

New Hampshire  
State Board of Education  
Minutes of the May 26, 2016 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:10 a.m. at Northeast Delta Dental. Tom Raffio presided as Chairman.

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

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Gary Groleau led the pledge of allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

Bonnie Dunham said that the collaborative nature of the Department was very much appreciated along with the meeting with stakeholders and others to prepare alternative languages to some sections of the special education rules.

Catherine O'Brian from the NH State Council on the Arts announced she is retiring on Monday after twenty-four years of service. Emma Rous thanked Catherine for her years of service and devotion to the arts.

**AGENDA ITEM IV. OPEN BOARD DISCUSSION**

A. Update on Science Standards – Paul Leather updated the Board. Mr. Leather said that four forums have been scheduled throughout the state. Commissioner Barry said there would be sessions at the Summer Summit. There has been positive feedback and the science standards will move forward in October. The new STEM person will be at the Department in July. The Oversight Committee on Standards and Assessment will be reviewing the standards.

B. Constituent Response – Paul Leather updated the Board on the request for an investigation from a constituent regarding the priority CTE programs for Dover and Salem. Board members approved a letter to be signed by the Chairman to the constituent.

C. Other Items – Chairman Raffio said he will be attending the NH Scholars Program at Concord High School and Winnisquam High School. Chairman Raffio said he could not attend the North Country Charter School graduation but Commissioner Barry and Deputy Commissioner Leather would be attending. Chairman Raffio said he had to leave around 11:15 to attend the Business Leader of the Year event and would return around 1:30 p.m.

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

A. ConVal Steam Grant – Amanda Bastoni, and others from the ConVal Regional High School, met with the Board and presented a power point. Brian Pickering, Principal, was also present. Catherine O’Brian from the NH Council on the Arts spoke briefly about this program. The power point was on the ConVal STEAM grant titled “Making a Living Making Art: STEAM at Work.” The grant was awarded from the NH State Council on the Arts and has some unique components and has generated exciting results. The team shared their process and experience. Five artists were brought to ConVal and paired with teachers in the areas of science, technology, engineering, art, and math. Isaac, a student, reported on his experiences with this project.

B. Review of Supreme Court Decision – Teacher/Farmington School Board – SB-FY-14-08-004 – Chairman Raffio said in reviewing the decision of the New Hampshire Supreme Court, the issue presented on remand is purely a legal question, that being, whether or not the State Board of Education has authority to order additional remedies.

#### **Written Order**

The State Board’s authority is limited to that which has been granted by the legislature. There is no specific authority for the State Board of Education to award monetary damages or economic relief as a remedy. The duties and responsibilities of the State Board are defined by statute: RSA 21-N:9, RSA 21-N:11, and RSA 186:11. Additional authority is given to the state board in RSA 189-14-b, authorizing the state board to review a teacher’s nonrenewal. No additional authority has been awarded to the state board. Therefore, we do not believe that we have the statutory authority to order further remedies.

MOTION: Bill Duncan made the motion, seconded by Gary Groleau, that the State Board of Education determined that it does not have specific statutory authority to order additional remedies. Board members approved the Written Order to be signed by the Chairman and sent to the parties.

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

C. Approval of Professional Educator Preparation Program University of New Hampshire – Nicole Heimarck from the Department, Tom Schram, UNH, Liz Aceri, UNH, and Megan Birch from Plymouth State University, were present and spoke regarding this new program. The University of New Hampshire's institutional approval expires August 31, 2017. UNH is a CAEP accredited institution. UNH requested a visit to review a newly proposed Elementary Mathematics Specialist program. It is the first in the state which addresses an area of need communicated by local school administrators. A site visit was conducted on February 2, 2016. After reviewing the final report at the April 2016 Council for Teacher Education meeting, the Council made the below recommendation.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education grant the University of New Hampshire full approval for their newly proposed Elementary Mathematics Specialist (Ed 614.14) professional educator preparation program through August 31, 2017, the date of expiration for the full institution approval.

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

D. Student/Landaff School Board – SB-FY-16-12-006 – Recommendation on Motion to Dismiss (Remove from Table) - The parent appealed the school board decision regarding reimbursement for transporting their child to the school for the 2014-2015 school year.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, to remove this item from the table.

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

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education accepts the parents' decision not to appeal, rendering this matter moot and that the State Board of Education take no further action.

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

E. Public Hearing – Initial Proposal – Ed 507.19 Specialist in Assessment of Intellectual Functioning (SAIF) and Ed 614.08 Specialist in the Assessment of Intellectual Functioning (SAIF) Preparation Program – Chairman Raffio opened the hearing at 10:45 a.m. Ed 507.19 contains the certification requirements for Specialist in Assessment of Intellectual Functioning (SAIF), and Ed 614.08 contains the requirements for the Specialist in Assessment of Intellectual Functioning (SAIF). There was no testimony. Acting Chairman Honorow closed the hearing at 11:40 a.m.

