

New Hampshire
State Board of Education
Minutes of the May 13, 2021 Meeting
Meeting held via Zoom webinar 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 9:04 a.m. The meeting was held via Zoom Webinar due to the COVID-19 state of emergency. Drew Cline presided as Chair.

Members present: Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, Ryan Terrell and Drew Cline, Chair. Board member Sally Griffin was not able to attend due to prior commitment. Frank Edelblut, Commissioner of Education was also in attendance.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Drew Cline led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

There was no live public comment and any written commentary submitted will be posted to the public materials on the Board's [website](#).

AGENDA ITEM IV. PRESENTATIONS/REPORTS/UPDATES

A. Motion for Reconsideration~ Student/Pinkerton Academy~SB-FY-21-11-005

It was noted that this case had been held in nonpublic session and any discussion of this motion by the Board would also have to be held in nonpublic session. There was no Board discussion.

MOTION: Richard Sala made the motion, seconded by Ann Lane that the State Board deny the motion for reconsideration.

VOTE: The motion was approved 4-1 by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro and Ryan Terrell with Chair Cline abstaining.

B. Summary of Withdrawn Cases

A list of withdrawn cases was submitted to the Board prior to the meeting. There was no discussion.

C. Federal Civil Rights Laws

Commissioner Edelblut introduced Kimberly Richey, Senior Fellow for Education at the Texas Public Policy Foundation and former Acting Assistant Secretary for Civil Rights at the U.S. Department of Education. Kimberly Richey shared that she would discuss the application of federal civil rights laws to crucial issues. Over the last 3 years there has been a trend in commitment from schools to address the issues of racial equality and equity in the education system.

Federal law is clear that every child has a right to learn in an environment free from discrimination. Title VI of the Civil Rights Act of 1964 is the federal antidiscrimination law that applies to all schools that receive federal financial assistance or funding from the U.S. Department of Education. Title VI states that no person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination in any program or activity within schools that received funding from the department. Title VI regulations state that schools may not on the basis of race, color or national origin provide different services to students or provide services differently to students.

The Equal Protection Clause of the 14th amendment also protects students and staff from discrimination on the basis of race. The Supreme Court has made clear that any government-imposed race-based classification is subject to the highest legal scrutiny. This includes race-based classifications and race considerations imposed by schools. Under the strict scrutiny standard, racial classifications are constitutional only if they are narrowly tailored and achieve a compelling government interest. Schools must demonstrate that available, workable, race neutral alternatives did not suffice or did not allow them to meet their intended goal. The law presumes that racial classifications exacerbate racial prejudice and are only allowed in extreme situations. The use of race as a proxy is forbidden.

Kimberly Richey shared that this applies to schools when districts develop and identify curriculum, as school boards implement policies and when teachers develop lesson plans that incorporate external materials. They will all be evaluated under this legal standard. Not meeting the standard, schools risk violating Title VI and the 14th amendment. Activities that are conducted and administered exclusively on the basis of race or that draw distinctions on the basis of race would not meet this standard. This would include the use of biased materials or instruction in schools and the assignment of stereotypes or acting on assumptions based on race. There are legally permissible and educationally appropriate to challenge and oppose racism, but all students must be treated equally.

Ann Lane asked how this message is being disseminated across the country. Kimberly Richey shared that there are many parent-led groups getting involved in the education system. These groups are unifying and developing a

strong front to challenge some policies. Phil Nazzaro asked how these laws apply to content and curricula. Kimberly Richey answered that it depends on the state. When the curriculum potentially violates the law and 14th amendment, the entity charged by a state with overseeing curriculum to ensure schools aren't violating civil rights laws has oversight.

AGENDA ITEM V. PUBLIC HEARINGS

A. Criminal History Record Check Credential (Ed 504.12, Ed 505.07, Ed 505.08 and Ed 505.09)

The session remained open from 10:00 a.m. to 10:34 a.m. with no public comment.

AGENDA ITEM VI. COUNCIL FOR TEACHER EDUCATION (CTE)

A. Granite State College (GSC)

1. Substantive Change

Laura Stoneking, NHDOE, Administrator, Bureau of Educator Preparation and Higher Education shared that Granite State College is requesting an extension as they plan to close out two of their programs: special education teacher in the area of blind and vision, and special education teacher in the area of deaf and hearing disabilities. In order to commit to current candidates in the program, to ensure those candidates are provided the coursework to complete their programs, the extension is needed.

