

The Public's Right to Know.

NH Constitution – Part I (Bill of Rights)

[Art.] 8. [Accountability of Magistrates and Officers; Public's Right to Know.] **All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive.** To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. **The public also has a right to an orderly, lawful, and accountable government.** Therefore, any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding.

June 2, 1784

Amended 1976 by providing right of access to governmental proceedings and records.

Amended 2018 by providing that taxpayers have standing to bring actions against the government.

The public's right to know flows directly from the concept that all the power of all government officials comes from the people.

The DOE has failed to live up to this Constitutional principle of being open and accountable to the people in the 306 regulation process.

NHRSA 91-A

Access To Governmental Records And Meetings

91-A:1 Preamble. – Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

91-A:1-a Definitions. –

In this chapter:

I. "Advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.

306 Regulations

1. The 306 regulation process has not been open and accountable.

- **Lack of Educator involvement.**
 - The first year plus was done entirely in private.
 - Our professional educators have only recently been given a real voice at the 11th hour. They should have been involved from the beginning.
- **The “listening sessions” were really a “sale pitch.”**
 - Answers to difficult questions showed a lack of accountability to the public.
 - “We don’t know how it will work out; it will take decades to implement, the teachers will figure it out.”
 - The notes from these sessions are not available to the public.
 - An official notetaker should have been hired.
 - At the session I attended, after a long discussion on several key points, an educator asked what the notetaker had written down; the note taker had only written two words.
 - Having an official notetaker plus public access to the notes would be minimum steps to adhere to the Constitutional duty of openness and accountability.
- **The free press has been denied information to provide the public.**
 - The contractor told the press the work is “secret.”
 - 25 NH media organizations filed a Right To Know request, and were denied by the DOE, claiming the work was all done by a private contractor.

2. There has been significant government involvement.

- In the beginning – **parameters** were established by the government.
 - The private contractor said that the Commissioner forced him to remove the equity provisions in the regulations. These regulations protect children of color, children who are LGBTQ+ and children with disabilities.
 - The replacement of the word SHALL with MAY, for dozens of specific requirements, the backbone of the current regulations and for the actual provision of educational services to students by teachers, appears to have come originally from the Commissioner.
- Throughout the process, the DOE has played a **significant role**.
 - The private contractor testified to the House and Senate Education Committees on October 12, 2023, that a DOE employee was working with them on the project, and deferred to the DOE employee when specific questions were asked about how the proposed regulations would work.

3. The public's right to know.

85% of our children attend public schools. These regulations will be important to their education.

The DOE should document and preserve, as part of a complete public record, for the future, the following:

- What specific changes were insisted upon by the DOE?
- Copies of the notes from the "listening sessions."
- Copies of notes of all meetings at which a government official was present.
- Reasons for decisions on which recommendations were included in the regulations and which recommendations were not included.
- All testimony at the SBOE.
- What is the difference between the final draft from the private contractor and the version that the Commissioner will present to the State BOE?

This full record would be of benefit to many groups.

First, it should be made available to the Legislature for its review of these regulations.

Second, a future Commissioner may choose to re-examine these regulations if they are found to be insufficient for the Constitutional duty of providing an adequate education for our public school students.

Third, the public should have the right to know how these decisions were made.

Conclusion: This brings us back to the NH Constitution.

"At all times" the government needs to be open and accountable to the people.

This is a Constitutional Right of the people of New Hampshire.

NH State School Board

Public comment by George Edwards

December 14, 2023

My name is George Edwards. I live in Sunapee NH. I have a bachelor and masters degrees from Keene State College and have lived in NH for almost 45 years.

I was a high school principal for 21 years which included the incredible privilege of being the founding principal at Bow HS in 1996 and Bedford HS in 2006.

I have been an adjunct professor of educational leadership at SNHU since 2009 where I helped write the curriculum for the online version of the Ed leadership and principal certification program.

Currently I am the Chief Accreditation Officer at the New England Association of Schools and Colleges. I am here today to express concern over the approval of a new accreditor for non-public schools in NH.

The New England Association of Schools and Colleges has been accrediting non-public schools in NH for almost 100 years. During that time a level of excellence has been established and is known by the public. The public has an expectation when they hear a school is accredited. There should be a baseline that all accreditors adhere to in order to maintain this expectation.

Several neighboring states have recently adopted criteria for the approval of accrediting agencies. I would suggest that, if NH has not already done so, this would be a good preliminary step to take before approving any new accreditor.

Every school accredited by NEASC hosts an onsite visit. Each visit gives parents and members of the school community an opportunity to be part of a process that includes the identification of needs and the creation of a school improvement plan. Approving other accreditors that are unknown and that do not uphold the same levels of excellence will erode public confidence in the accreditation process. These onsite visits and the involvement of parents, as well as other stakeholders, should be the cornerstone of any accreditation process.

Another important criteria is for an accreditor to be as self reflective and improvement focused as the schools we accredit. This is why NEASC participates in the ICAISA accreditor approval process. This process requires us to perform a self-study, host a team of peer visitors to validate the self-study, and receive recommendations for improvement of our processes. This approval and improvement process ensures that we are following best practices for accreditation.

The NEASC connections with the state of NH are deep. We have had a number of educators from