F. Certificate of Formation for Newport School District – SAU #43 – Cindy Gallagher, Superintendent of Schools for SAU #43, was present and spoke to the Board. Superintendent Gallagher brought with her the certified copy of the ballot for Newport. A vote is needed to approve issuing a Certificate of Formation to the Newport School District and allow SAU #43 to keep SAU #43. The withdrawal as approved by the Board on February 2, 2016. At the March 8, 2016 Newport School District Deliberative Session and Ballot Vote Article 7 is the article for the withdrawal action. A three-fifths vote or 554 of the 922 voters was required. The Newport voters approved the article by a vote of 652 to 251. The Newport withdrawal plan included a request for Newport to retain the SAU #43 designation.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education issue a Certificate of Formation to the Newport School District with the SAU #43 to be retained effective July 1, 2016.

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

G. Certificate of Formation for Croydon School District – SAU #99 – Cindy Gallagher, Superintendent of Schools for SAU #43, was present and reported that the warrant has been certified by the clerk. A vote is needed to approve issuing a Certificate of Formation to the Croydon School District and assign SAU #99 as the School Administrative Unit number. The withdrawal was approved by the State Board of Education on February 2, 2016. At the March 12, 2016 Croydon School District Deliberative Session and Ballot Vote Article 7 is the article for the withdrawal action. A three-fifths vote or 28 of 46 voters was required. The Croydon voters passed the article unanimously, 46-0. The Croydon School District will become a single SAU upon issuance of a Certificate of Formation effective July 1, 2016.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education issue a Certificate of Formation to the Croydon School District with the SAU #99 as the School Administrative Unit number effective July 1, 2016.

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

#### **AGENDA ITEM VI. LEGISLATIVE ISSUES**

A. Final Proposal – Ed 507.48 Comprehensive Family and Consumer Science Education Teacher and Ed 612.31(g) Comprehensive Family and Consumer Science Preparation Program – Diana Fenton was present to answer any questions Board members had for all legislative issues. A vote is needed by the Board to adopt the final proposal. The Department has made changes to the initial proposal as annotated in response to comments from the staff attorney for the JLCAR. The final proposal will be submitted to the JLCAR for its review. After approval by JLCAR, the Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education adopt the Final Proposal for Ed 507.48 Comprehensive Family and Consumer Science Education Teacher and Ed 512.31(g) Comprehensive Family and Consumer Science Education Preparation Program.

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

B. Adoption Proposal – Ed 506.07 Special Education Administrator and Ed 614.15 Special Education Administrator Preparation Program – A vote is needed by the Board to adopt this rule. The Office of Legislative Services has determined the rules have been amended in accordance with RSA 541-A:13, V(a) and the Board may now adopt the rule. Once adopted by the Board, the Office of Legislative Services will be notified and the rule will then go into effect.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt Ed 506.07 Special Education Administrator and Ed 614.15 Special Education Administrator Preparation Program.

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

C. Adoption Proposal – Ed 507.15 Health Educator and Ed 612.16 Health Education – A vote is needed by the Board to adopt this rule. The Office of Legislative Services has determined the rules have been amended in accordance with RSA 541-A:13, V(a) and the Board may now adopt the rule. Once adopted by the Board, the Office of Legislative Services will be notified and the rule will go into effect.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt Ed 507.15 Health Educator and Ed 612.16 Health Education

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

D. Initial Proposal – Ed 504.05 Paraeducator II and Ed 504.06 Paraeducator I – A vote is needed by the Board to enter the rulemaking process to adopt the initial proposal for this rule. The Paraeducator II and Paraeducator I rules are being updated to reflect current standards and practices. If the Board adopts the initial proposal, the Department will enter the rulemaking process by filing it with the Office of Legislative Services, along with a request for a fiscal impact statement. The Board will hold a public hearing at its July 14, 2016 meeting. This information will be published in the Rulemaking Register next month.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt the Initial Proposal for Ed 504.05 Paraeducator II and Ed 504.06 Paraeducator I and that the Board will hold a public hearing on this rulemaking filing on July 14, 2016 at 10:30 a.m.

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

E. Initial Proposal – Ed 507.12 Reading and Writing Specialist and Ed 614.02 Reading and Writing Specialist Preparation Program – A vote is needed by the Board to enter the rulemaking process to adopt this rule. The Reading and Writing Specialist rules are being updated to reflect current standards and practices. If the Board adopts the initial proposal, the Department will enter the rulemaking process by filing it with the Office of Legislative Services, along with a request for a fiscal impact statement. The Board will hold a public hearing at its July 14, 2016 meeting. This information will be published in the Rulemaking Register next month.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt the Initial Proposal for Ed 507.12 Reading and Writing Specialist and Ed 614.02 Reading and Writing Specialist Preparation Program and that the Board will hold a public hearing on this rulemaking filing on July 14, 2016 at 11:00 a.m.