Chair Cline asked where this leaves the state with Professional Education Preparation Programs (PEPP) for those two classifications. Laura Stoneking shared that the numbers are significantly lower due to a lack of full-time positions. Granite State holds the only two for blind and vision and deaf and hard of hearing. There are three other pathways in which candidates can become licensed and receive support for some coursework through the institutions. The pathways are: out of state programs, complete a site-based licensing plan, or meet the requirements through demonstrative competencies. Chair Cline asked how many people currently hold this license. Laura Stoneking shared she does not have that information.

MOTION: Ann Lane made the motion, seconded by Kate Cassady that the State Board of Education approve the extension and elimination of both the blind and vision disabilities program and the deaf and hearing disabilities program.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

2. Full Professional Education Preparation Program Review

Laura Stoneking shared that Granite State was slated to have its full program review completed last year. The pandemic and school closures impacted the process. The Board granted a one-year extension. Granite State College is a broad-based program utilizing adjunct faculty spread throughout the state. They also have Council for the Accreditation of Educator Preparation (CAEP) accreditation. All programs are being recommended for full approval having met or exceeded the Ed 600 and Ed 500 standards.

MOTION: Ann Lane made the motion, seconded by Phil Nazzaro that the State Board of Education to grant Granite State College full approval of the following PEPPs through 8/30/2028: 612.19 Digital Learning Specialist, 612.03 Early Childhood Education Teacher, 612.071 Early Childhood Special Education Teacher, 612.04 Elementary Education Teacher, 612.07 General Special Education Teacher, 612.17 Mathematics Teacher, 612.18 Mathematics Teacher, 614.02 Reading and Writing Specialist, 612.02 Reading and Writing Teacher, 612.10 Special Education Teacher in the Area of Emotional and Behavioral Disabilities, 612.08 Special Education Teacher in the area of Intellectual Disabilities, 612.11 Special Education Teacher in the Area of Specific Learning Disabilities.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

B. New England College (NEC)~Substantive Change Request

Laura Stoneking shared that New England College has several programs they are eliminating and are requesting an extension to ensure completion of the program for any candidates that are currently enrolled.

Chair Cline asked about enrollment in programs that are being eliminated as well as programs being kept. Dr. Patricia Corbett, Dean of Undergraduate Programs, shared that some programs have low enrollment, some have a downward trend in enrollment and other programs are doing well. At the

undergraduate level, NEC has a strong special education and elementary education program. With the graduate programs, advanced certifications are being recommended to be taught out due to enrollment. The principal certification and superintendent programs are doing well and are paired with the doctoral program.

MOTION: Ann Lane made the motion, seconded by Kate Cassady that the State Board of Education approve the extension elimination of the following PEPPs: Visual Arts Teacher, Life Science Teacher for Grades 7-12, Reading and Writing Specialist, Curriculum Administrator, and Special Education Administrator.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

C. Southern New Hampshire University (SNHU) ~ Substantive Change Request

Laura Stoneking shared there were three substantive change requests that came from SNHU. Two of the three require board approval. Leah Grimes, Office Coordinator, Office of Educator Preparation, shared that in December 2019, SNHU submitted a substantive change to move secondary certification to the graduate level and it was approved. They are asking to reinstate these programs at the undergraduate level for accessibility while also keeping the graduate program. Bryan Belanger, SNHU Director of State Certification and Licensure, shared that Chair Cline had previously shared that getting certification in these high need areas would require an advanced degree. Taking the advice of the Board, SNHU is keeping the programs at both levels while also offering a career pathway for someone with a career change or advanced degree.

MOTION: Ann Lane made the motion, seconded by Kate Cassady that the State Board of Education grant the reinstatement of the previously removed undergraduate approval for the secondary PEPPs listed below: English Language Arts Teachers Grade 5-12, Mathematics Teacher Middle Level, Mathematics Teacher Upper Level, Science Teacher Grade 5-8, and Social Studies Teacher Grade 5-12.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, and Ryan Terrell with Phil Nazzaro and Chair Cline abstaining.

MOTION: Ann Lane made the motion, seconded by Kate Richard Sala that the State Board of Education moves to grant a change in the expiration dates of 12 program approval dates through August 31, 2022. This applies to the 12 SNHU programs offered as a slate.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, and Ryan Terrell with Phil Nazzaro and Chair Cline abstaining.

