

New Hampshire  
State Board of Education  
Minutes of the May 20, 2015 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:15 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Helen G. Honorow presided as Acting Chair.

Members present: Bill Duncan, Cindy C. Chagnon, Gary Groleau, Helen G. Honorow, Gregory Odell, and Emma Rous. Tom Raffio was unable to be present. Virginia M. Barry, Commissioner of Education, and Paul K. Leather, Deputy Commissioner of Education, were present.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Gary Groleau led the pledge of allegiance.

Commissioner Barry had a CD played at the beginning of the meeting of the Littleton School System Circle of Excellence Award Ceremony. She noted that Littleton School District has a 0 dropout rate.

**AGENDA ITEM III. PUBLIC COMMENT**

Bonnie Dunham said she was pleased with the outcome regarding Lakeview School and urged Board members not to undo Commissioner Barry's decision as rules were violated at the school.

**AGENDA ITEM IV. OPEN BOARD DISCUSSION**

A. Follow-Up from March 4 Retreat:

- Goals
- Teacher Effectiveness
- Suspensions/Expulsions/Climate - Emma Rous asked about the two bills regarding suspension that has been sent to study committee. She feels the Board needs to address this.
- Protocol/Process-Teacher layoffs  
(Will be discussed at Board Retreat)
- Set Date for July Retreat – July 24, 2015

Acting Chair Honorow asked Board members if there were other topics they would like to add to the Agenda for the July Retreat and to send them to Chairman Raffio.

B. Miscellaneous – Paul Leather said that Keith Burke will address the dashboard metric on charter schools at the June meeting. Keith has met with the Charter School group. Helen Honorow suggested that she and Bill Duncan meet with Keith Burke, with the Commissioner and/or Deputy, before the June meeting.

#### **AGENDA ITEM V. SPECIAL PRESENTATIONS**

A. Hearing – NH Department of Education/Lakeview School - Acting Chair Honorow set some ground rules regarding the hearing. The hearing was allotted two hours with 30 minute presentations from both parties and rebuttal after all initial presentations, including 5 minutes from the Department's time for the Disability Rights Center. Acting Chair asked Board members if they were satisfied with the timeframe and all agreed. Acting Chair swore in all parties who were testifying who were not attorneys. Acting Chair Honorow disclosed that she is on the Board of Directors for Gateways Community Services in Nashua and explained that while she did not believe it was a conflict, she was asking if the parties felt it was a conflict of interest. Both counsel for Lakeview and the Department stated that they did not believe it was a conflict.

This appeal results from an enforcement action taken under Ed 1125. On April 10, 2015, Commissioner Barry, after an investigation of Lakeview Neurorehabilitation Center, withdrew approval of and ordered cessation of Lakeview's Special Education program. If the State Board affirms the Commissioner's decision, the decision of the Commissioner will be upheld. If the State Board denies the Commissioner's decision, further action will need to be taken. The following people argued or presented evidence on behalf of the Lakeview School: Attorney Edwinna C. Vanderzanden, Lori Lutz, Joy Kiley, Tina Trudel and Chris Slover, owner of the Center. Attorneys Erin McIntyre and Lisa English represented the Department of Education and Attorney McIntyre argued on behalf of the Department. Attorney Karen Rosenberg argued on behalf of the Disabilities Rights Center.

The Department raised a procedural matter asserting that Lakeview was going to request permission to submit additional documents that were not attached to the appeal and the Department objected to this. Lakeview objected to the submission from the Disabilities Rights Center and asked that it be stricken from the record. After listening to argument from both sides and meeting with counsel, Acting Chair issued the following order:

1. Any document that had been submitted by Lakeview to the Department as part of the investigation would be part of the record for any appeal, including an appeal to the New Hampshire Supreme Court. As a result, the Board would not accept the CD from Lakeview that purportedly contained approximately 3,000 documents.
2. The submissions from the Disabilities Rights Center were accepted with the understanding that the Board would give these submissions whatever weight the Board deemed appropriate. The Disabilities Rights Center was also advised by the Board that, during its 5 minute presentation, it should focus on the special education issues.
3. No transcripts that were created by Lakeview from telephone calls with Department employees would be accepted as part of the record due to concerns regarding how the recordings occurred.
4. Any presenter during the hearing must only refer to the original documents as they were submitted to the Department during the investigation and not to any modified version of a document. Further, no documents created or submitted after April 10, 2015, would be considered by the Board.
5. Any document to be used during the hearing must not contain confidential information unless such information is appropriately redacted.

There were presentations by Lakeview, the Department and the Disabilities Rights Center with opportunity for rebuttal. The Board asked several questions to which everyone who had been sworn in had an opportunity to respond. The official detailed record of the hearing is available separately from these minutes.

The hearing began at 10:05 AM with the procedural issues being decided at 11:45 AM. The hearing officially ended at 1:45 after all presentations and the Board's deliberation and decision.

**MOTION:** Bill Duncan moved, seconded by Cindy Chagnon, that the State Board of Education uphold the Commissioner's decision ordering the cessation of Lakeview's Special Education program.

