

Nonpublic School Advisory Council
NH Department of Education, Office of Nonpublic Schools
Tuesday, September 15, 2020
MINUTES

Meeting held electronically due to the COVID-19 State of Emergency.

Members in Attendance:

Andrea Elliot	Dave Thibault	Matthew Hicks
Brad Choyt	Gina Power	Mike Runey
(Caitlin Davis)	Linda Brodeur	Nathaniel Greene
Christy Whipple	Linda Johnson	Shireen Meskoob
Chuck George	Lisa Dias	Susan Harrington

ED 400 AND THE NONPUBLIC SCHOOL ADVISORY COUNCIL

A summary of the Nonpublic Schools Advisory Council (Council) as set forth in the NH Code of Administrative Rules was presented. The Council exists as part of the **Ed 400** rules which are available on the [Nonpublic Schools website](#), and more specifically [here](#). The administrative rules and the responsibilities assigned to the Council are outlined. NH is unique in that the rules, not the statutes, outline the specific duties of Council members. The statutes provide the authority to establish the rules.

The NH DOE is in the process of **editing the rules**, and given the Council members' backgrounds, the NH DOE seeks to know what is working and whether there are things that need to be spelled out or removed. The NH DOE makes recommendations to the commissioner on changes for how nonpublics are approved and renewed. Currently, some sections don't make sense; the NH DOE will take the Council's feedback and input.

Three sections, germane to the duties of this council, need to be immediately addressed. Most of the processes and procedures involve the role of a **chairman**, but the rules do not explicitly specify the position of a chairman within the makeup of council, so that will need to be clarified.

The NH DOE seeks someone who may have interest in serving as chairman of the Council, willing to set the agenda for each meeting, help move along discussion, call a vote, in cooperation with the NH DOE. The NH DOE asked that Council members who are interested in filling the seat of a chairman to email the NH DOE within the next two weeks. The NH DOE will bring names back to the group at the next meeting for a vote.

A couple sections of rules need to be examined, including the establishment of Council and the top five duties. (The NH DOE would also like to discuss more of what it could do to support the nonpublic school community.)

Those **top five duties** required are:

- (1) Developing and maintaining effective communications between nonpublic schools and those state and local agencies involved in the approval process;
- (2) Offering consultant assistance in the implementation of the school approval requirements;

- (3) Recommending to the commissioner and state board desired changes in the rules for the approval of nonpublic schools;
- (4) Explaining the availability of nonpublic school services in the state; and
- (5) Investigating grievances submitted under the provisions of Ed 403.01(f), Ed 403.02(d), Ed 404.04(d) and Ed 404.05(e) and making appropriate recommendations to the commissioner.

Many of the duties are related to the **approval of nonpublic schools**. New schools can bring questions to the Council, a liaison with the NH DOE. New schools may use the Council as a consultant, present questions, explain barriers that prevent them from starting a school in the state. Schools that want to expand grade levels offered also fall into this category and have access to this process. For example middle schools are recently expanding their grade levels to include high schools.

THE GRIEVANCE COMMITTEE

Ed 406.06 outlines the **grievance committee**. This is a subcommittee of the Council, appointed by the chairperson, comprised of five to nine members, a majority of which represent private schools. A new school may for instance go to the State Board with their application and be denied for missing a document. Now that school can make a grievance heard by this subcommittee who will look at why the school was denied, determine whether they agree with denial and make a recommendation to the commissioner. This hasn't happened before but the NH DOE wants to make that the subcommittee is prepared to handle any of these situations.

The **issues** that the NH DOE has run into recently are schools who have prepared their application, went to their town office for **inspections**, and discovered that the timeline that their town was operating under was different from that of the school. In these cases those schools were able to present to the State Board having just barely met the deadline.

If those schools had presented their applications without the inspections, they would have been **denied approval** by the State Board. At that point, however, the schools can request a **hearing** before the grievance committee, present new documentation at which point the subcommittee can make a recommendation that the Commissioner approve the schools, in effect reversing the decision of the State Board. Again, fortunately the schools mentioned above met their deadlines, but in this new COVID environment, timelines of multiples state and local agencies can be unpredictable, raising difficulties for schools who plan to open their doors by a certain date.

