

New Hampshire
State Board of Education
Minutes of the September 10, 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 9:10 a.m. The meeting was held telephonically due to the COVID-19 state of emergency. Drew Cline presided as Chair.

Members present: Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Helen Honorow, and Drew Cline, Chair. Phil Nazzaro had another commitment and was not able to attend. Frank Edelblut, Commissioner of Education and Christine Brennan, Deputy Commissioner of Education were all 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 written commentary was submitted and posted to the public materials on the Board's [webpage](#).

AGENDA ITEM IV. PRESENTATIONS/REPORTS/UPDATES

A. Student/Deerfield School Board ~ S.B.-FY-20-05-005 (Manifest Educational Hardship)

In attendance were Attorney Dean Eggert from Wadleigh, Starr & Peters representing the Deerfield School Board, Superintendent Patty Sherman and Mr. and Mrs. Nicol, parents of the student. Mr. and Mrs. Nicol accepted Chair Cline's option of moving into nonpublic session.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education to leave nonpublic session and return to public session at 9:55 AM.

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

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education accept the Hearings

Officer's report and adopt the Hearings Officer's Recommendation.

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

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, to seal the minutes of the nonpublic session indefinitely.

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

B. Student/Nashua School Board ~ S.B.-FY-20-05-005 (Manifest Educational Hardship)

Chairman Cline let everyone know that this case was withdrawn.

C. Summary of Withdrawn Cases

Given that this item seemed self-explanatory (a list of parties who had asked for a hearing and then withdrew their requests), no summary was deemed necessary. Chair Cline asked if there were any questions regarding this item, and there were none.

Chair Cline indicated that the Nashua case that was just withdrawn is not shown on the list because the withdrawal occurred after Stephen Berwick produced the list.

D. English Language Proficiency Standards and Assessment

Chair Cline elected to postpone the English Language Proficiency Standards presentation for the public hearing, given that several people were signed up to speak. The Board then proceeded to Public Hearings Item A and addressed this item after the discussion on remote instruction.

Melissa White, NHDOE, Administrator for Academics & Assessment, noted the federal requirement to provide English language proficiency standards for English Language Learners. As such, updated 2020 English Language Learning Standards are being presented to the Board for review and adoption.

Wendy Perron, NHDOE, English Language Learning Education Consultant, then provided a brief background on the standards. The federal requirement that each state formally adopt English language proficiency standards and assessments was established in 2002, when the Elementary and Secondary Act

of 1965 was authorized. The New Hampshire State Board of Education met in 2004 and voted to adopt the World-Class Instructional Design and Assessment (WIDA) English Language Proficiency (ELP) standards and assessments. WIDA, is a member-based organization comprised of 40 states that focuses on developing high-quality standards-based systems for K-12 English Language Learners. WIDA had 10 member states at the time New Hampshire originally joined.

Since the original adoption of WIDA, the standards and assessments have changed twice, and, per federal law, the State Board of Education must approve such changes. The NHDOE recently discovered during a peer-review process that the New Hampshire State Board of Education has not reviewed the state-approved standards and assessments since initial adoption in 2004. In preparation for today's request to adopt the 2020 WIDA standards, the NHDOE gathered input from the public, key stakeholders, and New Hampshire educators. The state English Language (EL) Advisory Committee--which includes members from higher education, NHDOE staff, members of Title III consortia, EL educators, and educators of students with disabilities--discussed the issue at its July meeting. A two-week public comment period, notice of which was posted on NHDOE website, among others, has just closed. Thus far, all comment has been supportive of adoption.

Ms. White noted that approval of the request would allow the NHDOE to offer training on the revised standards and to begin implementing the standards in late spring and summer. Approval would also allow the NHDOE to remain compliant with federal law. Further, the update required by the peer-review process could be filed with the U.S. Department of Education in December. Finally, approval would allow New Hampshire to remain a member of the WIDA consortium, which includes technical assistance, access to professional learning opportunities for educators, and access to a support network of 39 other state agencies.

Sally Griffin asked about the length of the review period and when the next review would be due. Ms. Perron replied that the revisions to WIDA standards that have occurred over the last 12 years have been primarily to align with the evolution of common core standards, as well as to meet the college and career readiness standards. She believes the consortium's plan is to begin revision of their assessments in 2025, which is when she expects the next updates to occur.

Helen Honorow asked whether there is a professional association for English for Speakers of Other Languages (ESOL) educators in New Hampshire. Ms. Perron replied that there is a Northern New England ESOL teachers' organization. Ms. Honorow asked if the request for comments was sent to that organization. Ms. Perron answered that a member of that group sits on the statewide EL advisory board. Ms. White added that not all of the New England states are WIDA members, and thus issues related to WIDA would not necessarily

be relevant in an organization that covers all of northern New England. Ms. Honorow wondered how New Hampshire ESOL educators would have been provided with the standards for review. Ms. White replied that the standards were distributed at a May meeting with over 100 statewide EL educators, and the standards were also emailed to every EL teacher in New Hampshire with adequate time for them to review and submit comments.

Ann Lane requested clarification on the alignment of the standards with New Hampshire's competency-based system and/or common core. Ms. White replied that the NHDOE chose to continue with WIDA in part because of the rigor with which they ensure that their English language standards are aligned with the common core standards. Further, New Hampshire competencies are based on common core, which allows systems to align nicely during the peer review process.

MOTION: Ann Lane made the following motion, seconded by Sally Griffin, with the recommendation of the Statewide EL Advisory Committee, the Statewide EL Educator's network and the input from the public, that the State Board of Education adopt the WIDA 2020 ELP standards and the aligned assessments: (1) ACCESS 2.0 (annual ELP assessment); (2) K-12 Online screener (initial assessment); and the Alternate ACCESS (for ELs with the most significant cognitive disabilities).