VOTE: This was done by a roll call vote: Emma Rous – Yes, Gary Groleau – Yes; Gregory Odell – Yes; Cindy Chagnon – Yes; Helen Honorow – Yes; Bill Duncan – Yes.

B. Public Hearing – Ed 507.16 and Ed 612.21, Physical Education and Ed 506.04, Principal and Ed 506.08, Associate Principal – Acting Chair Honorow opened the hearing at 11:00 a.m. Ed 506.04 contains certification requirements for Principal Instructional Leader and Ed 506.08 contains certification requirements for Associate Principal Instructional Leader. This requirement to demonstrate the ability to use selection retention and final evaluation procedures in selection of teachers and support personnel is being added to each of these sections because it was removed in a previous rulemaking by a scribe's error. Ed 507.16 contains certification requirements for Physical Education teacher and Ed 612.21 is the teacher preparation program for physical education. The larger part of these rules have expired and are being updated with competencies consistent with current standards and practice. There was no testimony at this hearing. The hearing was closed at 1:15 p.m.

C. Student/Epsom School Board – SB-FY-14-03-011 – A request for hearing by the Board on behalf of the student was received from the Parents on March 3, 2014. The parents appealed the school board decision regarding bullying. As a result of parents' January 2015 email, it is recommended that the Board approve the Hearing Officer's Report and adopt the Recommendation of March 21, 2015 based on the parents' confirmed withdrawal of their appeal.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education voted to accept the Hearing Officer's Report and adopt the Hearing Officer's Recommendation.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

D. Motion for Reconsideration and for Rehearing – The Petitioner requested a reconsideration and rehearing of the State Board of Education's decision on March 25, 2015.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education voted to deny the Motion for Reconsideration and for Rehearing.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

**AGENDA ITEM VI. NEW DEPARTMENT BUSINESS**

Ensuring Equitable Access to Excellent Educators Plan – Karen Soule and Ira Glick were present to discuss this plan. Karen Soule gave a brief history of NH Equity plans in the past and what the new requirements are from the USED for the most immediate equity plan. She emphasized that this initial plan is a work in progress, is based on supporting the transformation of education in New Hampshire assuring that all students have access to excellent educators. There are at least two key differences from previous plans, first of all it is a living, breathing document that is ongoing and has and will continue to actively engage stakeholders in this process. Even though as we reviewed data on New Hampshire student poverty and beginning educators there is only a .19 correlation which is not much of a relationship. However, we know that there are pockets of poverty and minority students so we had to look at the extremes. As a result we identified equity gap data around beginning educators and students in poverty. This initial piece of quantitative data helped us draw our initial picture. Knowing that this may not tell the whole story we will reach out to districts by offering focus groups or structured interviews that will help us to refine our understandings of these gaps, if they truly are gaps. This knowledge will assist us in supporting schools and districts facing these issues. It is important to remember that the plan is just the first step in the process to assure equitable access for all students to excellent educators and is about New Hampshire communities. Our stakeholders will continue to be involved and already we have a meeting scheduled in early June to develop a communication plan.

**AGENDA ITEM VII. LEGISLATIVE ISSUES**

A. Part Ed 306 Minimum Standards for Public School Approval – Paul Leather asked that this item be withdrawn as the Department will be submitting an emergency rule for six months to stay current sections at the June 25<sup>th</sup> meeting. The Department will work closely with JLCAR.

MOTION: Gary Groleau made the motion, seconded by Gregory Odell, to withdraw Part Ed 306 Minimum Standards for Public School Approval at this time.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

B. Final Proposal – Ed 505.03(e), Ed 506.05 and Ed 614.13, Curriculum Administrator – A vote is needed by the Board to adopt the Final Proposal for Ed 505.03(e), Curriculum Administrator, Ed 506.05 and Ed 614.13. The Department has made changes to the Initial Proposal as annotated in response to comments from the staff attorney for JLCAR. The Final Proposal will be submitted to the JLCAR for its review. After their public hearing and approved by JLCAR, the Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education adopt the Final Proposal for Curriculum Administrator, Ed 505.03(e), Ed 506.05, and Ed 614.13.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

C. Various Common Core and Related Bills – Bill Duncan updated the Board on legislative issues. Governor Hassan vetoed SB 101 and he thinks the veto will be upheld. Mr. Duncan said that HB 323 supports the Department's enhancement to state wide assessment. The PACE project includes four districts now and possibly four districts next year. Mr. Duncan said there is a bill proposed for kindergarten all day which is being held in the Senate.

Emma Rous inquired about the adequacy funding formula.

Deputy Commissioner Leather said that Senate Finance is talking about a 4% cut on the stabilization line of adequacy based and moving to eliminate the cap in future years. The Senate will meet on Thursday.

Helen Honorow inquired about the number of students who refused to take Smarter Balanced. Mr. Leather said that early reports are around 700 statewide.

**AGENDA ITEM VIII. COMMISSIONER'S REPORT**

The following items were reported on:

1. Commissioner Barry attended and gave a welcome at the Portsmouth Middle School dedication on May 16<sup>th</sup> – about 300 people attended. The Superintendent presented the Commissioner with a slate from the roof of the Portsmouth Middle School established in 1930 and also a piece of the Stratford School Gymnasium dated 1961-2007.