SIZE OF THE COUNCIL

The rules call for **21 members on the Council**, and there are still some seats not yet filled, including 3 from DHHS, appointment by DHHS commissioner, 1 public school administrator, and 4 NH DOE representatives. The thought is that 21 members is a really large group, and that the Council is probably able to get the same amount, if not a larger amount, of work done with a smaller group. Therefore the NH DOE proposed to reduce the overall **size of the Council**. For instance, 4 NH DOE representatives are not needed. All nonpublic representatives would remain, but it was suggested that the Council should look at reducing the number of state agency reps, bringing the total to 15-16 members, a more manageable group and one that is more representative of the nonpublic school field itself.

Council member question: Having dissolved the previous Council, and acknowledging the inherent turnover that comes with this position, does a 3 year term coupled with the Commissioner appointing 3 new members each year make sense? Can we look at the **rotation of membership** and decide what makes sense for the Council moving forward, to make sure it doesn't become stagnant and also make sure the seats are not in constant rotation?

NH DOE response: One aspect of the rules to examine is whether the words "**may**" or "**shall**" are used. We can make small word changes that allow for flexibility, such as stating that the Commissioner "may appoint up to 3 people per year" versus the Commissioner "shall appoint a minimum of 3 people per year."

EDITING ED 400

The NH DOE indicated that **edits made to the rules** will be sent out as a draft to the group. This will be an internal document, not yet available to the public. The State Board is responsible for adopting changes that are requested. Given the new formation of a Council, the Board would want to know that modifications have been vetted by this group. When the draft is done and sent to the whole group, the Council will talk about those changes, possibly in smaller groups who meet more frequently than the Council meetings. That smaller group can bring back their findings to the larger group.

PROGRAM APPROVAL AGENCIES AND SCHOOL APPROVAL TYPES

Discussed was that Ed 405 outlines the **approval of a recognized agency** for program approval. An accrediting agency is one example of a program approver. In NH in order to be approved as a private school, there are two avenues. A school can apply for an attendance approval only (AA) or for a program approval (AP). The latter is a comprehensive approval process. The former is what the majority of private schools apply for. **Attendance approvals** are based on NH's compulsory education laws wherein children between the ages of 6-18 have to be in one of three institutions: a public school, a private school, or a home school. If not, the child is considered truant.

The **second avenue, via an AP approval**, is more comprehensive. A school applying for AP status goes before the State Board as other schools, but first they have to go through a third party agency responsible for using a set of rigorous standards established in Ed 400 by the Council to evaluate a school's mission, objectives, curriculum, program of studies, student opportunities, budget, etc. Once the agency submits their application, the Council will then meet, review their material, determine whether they met the standards outlined in rules, and then make a recommendation as to whether the agency should become a program approver.

It was noted that this is separate from accrediting organizations who do business in NH and accredit schools. Any private school can get accredited. But for the NH DOE to recognize the accrediting agency is a separate process that gives the private school an AP status. A list of 4 existing approval agencies is available on the [Nonpublic Schools website](#).

Council member question: **Montessori schools** have sought recognition for their program, but there are no recognized program approval agencies at the NH DOE. What can we do in this case?

NH DOE response: If there are organizations specific to particular types of schools, that NH DOE can take a look at those, particularly since it will benefit nonpublics within the state. If it is the goal of the Council

to add **additional program approval agencies**, then more outreach can be done to request that agencies submit applications to the Council. The Council has not done that in the past because some organizations may think that there are too many hoops to jump through. Some agencies have expressed interest thought because to them a position as a program approver may encourage private schools in NH to seek accreditation through them.

CURRENT APPLICATIONS OF TWO PROGRAM APPROVAL AGENCIES

There are **two current applications for program approval agencies**, one a renewal application and the other an initial. During the past year and a half, there have been only three or four people who made themselves available to evaluate the applications. This was not a large enough group.

The two applications are:

1. Association of Independent Schools in New England (AISNE) Initial App, Submitted 9/3/2019
2. American Association of Christian Schools (AACCS) Renewal App, Submitted 2/17/2019

The Council needs to ask these two groups if they are still interested in an evaluation, at which point if so, the NH DOE will distribute the applications to the Council, convene as a group, and determine if the group wants to approve them as program approvers. The NH DOE will put together a document of standards for program approval agencies, based on the rules, for the Council to use during the evaluation. The Council will determine whether to recognize that agency using that document.