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

AGENDA ITEM V. PUBLIC HEARINGS

Chair Cline gavelled in the public hearing at 10:00 a.m.

A. Remote Instruction (Ed 306.14 & Ed 306.18(a)(7))

Carl Ladd, Executive Director of the New Hampshire School Administrators Association, provided comments and suggestions related to the proposed amendments to the Ed rules. Dr. Ladd noted the Association's appreciation of the flexibility offered to local school districts in determining delivery of remote instruction. The Association supports the concept of remote instruction when appropriate and/or necessary but wished to make suggestions for the rules, given that they will outlast the COVID-19 pandemic. Dr. Ladd quoted a passage from Ed 306.14, (a) (9), which calls for "remote instruction for all students when necessary" and asked if the Board intends that "necessary" will be determined by the local school district. If so, the Association recommends the sentence be amended as follows: "The State Board of Education recommends that a procedure

for remote instruction that is accessible for all students during extended periods of school closure or on a case-by-case basis, as approved by the superintendent, be developed and implemented by each school district."

Does the State Board of Education intend that districts will decide what metrics to use to determine if the "academic work in the remote instruction environment is equivalent in effort and rigor to typical classroom work"? If that is the Board's intent, Dr. Ladd requested the Board ensure that it is clear and transparent. It should be made clear if someone else is to determine equivalence. The Association recommends that this decision be left to local educators and school leaders because they have the training and assessment data to determine appropriate academic expectations for each student. Dr. Ladd also noted that some learning experiences cannot be replicated in remote learning environments.

Simultaneously managing face-to-face and remote instruction requires two channels of instruction, which will require additional professional training. In fact, some experienced teachers are struggling in the current hybrid models. Student privacy issues also continue to be a concern in various districts, given the possibility that students or parents could record and post material on social media. Even though RSA 189:68 (V)(b) allows for video recording for instructional purposes, does the district have liabilities in a remote learning environment under this amended rule?

If an individual family chooses to access remote instruction, will the State allow districts to determine the requirements to provide notification (from families and from schools) and approval? What notice is required? How frequently can an individual come and go from the remote world? Does there have to be an extenuating circumstance? This level of flexibility, if offered too quickly and without professional training and ongoing communication with families, will add to the burden on school staff, disruption to student classroom dynamics and routines, and a potential change in working conditions. Further, students will react differently to a dual system of instruction, causing difficulty for some. The Association thus proposed the following replacement for (9)(b): "Procedures outlining the allowability and accessibility of remote instruction. The procedure shall include the requirement for any student/family who chooses remote instruction to commit to the locally established term(s) of instruction."

Dr. Ladd also noted there was much discussion at the May State Board of Education meeting around students' ability to access remote instruction, with concerns ranging from student illness to student disabilities. Dr. Ladd reminded the Board that districts are responsible for implementing 504 plans, which could include remote instruction opportunities for these types of situations. Given the existence of 504 plans, Section b may not even be necessary as long as the term "accessible" is included in the main sentence of number 9.

Dr. Ladd also asked why (9)(c) is necessary at all, noting that it is already in the current Ed rule 306.18(a)(7). Given that New Hampshire is competency-based and that a submission and assessment of work is part of the grading system expectation and that Ed rules already dictate requirements for assessment of student learning (Section 306:24), the Association feels that the section is duplicative and unnecessary.

Further, the rule mandates that the district "shall" include accessibility by and inclusion for both individual and school-wide uses. The language as currently written allows for broad and unlimited requests for remote instruction, even when districts lack the ability to adequately implement both models. This concern yet again underscores the importance of spelling out that local school districts can make the decision as to when remote learning is necessary. The Association feels that unless local districts are permitted to determine the amount of flexibility they can offer; this requirement represents an unfunded state mandate.

The rule also raises liability and fiscal issues. For instance, in the case of a special needs student requiring one-to-one or in-home support, there could be liability associated with providing in-home support as well as liability for refusing the request. The Association is also concerned that this rule could set up an adversarial relationship between parents and the school district.

Dr. Ladd noted that Commissioner Edelblut has stated these amendments are intended to provide more flexibility to districts, and the Association appreciates that opportunity. However, given this intention, the Association feels it important to allow individual districts to determine what flexibility they can reasonably and practically offer.

Chair Cline noted that the rules are in the draft phase and require more work and asked whether the New Hampshire School Administrators Association had seen the New Hampshire School Board Association's proposed changes, which are very different than the School Administrators' proposals. Dr. Ladd noted that the two groups had not consulted with one another at all and that he was not familiar with the other organization's proposal. He then reiterated that the School Administrators are primarily seeking leeway for districts to determine on a case-by-case basis when the flexibility set forth in the rule should be implemented.

Helen Honorow noted that when she initially reviewed the draft of the proposed rules, she had many of the concerns raised by Dr. Ladd about school districts potentially being mandated to have two delivery models of education. She had pushed for the insertion of phrasing such as "when necessary" to prevent the rules being interpreted as an a-la-carte system. She asked whether the phrasing "when necessary" could create more problems. Dr. Ladd replied that "when necessary" does raise concerns because it leaves open the question of precisely who determines necessity. He feels that if the State Board intends "when

necessary" to be determined by the parent as well as the school board, that raises significant issues.

Ms. Honorow asked whether Dr. Ladd would be submitting his presentation in written form as well. Dr. Ladd replied that the document had already been submitted to Ms. Adams. Chair Cline noted that the document was not in the packet, but rather was sent out in a separate email. Ann Lane interjected that she had received it as an email from Ms. Adams labeled "public comment and public testimony" on the day before the Board meeting. Chair Cline stated that the document could be re-sent to anyone who needs it.