2. Commissioner Barry presented seven Circle of Excellence Awards to elementary schools.

3. Commissioner Barry said the Seacoast Charter School has a new Financial Manager and is making great progress.

4. The Commissioner said that Granite State Charter School is working to stay open and we'll just have to wait and see regarding the finances. Tim Carney has been working with them and they will be going two Saturdays to meet the required days.

5. Acting Chair Honorow said Board members and the Department has received a letter from the former Executive Director of Ledyard expressing some concern about the Charter School. The Department is aware of these concerns and is working on it.

6. Cindy Chagnon said the NH Teacher of the Year committee has been visiting schools and meeting with staff. She will be going to Unity for a visit.

7. Helen Honorow mentioned the Edies scheduled for June 6 where teachers will be recognized.

8. Commissioner Barry said she had attended the Parker Varney School in Manchester recognition event. Later that week Dr. Livingston and Commissioner Barry went on a walking tour of Gosler and Parkside Schools.

9. Mr. Leather said he had attended a breakfast recently at the Derryfield School regarding Breakthrough NH. They provide mentors for the Manchester School District. One of the speakers was a Manchester Mentor who has gone on to teach in inner-city Washington DC and is now the Director of Breakthrough Boston.

10. Acting Chair Honorow said that on May 28 there is a summit with IHE personnel to address needs of teacher preparation.

11. Mr. Leather said that on May 11 the Department sponsored a convening on Competency Education, including legislators and local board members. Gene Wilhoit, former Executive Director of CCSSO, was the keynote speaker, and Bill Duncan represented the State Board in a closing panel with Senator Stiles, Representative Ladd, and the Chairman of the Pittsfield School Board. Mr. Leather said that 22-24 school districts have expressed strong interest in joining PACE and that the current four districts in the pilot have developed and implemented this year's performance tasks. There is a conference scheduled for August 10 – 12 with the pilot districts to further review their progress.

12. Helen Honorow said that the CEDAR program has received a grant to help assist and support students with disabilities.

#### **AGENDA ITEM IX. OLD BUSINESS**

There was no Old Business at this meeting.

#### **AGENDA ITEM X. CONSENT AGENDA**

##### **A. Minutes of April 22, 2015 Meeting**

MOTION: Cindy made the motion, seconded by Bill Duncan, to approve the Minutes of April 22, 2015.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

**B. Tuition Agreement – Northumberland School District and Stratford School District** – Stratford School District does not maintain a public high school. The Northumberland School District does maintain a high school that is approved by the State Board of Education and is willing to accept Stratford students on a tuition basis. Approval of this tuition contract will permit students in grades 7-12 who reside in the Stratford School District to receive a public education in the Northumberland School District at Stratford's expense. It will also make Northumberland School District's high school the high school maintained by the Stratford School District.



MOTION: Cindy Chagnon made the motion, seconded by Gregory Odell, that the State Board of Education voted to approve the Tuition Contract between the Northumberland School District and the Stratford School District for a term of one year, commencing with the start of school year 2015-2016.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

C. Tuition Agreement – Chester School District and Pinkerton Academy – The Chester School District does not maintain a high school and is desirous to have the pupils who seek a high school education to attend Pinkerton Academy. Pinkerton Academy has provided a high school education to children of the Chester School District for many years and it is the intention of Pinkerton Academy to continue to provide such services during the term of any agreement. Approval of this Tuition Contract will permit high school students who reside in the Chester School District to receive a public education at Pinkerton Academy at Chester's expense. It will also make Pinkerton Academy the high school maintained by the Chester School District.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education voted to approve the Tuition Contract between Pinkerton Academy and the Chester School District for a period of twenty years commencing July 1, 2015.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

D. Commissioner's Nonpublic School Advisory Council Nominations – A vote is needed to accept and approve the recommended renewal nominations for Nonpublic School Advisory Council membership whose membership would expire June 30, 2015.

Kent Bicknell, Principal, Sant Bani School, Sanbornton; Claire Doody, Director, Country Village Montessori School, Amherst; Linda Johnson, Esq., McLane, Graf, Raulerson, and Middleton, PA, Manchester; Lyn Kutzelman, Founder, Hampstead Academy, Hampstead, and Gregg Magoon, Education Coordinator, Contoocook School-NFI North, Contoocook.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education accepts the Commissioner's Nonpublic School Advisory Council appointments to the Nonpublic School advisory Council as listed above.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

**AGENDA ITEM XI. TABLED ITEMS**

Amendment to Lebanon Grantham Plainfield AREA Agreement

**AGENDA ITEM XII. NONPUBLIC SESSION**

The Board did not go into Nonpublic Session.

**AGENDA ITEM XIII. ADJOURNMENT**

MOTION: Cindy Chagnon made the motion, seconded by Gregory Odell to adjourn the meeting at 1:55 p.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Acting Chair voting.

*Virginia M. Barry*

---

Secretary