AGENDA ITEM VII. NONPUBLIC SCHOOL APPROVALS

A. Commissioner's Nonpublic School Approval Designation: Expansion of Grade Levels Offered Report

Shireen Meskoob, NHDOE, Bureau of Educational Opportunities, shared that Windham Woods School and Hawthorne Academy submitted request to add grade levels to their schools. Hawthorne is currently 9-12 and wants to add K-8. Windham Woods is currently 1-10 and wants to make it a complete high school.

MOTION: Kate Cassady made the motion, seconded by Ann Lane that the State Board of Education accept and approve the following schools to expand grade levels offered to the term of their existing approval. Windham Woods School to expand the grade levels offered to include 11 and 12 through June 30, 2023. Hawthorne Academy to expand the grade levels offered to include K-8 through June 30, 2024 pending an approval of their current renewal application.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

B. Commissioner's Nonpublic School Approval Designation: Renewals Report

Shireen Meskoob shared that there are two types of approvals. One for attendance purposes only (AA), which means a school has to demonstrate they are meeting the minimum number of instructional hours provided to students. The other is approval for attendance and program purposes (AP). Those schools have an accrediting agency acknowledged or recognized by the Department and they approve the actual program, content and curriculum. The primary difference between AA and AP is that AA get a renewal for three years, AP is an approval for five years. Shireen Meskoob stated that there are 17 schools seeking approval renewal for their AA status and 8 schools seeking to renew their AP

status. A list was provided under possible motion along with how they met requirements.

Richard Sala asked about the process of renewal. Shireen Meskoob answered that new schools have an onsite evaluation and more paperwork to submit. If a school is expanding their facility, it requires a site visit by the Department. Other renewals do not involve on site evaluation.

MOTION: Kate Cassady made the motion, seconded by Ann Lane that the State Board of Education accept and approve the following schools for continued attendance approval status for the period of July 1, 2021 through June 30, 2024: Capital Christian School, Christian Bible Church Academy, Clermont Christian Academy, Clearway High School, Crotched Mountain School, Hawthorne Academy, Heritage Christian School, Hillsborough Christian School, Hollis Montessori School, Learning Skills Academy, Meeting House Montessori School, Newport Montessori School, North End Montessori, St. Francis of Assisi School, Tabernacle Christian School, The Beech Hill School, Victory High School. Kate Cassady made the motion to accept the approval of the following schools for continued attendance and program approval status for the period of July 1, 2021 through June 30, 2026: Cardigan Mountain School, Holderness School, Kimball Union Academy, Mount Zion Christian Schools, Shortridge Academy, The Community School, The Derryfield School, Trinity High School.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

AGENDA ITEM VIII. PUBLIC CHARTER SCHOOL REPORTS/UPDATES

A. North Country Charter Academy Charter School 5 Year Renewal

Chair Cline stated that the renewal packet provided was very thorough. Jane Waterhouse, NHDOE, Charter School Administrator, shared that North Country Charter Academy is seeking a 5-year renewal to their charter. Lisa Lavoie, Principal/Superintendent, shared that this was their first virtual renewal. Students are fully engaged in STEM activities as they partner with White Mountain Science. Students are excelling in robots, vehicles, and one color blind student designed a wristband to help him decipher color. Students are engaged in literacy circles. Students work on class projects in partnership with New Hampshire Fish

and Game. The student population consists of students who are at risk for dropping out.

Kate Cassady asked about a recommendation on Page 21, for the next five-year accountability plan which is under development. Jane Waterhouse shared she was looking for the next accountability plan for the next five years. Lisa Lavoie shared that was completed in 2020.

Ann Lane asked about what would happen to the school if Lisa Lavoie leaves. Lisa responded that she has no plan to leave, but she did attend a succession planning seminar. She is putting all information into binders and cross training a center director.

MOTION: Richard Sala made the motion, seconded by Kate Cassady that pursuant to Ed 318.12 and Ed 318.13 the State Board of Education authorizes the charter renewal for North Country Charter Academy.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

AGENDA ITEM IX. LEGISLATIVE UPDATES

A. Initial Proposal ~Charter School Annual Report Requirements (Ed 318.17)

Chris Bond, NHDOE, attorney, shared that the executive summary was provided prior to the meeting. Chair Cline shared that the changes were sent to Matt Southerton at the Charter School Alliance and he had no concerns.

