

New Hampshire
State Board of Education
Minutes of the November 12, 2020 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 9:10 a.m. The meeting was held via Zoom webinar due to the COVID-19 state of emergency. Drew Cline presided as Chair.

Members present: Sally Griffin, Ann Lane, Kate Cassady, Helen Honorow, and Drew Cline, Chair. Cindy Chagnon and Phil Nazzaro were not able to attend due to prior commitment. Also present were Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner of Education.

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. Comprehensive Support and Improvement (CSI) School Presentations

Presenters included NHDOE Deputy Commissioner Christine Brennan, Mike Schwartz of Demonstrated Success, Principal Chas Miller of Ledge Street Elementary School, and Principal Paula Jones of Henry Wilson Elementary School.

Deputy Commissioner Brennan noted that CSI schools will be presenting to the Board for the next couple of months. This will highlight to the Board how leaders are developing and altering plans and implementing changes during COVID. Educational leaders must be as innovative and creative as possible.

Mike Schwartz provided an introduction to CSI, Every Student Succeeds Act (ESSA), and New Hampshire's consolidated plan from 2017 to meet ESSA. CSI schools are in the bottom 5% of schools regarding academic achievement. There are twelve such elementary schools across the state and one high school, with an additional seven high schools flagged as struggling due to low graduation rates. Most of these schools are charter schools serving at-risk students. These schools need strong leadership, extra funding, oversight, and technical support.

School improvement is monitored through school improvement plans (SIP), with two to three main goals each year. A major goal for all the schools is an improved culture and more staff collaboration.

Helen Honorow asked about the statistic about the struggling charter high schools. Are the numbers being looked at reflect whether students are graduating, including past 18, or if they are participating in credit recovery or other opportunities to eventually receive a diploma? Mike Schwartz answered that federally, the state is required to use a 4- and 5-year graduation rate to identify struggling schools.

Principal Chas Miller of Ledge Elementary School, a CSI school, gave a comprehensive update of how his school is improving in all the metrics. He is very proud that the state's teacher of the year is from Ledge Elementary. Principal Miller discussed his work with school staff to have an atmosphere of vulnerability, humility, and to fail forward. He models these behaviors and the level of staff collaboration has significantly increased.

Principal Miller's priority goals for his school are to improve Tier I instruction and to implement professional learning communities (PLCs) for additional and deeper staff collaboration and learning. His biggest challenge is a lack of time for PLCs. Principal Miller went on to explain other ways he has worked to improve school culture with parents, children, and staff. He also detailed a mobile levelled book room that was put into place during the COVID shutdowns to encourage literacy and he has plans to expand this program.

Principal Paula Jones of Henry Wilson Elementary School was just hired on August 31. Even though she has had barely 8 weeks at the school so far, she is already implementing improvements and seeing positive changes. Principal Jones discussed how many of the teachers seemed to be working singularly and not as a team. Teachers were not being faithful to one curriculum. Principal Jones met with the educational team to discuss curricula and the need to select and use only one. Due to COVID, it has been difficult to get to know the community but she has made outreach efforts and is seeing results. The school will implement a 90-day equity plan as a quick check-up that can be carried out several times a year.

Helen Honorow wondered if there is a way for CSI schools to share their successful strategies to a broader audience so other schools can learn their best practices. Mike Schwartz answered that there is a meeting for CSI schools to do exactly that, but that perhaps a way could be found to extend that more broadly. Chair Cline mentioned that charter schools are supposed to experiment and are required to share their findings, and that it would be valuable to share CSI school findings as well.

Ann Lane asked what the roadblocks to achievement are in CSI schools. Principal Miller responded that teachers need to understand the "why" behind what

they are doing so they are able to plan and focus. Administrators must communicate the "why" to the staff and be strong leaders to move the schools forward.

B. School Restraint and Seclusion Report for School Year 2019-2020 per RSA 126U

Rich Farrell of the NHDOE Governance Unit gave an update on last year's school restraint and seclusion statistics and explained that from March 15, 2020, to June 20, 2020 there was virtually no reporting due to the COVID-19 pandemic. Nonetheless, both public and non-public schools were timely in reporting. Every school has been documented.