Bonnie Dunham of Merrimack introduced herself as the parent of a son who benefited from special education. Her goal was to ensure that the opportunities he had will continue to be available to all children with disabilities. She expressed her appreciation that both the Governor and the New Hampshire Department of Education have emphasized the need to continue providing a Free and Appropriate Public Education (FAPE) for students with disabilities even when a school district is primarily using remote instruction. However, although most school districts are trying to meet the needs of children with disabilities during the pandemic, there are wide variations in creativity and effort among the different school districts. As such, strong and clear language is needed, as opposed to phrasing like "should be provided."

Ms. Dunham recommended the following changes:

- Ed 306.18(a)(7): "Instruction may be offered remotely." Ms. Dunham suggested adding, "when a school has been closed due to inclement weather or other emergency, including a health emergency" to make clear that remote instruction is an option only under specific and clear circumstances.
- Ed 306.14(a)(9): "Remote instruction for all students when necessary." Ms. Dunham wondered whether the "when necessary" question could be answered by referencing Ed 306.18(a)(7), because that passage spells out the circumstances in which it is necessary. She recommended adding the following policy after (c): "when a school is utilizing a remote instruction model due to a health emergency, procedures shall be implemented to ensure the provision of a Free Appropriate Public Education for all students with disabilities, including by providing in-person instruction and related services if necessitated by the student's individual needs and consistent with the health and safety needs of the child, the child's teacher, and the child's parents." She underscored that while flexibility is important, failure is not an option with regard to providing FAPE.

Ann Lane requested a printed version of Ms. Dunham's statement. Ms. Dunham indicated that she would be happy to forward it to Ms. Adams.

Meghan Tuttle, President of the New Hampshire National Education Association, noted that she had submitted written testimony on the morning of the Board meeting and as such would only address the highlights. She noted her agreement with Dr. Ladd's recommendations and wanted to add one additional point: given the unprecedented nature of the pandemic situation, this year needs to be spent assessing whether schools can maintain rigor for remote instruction. If rigor cannot be maintained, what changes need to be made at the district or state level to bolster rigor? What assessments or additional resources are needed to implement and maintain such a significant change to the state rules?

Chair Cline pointed out that the process of writing this rule began before the Governor issued his emergency rule for remote instruction for the year. He also acknowledged work needs to be done on the rules and that gathering information during the fall will be helpful in refining them. He noted that (9)(c) ("assessment of all student work completed during remote instruction") was included specifically to address the Board's concerns about rigor and to ensure that a metric was in place. Ms. Tuttle replied that assessment should be done for the entire year, not just in the fall, and that the impact on educators should be evaluated as well.

AGENDA ITEM VI. NONPUBLIC SCHOOL APPROVAL

A. Commissioner's Nonpublic School Approval Designation Report

Shireen Meskoob, NHDOE, Division of Education Analytics & Resources, presented the requests of two schools that were seeking approvals from the State Board of Education. Acton Academy New Hampshire wished to add new grade levels. Our Lady of Mercy Academy, a new 9 through 12 school attached to an existing K through 8 school (St. Joseph's Regional School), sought initial attendance approval status. Anthony Toscano, Operations Manager, Christopher Smith, Principal, and David Thibaut, Superintendent of Catholic School, were present.

The representative of Our Lady of Mercy Academy noted that they were seeking to add grades 9 and 10 to their established school, and that they were requesting the Board's approval to continue matriculating students into these new grades. He noted that there was a minor issue with an occupancy permit because of a backordered fire panel but that this panel is now ready to be installed.

Chair Cline pointed out that Our Lady of Mercy Academy was also up last month, at which time they were still waiting for the town's final inspection report, which had been delayed repeatedly.

MOTION: Ann Lane made the following motion, seconded by Cindy Chagnon, that the State Board of Education approve Our Lady of Mercy Academy for attendance purposes only for the period of September 10, 2020 through June 30, 2023.

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

Ms. Meskoob noted that she was serving as representative for Acton Academy in their request to add grades seven and eight.

MOTION: Ann Lane made the following motion, seconded by Cindy Chagnon, that the State Board of Education accept and approve Acton Academy of New Hampshire to provide additional grade levels for the period of September 10, 2020 through June 30th, 2023. This approval is for attendance purposes only.

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

AGENDA ITEM VII. CHARTER SCHOOL REPORTS/UPDATES

A. Virtual Learning Academy Charter School (VLACS) Charter Amendment Request

Jane Waterhouse, NHDOE, Charter School Administrator, provided some introductory information. The Department received a letter on August 27 from VLACS requesting an amendment to their charter to allow for an enrollment increase of 2,295 students across K through 12. VLACS made this request to accommodate the needs of students during the COVID-19 pandemic.

Kate Cassady noted that the headcount was jumping from 2,022 to 4,307 and asked about the rationale behind such a sharp increase. Chair Cline replied that the large jump stems from the massive increase in applications as a result of COVID-19.

Commissioner Frank Edelblut noted that Caitlin Davis has been working closely with VLACS around this increase and offered to provide some insight. The increase has been driven by two COVID-related factors. First, a number of families in the state are concerned about allowing their children to attend school in person, often because of an underlying health condition of either a student or family

members. Secondly, many districts in the state are offering hybrid programs, but some families in those districts are unable to utilize in-person instruction. In such cases, schools have been offering VLACS as a remote instruction option. The increase being requested by VLACS is designed to allow for more flexibility in responding to the needs of families and school districts.