MOTION: Kate Cassady made the motion, seconded by Phil Nazzaro that the State Board of Education approve the initial proposal for Ed 318.17 Charter School Annual Report Requirements.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

B. Final Proposal~ Vocational Rehabilitation Programs (Ed 1000)

Chris Bond shared there were a number of substantive comments from Office of Legislative Services (OLS) that were addressed in the final draft. Some comments were not addressed by modification, but a letter was sent explaining. Approval would go to the Joint Legislative Committee on Administrative Rules (JLCAR) at its meeting in June.

MOTION: Kate Cassady made the motion, seconded by Ann Lane that the State Board of Education approve the final proposal for Ed 1000 Vocational Rehabilitation Programs.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

C. Conditional Approval Response ~ Chartered Public Schools (Ed 318)

Chris Bond shared that JLCAR granted a conditional approval. They made the changes required for the conditional approval. This is the revised draft. If approved, it will go back to JLCAR.

MOTION: Kate Cassady made the motion, seconded by Ann Lane that the State Board of Education approve the conditional approval request for Ed 318 Chartered Public Schools.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

D. Adopt ~ School Lease Aid (Ed 322) and Charter School Lease Aid (Ed 323)

Chris Bond shared that this is a final adoption that was approved by JLCAR with no conditional approval. Upon Board agreement, these rules would become effective when filed with OLS.

MOTION: Kate Cassady made the motion, seconded by Ann Lane that the State Board of Education adopt Ed 322 and Ed 323 School Lease Aid and Charter School Lease Aid.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Richard Sala, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

E. Informational Only - Rules in Process Update

Chair Cline shared that rules expire in 10 years and have to be readopted. Amanda Phelps was asked to give a yearly report of what rules are coming up for expiration. Amanda Phelps was not present, and the item will be taken up at the June meeting. The Department is currently piloting software that will allow the rule process to be managed more efficiently. It keeps track of the rules, versions, and schedules.

AGENDA ITEM X. COMMISSIONER'S UPDATE

The level of federal compliance aspects for COVID response money for school systems is significant with short timetables. The first federal COVID response money, ESSER I, for school systems, 34 million, was made available to the districts May 2020. All districts have filed budgets for that funding. To date, 16 or 17 million dollars of that has been expended. The second 156 million, ESSER II, was approved in December and was made available to states in January 2021 and schools in February/March 2021. Of those funds, 20 million has been budgeted so far. The third, American Response Plan-ESSER III, is 350 million dollars. New Hampshire's first allocation was March/April 2021 and were without guidance until April 21. A plan is due on June 7 which requires public input.

Ongoing programs have been released including the reKINDling Curiosity program, every kid goes to camp. Schools are trying to address student behavioral and mental health issues and help kids be excited to go back to school in the fall. The program includes wrap around services contracted with the community behavioral health association and community mental health partners. They will be conducting trainings for camp counselors. One for younger counselors, aged 14-16 and a second training for older counselors, 16 and older.

In the fall, there is a learning loss program rolled out to districts called Recovering Bright Futures. It is small, in person groups, multiage, anxiety sensitive environment. It is a tool to help districts support students in this recovery learning loss instructional model. Where families do not have a Recovering Bright Futures learning pod available, we are working to offer community learning pods.

AGENDA ITEM XI. OPEN BOARD DISCUSSIONS

A. Holocaust and Genocide Studies

Chair Cline shared that the Board has been tasked by the legislature with writing rules for incorporating Holocaust and genocide studies into curriculum at the local school level. The Board was given a draft rule that they wanted to do more research on. As part of that research, Chair Cline assigned each board member states that already had similar rules to look into and report back.

Richard Sala researched Delaware, Colorado and Connecticut. The questions he was left with were what is the right grade requirement? What is the right method of delivery? What is the right, if any, enforcement mechanism? Is the Department capable of maintaining an online resource in this area? How do we discuss and implement these rules that doesn't exacerbate divisiveness?