Restraint and seclusion for public schools: There was a total of 1,785 restraint reports, down from 2,860 the previous year. Even factoring in the COVID-19, this is still a reduction in total restraints. There were 4 reported injuries, none serious. Each injury report was documented, investigated, and cleared for educator misconduct.

Rich Farrell said that one public school, Broad Street Elementary School stands out with 464 issues of restraint and 124 seclusions. This school serves many children with autism and other significant needs, and the school's policy is to document any hands-on involving students even if it is not a restraint as defined by statute. There was a second school that stood out, an elementary school with 14 restraints and 14 seclusions but they were all the same child.

Restraint and seclusion for non-public schools: There were 1,827 instances reported, down from the 3,000 reported the prior year. Once again there is an outlier with a school that reports every hands-on even if it is not a restraint as defined by statute. Rich Farrell was able to document and report every incidence of injury. All were minor excluding a single student with a broken arm, who seems to have injured himself.

Ann Lane asked Rich Farrell if he has confidence in these numbers. Rich responded that he thinks the reported numbers are high, in that they are not consistent with what the statute defines as restraint. Even though schools have been told to only report according to the statutory definition, there are still some schools that continue to report everything.

Helen Honorow reminded everyone that the prime reason for the statute is to make sure that students with disabilities in particular are not restrained inappropriately, and therefore when discussing which schools have higher rates it is inappropriate to say that they have higher rates due to a higher special education population. Rich Farrell interjected that this has been discussed with Broad Street Elementary School in particular and there was one educator at the school who was investigated for misconduct.

MOTION: Ann Lane made the motion, seconded by Kate Cassady, to approve the Restraint and Seclusion Report.

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

AGENDA ITEM V. PUBLIC HEARINGS

A. Remote Instruction (Ed 306.18(a)(7) & Ed 306.22)

Chair Cline opened the public hearing at 10:39 a.m.

Bonnie Dunham from Merrimack, NH spoke as the parent of a child who benefitted from special education. She said that while the Department of Education and the school districts have been working hard to meet the needs of children with disabilities during the pandemic, there is a wide variation across the state in terms of how successful they are, particularly with children with complex needs.

Ms. Dunham recommends the following adjustments to Ed 306.22: After the line that reads "The local school board shall adopt policies relative to all distance education offered by the school district", she would like to add language modelled after Executive Order 64: "The policy shall specify that when a school district is providing instruction through a distance education model or through a hybrid model that includes distance education, procedures shall be established to ensure the provision of a free appropriate public education for all children with disabilities, including through the provision of 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 teachers, and the child's family." Ms. Dunham feels that the flexibility given to educational institutions during the pandemic has been taken to the extreme in some cases and is causing failure, and that many students with disabilities have fallen through the cracks during distance learning.

Further, Ms. Dunham recommends the following change: After ED 306.22(b) which states "School districts may offer students the multiple instructional options, including traditional classroom, distance education, or hybrid instruction models", she requests to add "unless the use of distance education is necessitated by an emergency, including a public health emergency, traditional classroom education shall be one of the options offered by each school district." This change is to ensure that no one tries to continue distance learning as the primary way of learning after the pandemic is over.

Lisa Beaudoin, Executive Director of ABLE NH also spoke on behalf of students with disabilities. Parent surveys have shown that despite the Board's

efforts, many students with disabilities have been left behind and have not received any services since March. The coverage is highly inconsistent across the state. Clear and strong language in all New Hampshire rules on the matter is necessary so the needs of all children will be met.

Ms. Beaudoin concurred with Ms. Dunham's suggestions of placing boundaries around the flexibility that had been offered. Some of the special needs children have had to refuse to return to in-person learning due to being high-risk or due to having high-risk family members. However, for many students who have been unable to return to in-person learning, they are now receiving no education and no services. Occupational therapy (OT), physical therapy (PT), and speech therapy cannot be delivered remotely for students with the most significant disabilities. ABLE NH is particularly concerned about families of low socioeconomic status or low parental education who are not able to reach ABLE NH or other organizations to arrange proper education through the Individual Education Plan (IEP) team process.