Steve Kossakoski, CEO of VLACS, added that between July 1 and September 7, 6,069 students have approached VLACS, representing 18,805 half-credit enrollments. This level of enrollment is three times what VLACS sees under normal conditions at this time of the year. He also commented on a frequently asked question: whether students are being referred to VLACS by districts or parents. He said that it is a difficult question to answer because all full-time enrollments are determined by parents. A school may suggest or recommend VLACS as an option, but no school can directly enroll a student in VLACS; only parents can approve the decision.

Helen Honorow pointed out that Commissioner Edelblut indicated school districts are offering students VLACS as one of their remote options, while Mr. Kossakoski said that the school district does not make the decision. This led Ms. Honorow to wonder what is happening with the adequacy funding in this area. How is the funding being calculated if the school district is using VLACS as their remote option? There had been some discussion about holding districts harmless, but she is unaware what the result of those discussions. Commissioner Edelblut replied that they are continuing to follow the charter funding mechanism in law for VLACS. Even pre-pandemic, district schools often had students who accessed VLACS programming. VLACS is paid when students successfully complete competencies and earn credits, in a sort of pay-for-success model. There is no penalty at the district level when districts send students to VLACS. There are ongoing conversations around making CARES Act money available as well.

Ms. Honorow asked Mr. Kossakoski about the huge increase. How many are out-of-state students? She also asked whether people can purchase the service directly, to which Mr. Kossakoski replied yes. However, VLACS' focus is on New Hampshire students, and they have not seen an overwhelming rise in such students because of the pandemic. Ms. Honorow asked how VLACS has increased its educator load to meet the increased demand. Mr. Kossakoski responded that since July 1, VLACS has hired 73 adjunct instructors who are sometimes moved to full-time. They have also hired two additional guidance counselors and one additional office support. Six existing adjunct teachers were moved to full-time status, and VLACS is in the process of hiring 30 additional instructors and promoting another 4 to full-time status, along with other staff. Ms. Honorow asked how these new hires will impact the kindergarten program being planned. Mr. Kossakoski replied that yes, these numbers include K through 12. VLACS has had 6,500 elementary enrollments, 4,700 middle school enrollments, and 11,000 high-school enrollments. Elementary enrollments grew particularly quickly.

Kate Cassady asked whether VLACS is now maxed out on full-time students (their cap was 2,022). Mr. Kossakoski replied that that number refers to full-time equivalents, so it includes the part-time students as well. They have around 500 full-time students and are telling families that it may take longer to get them activated because many courses are full. They hope that by early October, most, if not all, of the wait list will be taken care of. Ms. Cassady asked how many students are on the wait list. Mr. Kossakoski replied that the wait list has 1,000 elementary students, 400 middle-school students, and 1,100 high-school students.

Ms. Cassady wondered if VLACS is asking for enough seats and asked how many staff members they had before the pandemic. Mr. Kossakoski replied that they had 230 total employees, including teachers, staff, and administrators. The staff now is just over 300, with an increase of 73 instructors plus support staff. Ms. Cassady advised not to get too big too quickly. Mr. Kossakoski noted that they have made clear to everyone hired since July 1 the uncertainty of future employment status when the pandemic recedes.

Ms. Cassady wanted to confirm that they are allowing themselves enough headcount room. Mr. Kossakoski said that he used that number as the headcount in order to prevent things from getting out of hand from the standpoint of funding availability. The headcount number they are requesting allows the school to live within this budget. Ms. Cassady asked for more detail on the figures, pointing to the fact that they have 2,500 on the waiting list but are only requesting 2,295. Mr. Kossakoski replied that those are two different numbers, with one being the full-time equivalent (4,317). Further when he says they have 2,600 students, many of them are taking one course, so they represent only part of a full-time equivalent. Ms. Cassady asked whether the full-time numbers have increased. Mr. Kossakoski responded that they have increased, although not as significantly as the other numbers he has presented. They do, however, have around 200 waiting to be processed.

Cindy Chagnon had some confusion around the funding issue and the idea that schools are being held harmless. If a student enrolled at Rochester elects to be a full-time student at VLACS, VLACS gets the adequacy funding for the student. Does Rochester still keep receiving adequacy funding even though the student is not enrolled in their remote program at all? If so, is this double dipping, where the state is paying twice for the same student? According to Commissioner Edelblut, Rochester would not lose any of its adequacy funding under the current law. Even without a pandemic, if a student attending a district school accesses a VLACS class or classes, the district would receive all of the adequacy for that student, and VLACS would receive funding for those classes. What is occurring now during the pandemic represents the same concept, just at a larger scale. The conversations with the governor's office are focused on hopefully using CARES Act funding to help support this. Mr. Kossakoski clarified that even during the pandemic, if a student decides to withdraw from a school and come to VLACS as an official full-

time student, the funding gets separated, and the school would lose their adequacy.

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin, that, pursuant to RSA 194B:3, XI, that the State Board of Education authorize Virtual Learning Academy Charter School to amend the charter to increase enrollment from 2,022 to 4,317 full-time equivalent students.

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

B. Spark Academy of Advanced Technologies First Year Program Audit

Denis Mailloux, Director, noted that the school is in its second year and that the first-year students meet Mondays and Thursdays, second-year students meet Tuesdays and Fridays, and Wednesdays are 100% remote.

