AGENDA ITEM XI. TABLED ITEMS

A. Capital City Public Charter School Status Change Request

This item remains tabled.

AGENDA ITEM XII. CONSENT AGENDA

B. Meeting Minutes of April 9, 2020

Chair Cline listed two small amendments to the meeting minutes of April 9, 2020.

C. Rollinsford School District Withdrawal from SAU #56 Approved by Voters

D. Strafford School District Withdrawal from SAU #44 Approved by Voters

E. Timberlane School District Withdrawal from SAU #55 Approved by Voters

MOTION: Phil Nazzaro made the following motion, seconded by Sally Griffin, that the State Board of Education approve the Consent Agenda, with the meeting minutes as amended.

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

AGENDA ITEM XIII. NONPUBLIC SESSION

MOTION: Phil Nazzaro made the following motion, seconded by Kate Cassady, that the State Board of Education move to nonpublic session under RSA 91-A:3, II(c).

VOTE: The motion was approved at 1:02 PM by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

Phil Nazzaro had to leave the meeting before returning to public session due to another commitment.

MOTION: Helen Honorow made the following motion, seconded by Sally Griffin, that the State Board of Education to leave nonpublic session and return to public session at 2:34 PM.

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

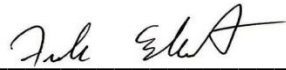
MOTION: Helen Honorow made the following motion, seconded by Kate Cassady, to seal the minutes of the nonpublic session.

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

AGENDA ITEM XIV. ADJOURNMENT

MOTION: Kate Cassady made the motion, seconded by Sally Griffin, to adjourn the meeting at 2:35 PM.

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



Secretary