Carrie Duran of Wolfeboro, NH spoke as the mother of a 9-year-old child with Down Syndrome. She discussed how she, like many other parents, is having to try to balance her work and her daughter's education. The school district has worked with their family to allow the child to still attend all of her OT, PT, and speech therapy in school, but Ms. Duran feels that she has a choice to make: either keep up with the therapy or keep up with the academics. It is proving difficult to stay on top of both at the same time. She expressed the feeling of many parents in the COVID age that no matter what choice they make, they are failing.

William Caruso from the Shaker Regional School District, another parent of a child with special needs, related that it seems the school is no longer following his son's IEP and he was given no advance warning of or consultation regarding the changes. Services that were meant to be 40 minutes long are now only 10 or 15 and remote. He feels that these decisions have not been based on real data or on accurate evaluations of the situation. Additionally, Mr. Caruso lamented the poor communication from the school that makes it difficult to have all supplies prepared for his child on time. Nonetheless, his son is thriving with remote learning, likely because the stresses of the transitions at school and his difficulties managing the transitions is taken away in the calm home environment. However, the sudden and unexplained changes to the IEP are concerning.

Chair Cline closed the public hearing at 11:11 a.m.

AGENDA ITEM VI. COUNCIL FOR TEACHER EDUCATION (CTE)

A. University of New Hampshire (UNH) Substantive Change Request

Liz Archieri, UNH Coordinator of Accreditation and Certification explained to the Board that after careful consideration, UNH decided to not seek continuation

of its current approval for its Comprehensive Agricultural Education educator preparation program. Currently, there are no students enrolled and only one student has completed the program since 2016.

MOTION: Ann Lane made the motion, seconded by Helen Honorow, that the State Board of Education grant the elimination of the Ed612.31 Comprehensive Agricultural Education Professional Educator Preparation Program at University of New Hampshire effective at the end of the 2020-21 academic school year to expire 5/30/2021.

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

B. Keene State College (KSC) Substantive Change Request

Laura Stoneking, NHDOE, Administrator, Bureau of Educator Preparation and Higher Education explained to the Board that this information is extended by the CTE to the Board for information purposes only and no formal action is required at this time.

Tanya Sturtz, Keene State College Associate Dean, School of Arts, Education & Humanities and Educator Preparation Leadership Certification Officer explained to the Board that KSC is looking to make adjustments to the Science for Middle School courses. The college is changing the "General Science for Middle School" to "STEM for Middle School educators". This will include changes to the education courses to realign existing courses with the Next Generation Science Standards (NGSS), add courses in STEM education, and add additional engineering and math courses.

Helen Honorow commented that it seems this is an attempt to both strengthen and broaden the program content. Jacob Pleasants, also of KSC, explained that the major is equally rigorous and that these changes are merely a realignment and a refocus to best prepare the teachers.

AGENDA ITEM VII. CHARTER SCHOOL REPORTS/UPDATES

A. Northeast Woodland Public Charter School Charter Amendment

Jane Waterhouse, NHDOE, Charter School Administrator, introduced Jesse Badger, Chairman of Northeast Woodland Public Charter School.

Jesse Badger requested to adopt the school's Year 2 numbers ahead of schedule as demand has outpaced projections and the school has secured more space than originally anticipated. They currently have 3 students over the

allocated 145 and would like to increase enrollment by 35 students to be able to accept students from their waitlist.

MOTION: Ann Lane made the following motion, seconded by Kate Cassady, that, pursuant to RSA 194-B:3, XI, that the State Board of Education authorize Northeast Woodland Charter School to amend the charter to increase enrollment from 145 to 180 students for the 2020-2021 school year.

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

AGENDA ITEM VIII. PROFESSIONAL STANDARDS BOARD (PSB)

This item was removed from the agenda at the start of the meeting and will be taken up at a later meeting.

AGENDA ITEM IX. LEGISLATIVE UPDATES

A. Final Proposal ~ Demonstrated Knowledge and Skills in High School (Ed 306.27(d))

Amanda Phelps, NHDOE, Administrative Rules Coordinator, noted that this version is amended only slightly from the initial proposal version, based on public testimony from Nicole Heimarck. The words "placement pretest" were changed to "assessment". The last sentence was changed to "shall be eligible to take another course". Ms. Phelps noted that the Office of Legislative Services (OLS) has not submitted comment on the initial proposal because they are severely behind due to changes in procedures due to COVID. Comments from OLS will be received upon submission of the final proposal.