The school is operating on a four-block schedule with a 90-minute period. Students take humanities, math, science, and technology classes. Because the school is housed at the Manchester Community College, students are using Manchester resources for their technology courses. The school uses the Assessment and Learning in Knowledge Spaces (ALEKS) math program, which was designed using artificial intelligence and in which students work independently and advance at their own pace. The school uses a traditional science curriculum with physical science in year 1, semester 1; biology in year 1, semester 2; chemistry in year 2, semester 1; and physics in year 2, semester 2. The humanities program is designed around a combination of English, world history, New Hampshire history, and civics, and follows the evolution of society from prehistoric times through 1776. Technology classes are designed to allow students to receive certification in mechatronics. Students focus on robotics and computer-assisted design with laser printers in year 1. Year 2 focuses on manufacturing processes and electronic fundamentals. Year 3 includes courses such as blueprint reading, and year 4 focuses on robotics processes and acquiring certifications.

Jane Waterhouse provided some introductory information. On July 23, 2020, a first-year program audit was conducted for Spark Academy's advanced technologies curriculum via a Zoom conference call. The Zoom call included four members of the school's board of trustees, two administrators, three teachers, and a number of students and parents. First-year program audits are designed to ensure that charter schools are meeting both statutory requirements and specific student needs. Spark Academy demonstrated significant progress during their first year toward meeting the school's mission and goals. The school is meeting expectations for a first-year charter school in most areas of the program review.

There were a few areas in which the school is still developing. These areas were listed on the rubric distributed to the Board. No areas needed significant improvement. The NHDOE is pleased with Spark Academy's progress.

Ann Lane noted that the school's enrollment seems slightly lower than expected and asked about recruitment plans. She also asked whether the school's 15-to-1 ratio is effective. Mr. Mailloux said that the ratio was by design and represents an intentional cap that was initially driven by the requirements of the technology coursework. Regarding the enrollment, the pandemic lockdown clearly had an impact. In particular, the need to focus on immediate needs contributed to a loss of focus on the school's goals. The school has conducted a number of virtual open houses but attendance has been somewhat limited. Mr. Mailloux suspects that, because 50% of Spark's student body comes from a homeschooling background, many parents decided to continue with a homeschool model because of the pandemic situation.

Mr. Mailloux noted that families have been very satisfied with Spark's performance, especially given how new the school is. Mr. Mailloux feels the school has melded well with Manchester Community College. The school currently has three cohorts that are functioning well, and Mr. Mailloux feels that Spark has everything in place that it needs systemically.

To help with the enrollment situation, Spark has received additional financial support from a donor. Further, the Board has freed up Mr. Mailloux's schedule so that he is no longer teaching classes this year, giving him more time to focus on enrollment and fundraising. He will be reaching out to area businesses and industry to spread the word about the school.

Ms. Lane also expressed concerns over the school's ability to move to a remote model, as well as Manchester's use of public transportation. Mr. Mailloux praised the Manchester School District and the Mass Transit Authority for bending over backwards to provide service to Spark's students. Even though Manchester public schools are not open, they are providing transportation to Spark students for in-person sessions. Regarding a transition to remote learning, Mr. Mailloux noted that Spark started making plans two months ago to move to a hybrid model. The school has decided to use synchronous classes, and each class is available through livestreaming. In-person classes use six feet of space between students. The school also purchased 15 additional laptops to allow each student a dedicated laptop. Everyone wears masks, and students stay in the same seat and the same classroom throughout the day. All staff have been tested for COVID. Specific accommodations have been made for each area of study: in the technology area, laptops were available to be loaned to students who needed them, and each student received their own robotics kit; the math program is online, with math coaching available via Zoom; and science has a number of online resources, including Labster.

Cindy Chagnon asked about the humanities program stopping in 1776. Mr. Mailloux clarified that the first year spans ancient history through the end of the Middle Ages, the second year covers the Renaissance through 1776, and the third year covers 1776 to modern times. Students will move into a U.S. history course in year four; this class is part of the Manchester Community College curriculum. Mr. Mailloux projects that third-year students will ultimately take two out of four of their courses in the college curriculum and that fourth-year students will be eligible to take 100% of their courses through the college.

Ms. Chagnon asked whether Spark has any long-term goals to move to more of a VLACS model, in which technology-oriented students could remain in their current high school but take advanced technology courses through Spark. Mr. Mailloux replied that while preparing for the hybrid model, they began considering how their pandemic-related experiences could impact their ability to offer more opportunities down the road. There have been discussions of continuing to offer a mostly or entirely remote model if a particular field seemed well-suited to that type of learning. Mr. Mailloux indicated that the school has not yet considered the model Ms. Chagnon asked about of offering specialty courses to students from other high schools. Ms. Chagnon noted that it might be a good idea to cooperate with Manchester School of Technology in terms of courses that Spark could offer than MST does not. Such a collaboration could be very helpful for students in the catchment district.

Kate Cassady reminded Ms. Waterhouse to ensure that the employee job descriptions are completed, noting that a copy should be provided to everyone who works or volunteers at the school. Given that the job descriptions have not yet been completed, perhaps written job descriptions should be required when an initial application is received. Ms. Waterhouse felt that was a good idea. Chair Cline added that they have, in fact, been thinking about requiring something along those lines.

Ms. Cassady also suggested that the school keep an eye on their head count. She emphasized the importance of community involvement with organizations such as Chamber of Commerce, Lions Club, and Rotary Club. Ms. Cassady noted that she had not received a copy of the annual budget. Ms. Waterhouse agreed to forward a copy and to submit a copy with the report in the future.

AGENDA ITEM VIII. PROFESSIONAL STANDARDS BOARD (PSB)

A. New Applications for 2020-2021

Steve Appleby, NHDOE, Director, Division of Educator Support and Higher Education, appeared to take questions.

Sally Griffin asked about the size of the applicant pool from whom the applicants were chosen. Mr. Appleby replied that these are the only two applicants they have at this time for open positions. They are soliciting other applicants for several additional open positions. The chair of the PSB was in favor of moving these applicants forward to the State Board. Chair Cline added that based on their resumes, these are two of the strongest applicants the Board has seen in a while.