NONPUBLIC SCHOOL FORUM

The NH DOE noted that during the monthly COVID calls with nonpublic schools, one thing surfaced consistently. Administrators want a **forum** to talk to other schools about the issues going on. This request has stemmed from COVID-19 issues, but there is an opportunity here to create an **online space** for nonpublics to ask questions, have discussions, share information, develop best practices, discuss funding, anything related to nonpublics that is valuable.

It would be beneficial if the content and platform is moderator by this Council, because the Council is the one representing the field, positioned in a leadership role, serving the whole field of nonpublics. If this is an idea the Council would find worth pursuing, it would need to look at existing platforms, including Zoom, Google Classrooms, Microsoft Teams, and proceed from there.

One council member noted that the NEASC Commission for International Education is developing a similar idea around an online forum for schools. The organization has not yet decided on the format, but looks at developing similar content. Two other schools are using Microsoft Teams and find that platform conducive to meeting its goals.

The NH DOE and other state agencies are now using **Microsoft Teams**. The NH DOE is also rolling out **LMS** through **CANVAS**, making Zoom and Blackboard available to all schools for free. The NH DOE does not know how many nonpublics took advantage of this service. If something is put out there, a large number of schools would need to access it; the NH DOE would need to make sure that the platform doesn't limit the number of schools who can participate. A survey can be used to poll schools on their interest for an online forum.

COUNCIL DUTIES AND PURVIEW

Council member question: The Council's duties are **hyper focused around school approvals**. Outside the explicit duties, there are other things we would want to work on, such as creating and developing an online forum just mentioned. How tied are we to those explicit duties?

NH DOE response: The catch all phrase/opportunity in "**the rules shall include but not be limited to...**" exists. If the Council feels like its needs to do something, it can do that, and it can even add it explicitly to the rules. There is precedence in other advisory councils who are more active than this Council in supporting their constituents. The Council is not limited to move in directions driven by the Department. The NH DOE assists the Council; it does not set its agenda.

If Council meetings remain in a virtual world, it would be a benefit for schools who are not members of the Council to share what is on their mind and request assistance in areas of need. One such instance was when years ago the state brought in a federal officer to talk to nonpublics about financial assistance and regulations.

Council member question: There is concern as to the extent to which our actions fall within **statutory authority**. What does the law say? What is this group allowed to do? Have the rules gone beyond statute?

NH DOE response: There are certain things required in the rules, and certain places where the rules go beyond statutory authority. Across the board in all state agencies and divisions, rules and statutes don't match up. It is the Council's duty to go back to the statutes. But there are things that the Council can do out in the field that the NHDOE cannot require schools to do. "If we can provide a service as a Council, we are not overstepping our authority if the Council wants to provide it."

Council member question: We are trying to convince district school boards that nonpublics should be a **school of choice**. Many boards don't understand how nonpublics work, and communicating with them has been difficult.

NH DOE response: There is a need for clarity and information on how statutes that impact public schools also impact nonpublic schools.

STATE OF NONPUBLIC SCHOOLS AND DATA COLLECTION

Council member question: What is the **state of nonpublics** according to the Department?

NH DOE response: NH has a very open environment. Other states have far more regulated environments, greater number of application approval standards, fees, etc. The NH DOE's goal is to engage the Council, to provide more technical support to the schools, to clarify the rules, to engage nonpublics as much as the NH DOE engages public schools, to create equal opportunities, to ensure equal assistance, and to provide outreach in general, such as with equitable services. The NH DOE wants to make sure that it is more than an organization with oversight, but one that helps its constituents.

During the pandemic, there have been lots of mechanisms to **collect data** from public schools via statutes. It is a lot harder to get the same data quantitatively and qualitatively from nonpublics because those mechanisms are not in place for nonpublics. Therefore it is harder to get a picture of the **landscape of nonpublics** and to understand how they are responding to the pandemic. Questions to consider include: is there data that nonpublics would like to share? Can we collect data that will benefit nonpublics and the State? How can we collect useful data? The NH DOE needs the Council and schools to reach out.

The NH DOE wants to see substantial improvement in the operation of a new Council and in the field of nonpublic schools. Making the Council available to schools remotely and in person can and should be seen as part of the opportunity to improve the system.