Helen Honorow expressed concern that a placement or pre-placement test is being equated with competency. Requiring a district to give credit for a course that they did not design can be problematic, and conflating the meaning of a placement test with course credit and having the test be something that a student should get credit for does not seem appropriate.

Chair Cline pointed out that section (d) talks about the placement pretest in the current language but not the new language. Section (f) shows that this is consistent with the idea of awarding credits, as it reads: "Credits shall be based on demonstration of competencies, not on time spend achieving those competencies." The rules are internally consistent, but the new wording is enabling a type of rule change that allows students to be able to gain access to something that has already been in the rules for many years.

Ms. Honorow queried why students should get additional credit and have to take fewer courses, rather than using the placement tests simply as a placement tool that will enable the students to advance further along the subject pathway. Chair Cline clarified that the total number of credits for any particular subject has not been reduced, but students can bypass material they have already mastered and put their time to better use expanding their learning horizons by taking other courses.

Commissioner Edelblut joined the conversation, quoting rule 306.27: "Students shall be provided courses in a classroom setting that will enable them to demonstrate achievement of graduation competencies." This means that courses in a classroom setting exist purely to allow a student to demonstrate a competency. The students should receive credit for demonstrating competencies.

Chair Cline suggested that perhaps Ms. Honorow's concern is that such an approach will mess up the credit system. Ms. Honorow clarified that she does not think a student should get actual credits for the same course both at the elementary and at the high school level. Ann Lane is of the opinion that giving students credit for competencies allows them to pursue a wider range of subjects in high school, for which they can potentially earn college credit as well.

MOTION: Ann Lane made the following motion, seconded by Sally Griffin, that the State Board of Education approve the final proposal for Ed 306.27(d), Demonstrated Knowledge and Skills, as amended.

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

B. Final Proposal ~ Home Education (Ed 315)

Ms. Phelps recounted that at the public hearing for this rule, one person gave oral testimony but he did not want to submit written testimony. There are no amendments from the initial proposal to the final proposal.

MOTION: Kate Cassady made the following motion, seconded by Sally Griffin, that the State Board of Education should approve the final proposal for Ed 315, Home Education.

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

C. Withdrawal from Rulemaking ~ Vocational Rehabilitation Programs (Ed 1000)

Ms. Phelps explained that she had drafted an objection response because there were so many comments and time was needed to sort through them. The Vocational Rehabilitation team also found items in the rules that they wanted to change and significant things that had been overlooked. They are requesting to withdraw the current proposal in order to fix it.

Ms. Phelps went on to explain that the rules are in effect under an emergency rule until January 11, 2021 and they would need to enter into another emergency rule period until new regular rulemaking could be completed. The objection response was vetted by attorneys. A new emergency rule that incorporates the proposal is nearly ready.

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

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

D. Discuss Remote Instruction (Ed 306.18(a)(7) & Ed 306.22)

Helen Honorow noted that the Board has received written testimony from people and may yet receive more over the next week. She suggested that the topic be revisited at the next meeting. Chair Cline cautioned that the Board must be careful with the rules as there are many protections for children with disabilities under the rules, and they do not want to inadvertently weaken the existing rules through poor wording on the updated rules.

Ann Lane requested that Angela Adams put together a package of the original rule, the new draft, and all the public input received in order to make it easier to review the changes. Ms. Phelps reminded everyone that the rule has a December 23 deadline and must be voted on at the December meeting.

AGENDA ITEM X. COMMISSIONER'S UPDATE

Commissioner Frank Edelblut provided an overview of Canvas (a statewide learning management system) implementation. He also updated that they were able to negotiate a statewide Zoom license. All schools participating in Canvas will have a 3-year Zoom license at no cost to the schools. Commissioner Edelblut stressed that the investment in Canvas is becoming more relevant and more important as the pandemic progresses. It is a platform for in-person, hybrid, and

remote instruction, and offers the ability to move between the models. More districts are signing on.

Commissioner Edelblut then discussed the Modern States proposal. They are negotiating an agreement with Modern States for secondary and post-secondary online education resources. It will be free to New Hampshire students and a good opportunity as it includes online courses taught by high-quality college professors.