MOTION: Ann Lane made the following motion, seconded by Cindy Chagnon, that the State Board of Education approve the following applications for the Professional Standards Board:

- Christina White, Director, Northern New England Young Inventors' Program
- Christopher Benedetti, Associate Professor of Educational Leadership, Plymouth State University

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

AGENDA ITEM IX. LEGISLATIVE UPDATES

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

Amanda Phelps, NHDOE, Administrative Rules Coordinator, provided background on the rule changes for the Vocational Rehabilitation Programs. The initial proposal struck out all of the language that was copied directly from the federal regulations and was a very bare-bones document. Between the initial proposal and the public hearing, an audit report was prepared to indicate items that must be incorporated into the rules, such as forms and customer-facing elements. Because the final proposal looked significantly different from the initial proposal, a second public hearing was held, during which no public testimony was provided. The final proposal includes all of the customer-facing language describing the process of applying for services through Vocational Rehab and how eligibility is determined.

Ms. Phelps emphasized that changes needed to be worked out during the Board meeting because of the September 11 deadline for submission to Office of Legislative Services (OLS). After submission, OLS performs a full review of the rules and provides substantive comments. This conditional approval request process will allow for the Board to perform a more thorough review and make more tweaks to the rules.

Ann Lane noted some wording issues:

- Page 12, Ed 1006, Eligibility for Services, (b), the end of the sentence states, "above an individual is presumed to have a goal of an employment goal." Ms. Phelps replied that she would change the wording to "outcome."
- Page 14, Ed 1006.03, under (a), it states that "an individual is presumed to be eligible for vocational rehabilitative services." Ms. Lane wondered whether there needs to be clarification regarding the presumption that, because they have other benefits, they have been or will be reviewed by a counselor. Throughout the rest of the rules, eligibility is directly tied to a counselor assessment, and this is the one place where the need for such an assessment is not made explicit. Ms. Phelps suggested that this section make reference to the rest of the eligibility requirements and the individualized plan for employment requirements, to indicate the necessity of the assessment process.
- Ms. Lane noted that referring back to a later section is acceptable in the conditional approval.

Ms. Phelps pointed out an amendment that she and Chair Cline had made on page 12(a). Items 1 and 2 in the list of three requirements to determine eligibility are redundant, so item 1 was removed. Chair Cline added that the phrasing of item 2 makes item 1 duplicative and unnecessary.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education approve the final proposal for Ed 1000, Vocational Rehabilitation Programs, as amended.

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

Ann Lane noted an oddity at the end of the packet (page 45), part Ed 101.9, New Hampshire Business Enterprise Program. Ms. Lane thought it strange to include this under the Department of Education, when it seems as though it should perhaps be under Health and Human Services or Commerce. Daniel Frye, NHDOE, Administrator of Services for the Blind and Vision Impaired, indicated that this item relates to the Randolph Sheppard Act, which governs the program nationally. It is required that the Randolph Sheppard program fall within the agency that provides rehabilitation services to people who are blind or vision impaired, no matter where the agency actually sits in state government. New Hampshire has a combined agency which includes both a special office for the blind and a general services caseload. As a result, the Randolph Sheppard program resides within VR because VR falls under education.

B. Adopt ~ New Hampshire Educator Licensing (Ed 501-504, Ed 505, Ed 506 & Ed 508, Ed 509 & Ed 512-513 & Ed 507.40 & Ed 507.41)

Ms. Phelps reviewed the rules for adoption. Four of them fall under the Ed 500 overhaul, and the other relates to special education teachers. The rules were conditionally approved in August, and nothing has been changed since this approval. Because the new overhaul rules require changes to the online Educator Information System (EIS), the adoption letters request that the rules not take effect until October 5. This will allow time for the changes to be made while also falling before the expiration of any emergency rules in effect.

MOTION: Ann Lane made the following motion, seconded by Cindy Chagnon, that the State Board of Education adopt the following:

1. Credential Standards for Educational Personnel (Ed 501-504)
2. How to Obtain a New Hampshire Educator License (Ed 505)
3. Requirements for Specific Educator Endorsements (Ed 506 & Ed 508)
4. Renewal and Denial of Credentials (Ed 509 & Ed 512-513)
5. Special Education teachers (Ed 507.40 & Ed 507.41)

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

AGENDA ITEM X. COMMISSIONER'S UPDATE

Commissioner Frank Edelblut provided an overview of how reopening is progressing. Approximately 36% of school districts have opened for five days per week of in-person instruction. Around 42% are using a hybrid model, which include:

- An A/B alternating schedule, in which, for instance, some students come in Monday and Tuesday, while others come in on Wednesday and Thursday.
- For younger students, many hybrid models split the day such that all students have in-person instruction every day for a half day. One group would come in for a morning class, and a second group would come in for the afternoon session.

Around 17% of the districts are using remote instruction, and 5% are still developing their program.

Commissioner Edelblut then focused on how schools are facilitating in-person instruction and implementing mitigating strategies. He provided a couple of illustrative examples demonstrating the effectiveness of good planning:

- One district was notified that some of its students had attended a camp at which they might have been exposed to COVID. One of the students had been in the instructional environment for an entire day, a Friday. The student was tested on the same day, and the test results were received on Saturday. Because good protocols were in place, the Department of Health and Human Services (DHHS) was able to effectively execute contact tracing, which allowed them to determine that there were no close contacts in the school that needed to be isolated. The community was notified on Sunday, and Monday classes proceeded as usual, with no breaks in continuity of learning.
- In another situation, potential exposure occurred at a gathering of educators. One of the children who had been at the gathering came down with symptoms, and the Department was notified on a Sunday. The school was able to quickly pivot to a remote instruction model for that Monday. The child's COVID test came back negative during the day on Monday, and in-person instruction resumed on Tuesday. Chair Cline asked for clarification on the meaning of "a gathering of educators." Commissioner Edelblut replied that it was a private gathering of teachers and family members which took place outside of the school environment.