Richard Sala shared that Delaware provides instruction for grades 6-12 at least one time in each grade. They provided three methods of delivery: an existing

course, curricula identified by the school district, or curricula developed by the U.S. Holocaust Memorial Museum. They also require school districts to report the method of implementation. Colorado focuses on high school. They incorporate standards developed by the state board into an existing course that is currently a condition of high school graduation. They require the programs or materials to represent the best practices and to be developed using input from experts in the field. Connecticut leaves it to local and regional boards of education to implement. They do specifically say that it has to be part of the social studies curriculum. They have an online resource with links to the U.S. Holocaust Memorial Museum, World Holocaust Remembrance Center, Ann Frank Center, etc. Kate Cassady asked about resources from the Holocaust Museum. Richard Sala answered that they have a portion of their website that links every state with the requirement. They provide a page of resources to use.

Ryan Terrell researched Arizona, Arkansas, and California. Arizona adopted two rules to reinforce and emphasize the importance of instructing students on the history of Holocaust and other genocide: R7-2-301 and R7-2-302. It requires students to receive instruction in Holocaust and other genocides at least once in either grade 7 or 8 and at least once in high school in one of their social studies courses. The Arizona Department of Education website has links to the task force, the Holocaust education toolkit, and recorded webinars and presentations. In Arkansas, it is not required but has been discussed statewide. Even though it is not required, they did a study that showed students within their school had very low testing knowledge of Holocaust. There have been local efforts from parents trying to get legislation to require Holocaust education. California it is required and taught in grade 10 world history and culture. There is a model curriculum for human rights and genocide on the California State Board and Department website to teach genocide.

Phil Nazzaro researched Florida, Indiana, and Illinois. Florida statutorily required focused specifically on the Holocaust for middle school and high school. The statute focuses on the antisemitism component. They also note that the second week of November is Holocaust education week. Illinois, it is also in statute for elementary and high school. It starts with Holocaust and mentions other genocides. In Indiana, it is in the standards for world history in high school. It is specific to the Holocaust.

Ann Lane researched Oregon, Rhode Island, and New York. New York is governed by the Board of Regents. It requires courses of instruction in patriotism and citizenship to include genocide and Holocaust. It is specified for over age 8. Rhode Island requires it in secondary schools. Oregon states school districts must provide instruction about the Holocaust and genocide.

Kate Cassady volunteered to research the remaining states and report back at the June meeting for further discussion.

AGENDA ITEM XII. TABLE ITEMSA. Initial Proposal ~ School Librarian (Ed 508.06)

There were no updates.

AGENDA ITEM XIII. CONSENT AGENDAA. Meeting Minutes of April 8, 2021

MOTION: Ann Lane made the motion, seconded by Kate Cassady to accept the consent agenda, meeting minutes April 8, 2021.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Phil Nazzaro, Ryan Terrell, and Chair Cline with Kate Cassady abstaining.

AGENDA ITEM XIV. NONPUBLIC SESSION

There was no nonpublic session.

AGENDA ITEM XV. ADJOURNMENT

Prior to adjourning, Christ Bond stated that the department wanted to bring a concern about SAU 54 in Rochester to the Board's attention. The concern is they may be violating RSA193:1-c, which addresses access to public school programs by nonpublic, public chartered schools or home educated pupils. The local school board may adopt a policy regulating participation in curricular courses and cocurricular programs provided policies shall not be more restrictive for the nonpublic, public chartered schools, or home educated pupils than the policy governing the school district's resident pupils. There were complaints about the application of that provision to the band program. Home educated students were participating remotely, and district students were participating in person. The superintendent acknowledged that the policy had not been updated since the adoption of RSA193:1-c. A formal letter was sent on behalf of the commissioner indicating they were not compliant with the requirements to offer cocurricular programs to home educated students. The school responded by saying band would be outdoors and everyone could participate on an equal basis. The Department has since learned that when band is pushed inside due to inclement weather, home educated pupils are still required to participate remotely. Given the continued resistance, the Department is asking the Board to issue a notice for a show cause hearing for SAU 54 to appear to show cause why they are compliant with the statute and the emergency order.

MOTION: Phil Nazzaro made the motion, seconded by Kate Cassady that the State Board of Education issue a Notice to SAU 54 for a Show Cause Hearing to establish the SAU's compliance with RSA 193:1-c and Emergency Order #89.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Phil Nazzaro, and Ryan Terrell with Chair Cline abstaining.

MOTION: Ann Lane made the motion, seconded by Kate Cassady to adjourn the meeting at 12:02 p.m.

VOTE: The motion was approved by roll-call vote by State Board of Education Members Ann Lane, Kate Cassady, Phil Nazzaro, Ryan Terrell and Chair Cline.



Secretary