New Hampshire was one of the few states that held in-school Scholastic Assessment Tests (SAT)s for students in October. There was a concern that students who missed the Spring 2020 SATs due to the pandemic would never take it at all and would fall off the radar for post-secondary institutions. For the lower grades, the New Hampshire Statewide Assessment System (SAS) was given to most students in October to give schools feedback on how the students were faring, having missed the Spring semester. The assessment was available both remotely and in-person. Fourth graders were given the third-grade assessment and third graders were not assessed this year. The information collected will inform how to deploy resources in support of the schools.

Commissioner Edelblut raised an additional issue, that many schools are moving to a remote model of learning between Thanksgiving and two weeks post-Christmas, approximately from November 30 to January 19. The driving force behind this is the assumption that people will travel for the holidays and the districts want to stay safe. The Commissioner reiterated that many families have no alternate childcare arrangements and cannot afford to not work during that time period. Furthermore, school system workers are considered essential workers and do not have the same quarantining requirements as the general population. He was urging districts to carefully consider if remote learning was appropriate under these circumstances.

An additional concern is that for remote and hybrid students, schools must ensure there is high-quality instructional opportunities on the remote days. Ed 306.02(k) defines it thus: "Instructional time means the period of time during which pupils are actively working toward achieving educational objectives under the supervision of an educator or another staff member." Schools must make sure a staff member is always available for students who get stuck on homework or remote learning difficulties.

Commissioner Edelblut updated that there is now a school dashboard available on the Health and Human Services website. It contains rich information about schools and COVID. Schools report attendance information on a daily basis and the dashboard is updated. The goal is to have full transparency.

Ms. Honorow asked what percentage of students took the SATs on the special Fall dates that were offered. Commissioner Edelblut said the full numbers

have not yet come in but of 14,500 eligible students, the preliminary number is that 8,900 have taken it. The number is expected to rise as more schools submit reports.

AGENDA ITEM XI. OPEN BOARD DISCUSSIONS

Helen Honorow asked if there was an update on the date for the second retreat. Chair Cline replied that they were aiming for November 19, but it could possibly be postponed if he and the NHDOE staff do not have enough time to prepare.

Another board member asked if there is an update about the charter school grant money that was allocated to New Hampshire but denied by the legislature. Commissioner Edelblut replied that it is unchanged at this point in time. He had a discussion with Representative Wallner, who chairs the fiscal committee, and it will be brought to either the November or December committee meeting.

Chair Cline reiterated for the parents of children with IEPs that the Board hears their concerns about the challenges of remote instruction and is actively working to improve the situation. The Board does not take these concerns lightly and is not dismissing them. Unfortunately, this is an issue across the nation at the moment.

AGENDA ITEM XII. OLD BUSINESS

There was no old business.

AGENDA ITEM XIII. TABLED ITEMS

- A. Capital City Public Charter School Status Change Request and Progress Report

AGENDA ITEM XIV. CONSENT AGENDA

- A. Meeting Minutes of October 8, 2020

Helen Honorow proposed some changes to the minutes:

- On page 5060, it should be "end of course" rather than "end of court".
- Page 5061: "Finally by replacing the competency assessment", it's too shortened from what the speaker was saying. Someone needs to go back and listen to the moment as it's not quite what the speaker was saying.

Ann Lane proposed additional changes:

- Page 5061: In the next paragraph below Helen's note, the paragraph also seems truncated and that section should be listened to again.

- Page 5080: Chair Cline is quoted as saying "School districts are already suffering financially, and the Board needs to address the issue." The quote seems out of context and should be listened to again.

Chair Cline proposed additional changes:

- Page 5057: "The family was encouraged to switch their daughter to on-person learning so she could be more educationally challenged." Chair Cline does not recall this and this does not seem accurate.
- Page 5064: "The curriculum in the social justice class should include more emphasis on legal aspects of IEP." Chair Cline does not think that's what he was saying.

MOTION: Helen Honorow made the motion, seconded by Sally Griffin, to approve the previous meeting minutes as amended.

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

AGENDA ITEM XVI. ADJOURNMENT

MOTION: Kate Cassady made the motion, seconded by Helen Honorow, to adjourn the meeting at 1:00 p.m.

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



Secretary