Commissioner Edelblut then discussed iLearnNH, the statewide learning management system that is being implemented. The first cohort of districts has already gone through the initial, information-technology-level setup of the system, and setup of the second cohort has just begun. To date, approximately 90,000 students will be covered under the program, and Commissioner Edelblut expects that more school districts will join in the process. Trainings for teachers, families, IT personnel, and administrators are being conducted. These trainings include instructional design and integration of preexisting systems.

District schools have access to a \$33 million Elementary and Secondary Schools Emergency Relief (ESSER) funds to help absorb additional costs caused by COVID. The funds were made available to the schools in May. As of the Board meeting, about half of the schools have completed a fund application. I. About \$1 million of the funding has been spent so far.

Executive Order 64, a rule amendment to facilitate remote instruction, is now in place. It allows flexibility in terms of how schools are allowed to offer instruction to students.

A 5-Steps document is available on the Department website and on social media. The document lays out the five steps that take place if a COVID incident occurs in a school. Commissioner Edelblut noted that the process laid out in the document seems to be working well so far.

The U.S. Department of Agriculture provided additional food and nutrition waivers the week before the Board meeting. These waivers allow food programs flexibility at least through December 31. One of the most important waivers is area eligibility. As a result, the Department continues to be able to service and support all students across the state.

As reopening plans were being completed, the Department put together a team to review the plans and determine strengths and weaknesses to share with the districts. A self-assessment tool was also shared with the districts to gather information. In particular, the Department noted that the plans were strong in terms of following the DHHS guidance and that many protocols were put in place to prepare the physical environment and establish how student movement around the school environment would take place. The Department also identified some areas of particular importance:

- Communication plans: understanding who is communicating with whom and under what circumstances, as well as refining these procedures appropriately.
- A dynamic and nimble instructional environment that ensures continuity of instruction: this is important not only for VLACS, but also for situations in which students present symptoms in a school building. In this kind of situation, a student might need to be quarantined for as long as 14 days, and the Department wants to ensure that such students have continuity.

The federal government has made available a waiver that grants flexibility around 21C, afterschool programming. Typically, afterschool programming cannot take place during the school's instructional hours. However, the Department will be applying for the waiver, which will allow 21C programs to expand their hours of operation.

Kate Cassidy asked for a status update on Internet access for remote learning, given the written testimony outlining problems in this area. She specifically cited a situation in Londonderry. Commissioner Edelblut indicated that the problems are not as acute as they were in the spring, but some families are still struggling with Internet access. The Department is working to solve these problems. Commissioner Edelblut provided two examples:

- Commissioner Edelblut spoke with a Londonderry parent about their situation, which is financial. Commissioner Edelblut spoke to Comcast to begin working on a solution for this student.

- Another case involves a rural family whose property has a half-mile driveway, no phone line, and poor cell reception, regardless of carrier; the family reached out for help with Internet options. Satellite connectivity was proposed, but the family has difficulty with reliable satellite connectivity because of sky exposure on their property. No solution has been devised yet for this family, other than ensuring that the school building is open to them for Internet access.

The Department also has discounted programs with providers, and such programs are also available through direct-to-consumer marketing. There is also a broadband project run through the Office of Strategic Initiative. This project is designed to build out additional broadband capacity in a number of communities, covering around 6,000 additional homes. In a recent nationwide study of Internet connectivity, New Hampshire ranked as one of the top states in terms of capacity.

Ms. Cassady asked whether people with Internet access problems should go to their superintendent/principal, or directly to the Department. Commissioner Edelblut replied that often, such situations are solved directly by the school district. In other situations, either families or school districts will contact Commissioner Edelblut for additional help.

AGENDA ITEM XI. OPEN BOARD DISCUSSIONS

Chair Cline noted that, in the prior Board meeting, Kate Cassady suggested a retreat to discuss the rules and legal changes being developed for charter schools. Chair Cline liked the idea of a retreat and had sent out some proposed dates, but was unable to accommodate everyone; for instance, Cindy Chagnon is unavailable on Mondays and Wednesdays. Chair Cline stated he would work out some different dates to send out. He's hoping for the retreat to take place in the next couple of weeks.

Helen Honorow noted that her idea of a retreat is brainstorming, sharing ideas, deciding philosophically where we want to be. In this case, there's a broad range of charter schools that have raised some questions. The questions are practical ones that the Board has discussed looking at. This seems to be something the Board needs to address philosophically and programmatically, from a policy perspective. The following types of questions need to be asked: what are the deficiencies we see? Where can these deficiencies be addressed in rules or perhaps recommended legislation? Consensus on these questions would go a long way toward providing a roadmap for the rules process. Ms. Honorow interpreted the focus of the proposed retreat as sitting down and writing some rules, perhaps to be completed before the October meeting. Ms. Honorow feels that the Board instead needs to start with gathering the areas, problems, and deficiencies that need to be addressed. Only after reaching consensus on those big-picture issues should drafting begin.

Chair Cline replied that this is not an either/or situation. As he had explained previously, the Board has needed to talk about these issues for a long time. He views the retreat as an opportunity for these discussions to occur in just the way Ms. Honorow laid out. He also feels that an all-day retreat could include beginning to sketch out some rules by the end of that day. He sees no conflict in initiating preliminary drafting at the retreat.

Cindy Chagnon expressed her interest in an in-person retreat. Ms. Chagnon noted that Room 15 downstairs is big enough for the Board to spread out adequately. Chair Cline agreed that the retreat should be in person and intends to look for a room large enough to accommodate them.

Kate Cassady noted that many people are unfamiliar with charter schools, which have different laws and rules. She wanted to make sure that they have all the job descriptions. She also suggested that Jane Waterhouse be in attendance at the retreat in order to make sure that all packets that go out are consistent and that the specific guidelines associated with charter are clear to all involved. Chair Cline replied that over the last year, the Board has identified many serious issues with the charter school rules. The retreat is intended as a beginning step to cover the following:

- Discuss the laws that have already been identified as creating problems and to brainstorm recommendations to the legislature
- Continue working on the previously identified deficiencies in the rules relating to initial applications
- Address the significant deficiencies in the rules relating to renewals
- Consider issues around oversight: what happens when a charter school is in violation of the rules or the law?

Chair Cline envisions that the retreat will consist of presentations by staff on the key issues above, followed by open discussion regarding the Board's vision for each of the categories. He hopes to have as attendees Department staffers, charter school administrators, and people with inside knowledge of how the rules actually work on the ground. Staff have already been working on the above issues, at the direction of the Board. Thus, much of the groundwork for the retreat has already been done. Given the work that is already been done on these issues, he feels the Board would be ready to begin sketching some rule changes at the retreat. He does not anticipate that the retreat will result in a fully drafted set of rules.

Ms. Honorow interjected that prior to past Board retreats, the Chair and Commissioner sent out an email to Board members to determine what issues the Board wants to hear about. This helps in identifying appropriate presenters. Ms. Honorow suggested Caitlin Davis, Nate Greene, Chris Bond, Jane Waterhouse, Jill Perlow, and Matt Southerton. Ms. Honorow felt that establishing a broader knowledge base for all involved is important, because every time the issue comes up, complexities arise around what is allowed or not allowed, for instance. Chair

Cline replied that when he had repeatedly referenced "staff and stakeholders" in previous emails on the subject, he assumed it was understood that he was referring to charter school staff, as opposed to people in the Department unrelated to charter schools. He agreed that Nate, Jane, and Caitlin must be in attendance, since they have been drafting the rules and laws. He also agreed that Chris should be there, since an attorney is critical to the proceedings.

Ms. Honorow asked Chair Cline whether Jill would attend, since she has advised on the issue a number of times. Chair Cline indicated that he would invite Jill, but that Chris is the attorney who has been primarily involved in the issue, whereas Jill has been swamped with COVID-related issues and has thus been less available to the Board. Chair Cline also agreed that Matt Southerton must be invited. He also anticipates inviting charter school directors and is happy to take suggestions on other attendees as well as on issues to be discussed.

Kate Cassady asked whether a date could be firmed up by Friday or Monday. Chair Cline replied that he has not sent out invitations because he needed to get agreement from the Board first. The best days seem to be Thursday, Friday, or Saturday, but he would prefer to avoid Saturdays. Ms. Honorow noted that the beginning of October would be easier for her because of upcoming Jewish holidays. Chair Cline asked if the week of September 21 to 25 or the first full week of October would work. Commissioner Edelblut interjected that because of school reopenings, Department staff will need more lead time than a couple of weeks. The Board settled on the last two weeks of October as the best timeframe, specifically October 22, 23, 29, or 30.

Helen Honorow asked about the next steps on addressing the draft rules regarding remote instruction. Chair Cline replied that he did not have a firm answer because there are multiple considerations surrounding these rules. He also presumes the Board will end up producing a rough draft that will require a great deal of feedback, especially given the complexity of the issues. For instance, the School Administrators Association's proposal is very different than the School Board Association's proposal and the governor's emergency order. The School Board Association's suggested changes would involve writing remote instruction into an entirely different section of rules. He thus felt it necessary to gather the opinions of other people, including those of Chris Bond and Amanda Phelps, to help sort things out. He also noted that the Board has through November to work on the rules. Chair Cline indicated that he needs to have discussions with various stakeholders to develop a better sense of how to proceed in drafting the rules.

Ms. Honorow singled out the question raised by Carl Ladd regarding an unfunded mandate. She argued that the Board needs to feel confident that whatever they propose is not an unfunded mandate. Chair Cline agreed.

AGENDA ITEM XII. OLD BUSINESS

There was no old business.

AGENDA ITEM XIV. CONSENT AGENDAA. Meeting Minutes of August 13, 2020

Chair Cline proposed some changes to the minutes:

- On page 4990, it says that Chair Cline was quoting from statute, when in fact he was quoting from rule.
- Page 4992: Chair Cline felt "retorted" was too strong a word and requested it be changed to "responded."

Ann Lane proposed an additional change:

- Page 4983: Regarding Ms. Lane's discussion about the burden on charter schools to supply information regarding performance, she felt that her intentions were lost in translation. She felt it came across that she didn't value the information that was being supplied, when, in fact, she does feel the information is valuable. Her intent was to avoid burdening charter schools with something that is collected automatically for public schools. Further, she has since learned that the same information about charter schools is also collected automatically. Chair Cline added that Ms. Lane was pointing out a potential equity issue and was simply trying to ensure that the charter schools were treated fairly. Ms. Lane agreed with this characterization.

MOTION: Cindy C. Chagnon made the motion, seconded by Ann Lane, to approve the Consent Agenda as amended, including both the meeting minutes and the Hollis-Brookline Cooperative School District Certification of New Apportionment Formula (Agenda item B).

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

AGENDA ITEM XVI. ADJOURNMENT

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to adjourn the meeting at 1:10 p.m.

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



Secretary