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

F. Final Proposal – Renewal of Special Education Categorical Administrative Rules – A vote is needed by the Board to adopt the final proposal for the Special Education Categorical Administrative Rules. The Department has made changes to the initial proposal as annotated in response to comments from the public and the staff attorney for the JLCAR. The final proposal will be submitted to the JLCAR for its review. After approval by JLCAR, the Board may then adopt the final rule at its next regularly scheduled meeting.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt the Final Proposal for Ed 507.40 Special Education Teacher in Area of Intellectual or Developmental Disabilities, Ed 612.08 Program for Intellectual or Developmental Disabilities, Ed 507.14 Special Education Teacher in Area of Deaf and Hearing Disabilities, Ed 612.09 Program for Deaf and Hearing Disabilities, Ed 507.42 Special Education Teacher in Area of Emotional and Behavioral Disabilities, Ed 612.10 Program for Emotional and Behavioral Disabilities, Ed 507.43 Special Education Teacher in Area of Specific Learning Disabilities, Ed 612.11 Program for Specific Learning Disabilities, Ed 507.44 Special Education Teacher in Area of Physical and Health Disabilities, Ed 612.12 Program for Physical and Health Disabilities, Ed 507.45 Special Education Teacher in Area of Blind and Vision Disabilities and Ed 612.13 Program for Blind and Vision Disabilities.

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

G. Interim Rule – Ed 302 Manifest Educational Hardship – The Department seeks to file this Interim Rule to minimize the time between the expiration of this rule and the subsequent re-adoption of this rule by the Department. The Interim Rule is necessary because the rule contains guidance for local school boards, students and their respective families on what constitutes a “manifest educational hardship.”

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education adopt the Interim Rule Ed 302 Manifest Educational Hardship for filing with the Office of Legislative Services, along with a request for a fiscal impact statement.

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

H. Additional Dates for Public Hearing for Special Education Rules – There will not be any additional dates for the public hearing for the Special Education Rules. There are two hearings scheduled for June 16, one at the meeting and the other from 6 – 8 pm.



I. Various Items and Related Bills – Diana Fenton discussed several bills that were of interest to the Board.

J. Discussion on Legislation and Process – This item was not discussed.

### **AGENDA ITEM VII. COMMISSIONER'S REPORT AND NEW DEPARTMENT BUSINESS**

Commissioner Barry said she has been visiting schools in Mason, Milford, and Alstead.

Paul Leather said that he and the Commissioner had been involved in a telephone call with the Assistant Secretary of Education regarding extending the NH PACE Pilot waiver until the end of August 2017.

Mr. Leather said that David Benedetto has been hired as the new STEM Director.

Mr. Leather said that the community colleges are changing the remediation process for Math, adopting a co-remediation process so that students with low Math test scores can take college level Math with significant supports.

Helen Honorow said she had attended the Governor's Summit on Substance Abuse.

Cindy Chagnon said she had attended the Mills Falls Breakfast and it was very inspiring. Cindy also attended the Mark Joyce Retirement Party.

### **AGENDA ITEM VIII. OLD BUSINESS**

There was no Old Business at this meeting.

### **AGENDA ITEM IX. CONSENT AGENDA**

A. Minutes of April 18, 2016

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, to approve the Minutes of April 18, 2016.

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

B. Minutes of March 24, 2016 (Remove from Table)

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, to remove the Minutes of March 24, 2016 from the table.

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

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, to approve the Minutes of March 24, 2016.

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

C. Certificate of Formation for Cornish School District – SAU #100 (Remove from Table) – A vote by the Board is needed to approve issuing a Certificate of Formation to the Cornish School District and assign SAU #100 as the School Administrative Unit number. The withdrawal from SAU #6 was approved by the Board on February 11, 2016. All documents have been received by the Department of Education. The Cornish School District will become a single SAU upon issuance of a Certificate of Formation effective July 1, 2017.

MOTION: Bill Duncan made the motion, seconded by Gary Groleau, to remove the Certificate of Formation for Cornish School District – SAU #100 from the table.

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

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education issue a Certificate of Formation to the Cornish School District with the SAU #100 as the School Administrative Unit number effective July 1, 2017.

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

D. Tuition Agreement Between the School Districts of Northumberland and Stratford – A vote is needed to approve this agreement. At the recent March annual meetings in Northumberland and Stratford the voters approved a one-year extension to the current tuition agreement between the Northumberland and Stratford School Districts that provides for Stratford students in grades 7-12 to be tuitioned to Groveton High School. The starting date of this one year renewal term is July 1, 2016 and ending June 30, 2017.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approve the one-year extension to the Tuition Agreement between the school districts of Northumberland and Stratford effective July 1, 2016 and ending June 30, 2017.

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

E. Tuition Agreement – Croydon and Newport School Districts – A vote is needed to approve the Tuition Agreement between the school districts of Croydon and Newport. The Croydon School District is desirous of having its students, grades 5-12, attend school in Newport and has authorized its school board to enter into a contract. The term of this contract shall be for three years and shall commence with the school year beginning July 1, 2016 and shall terminate on June 30, 2019.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education approve the three-year Tuition Agreement between the school districts of Croydon and Newport effective July 1, 2016 and shall terminate on June 30, 2019.

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

F. Tuition Agreement – Bartlett and Jackson School Districts – A vote is needed to approve the Tuition Contract between the school districts of Bartlett and Jackson. This tuition contract shall be effective for the one-year period of July 1, 2016 through June 30, 2017. The contract concerns Jackson students in grades seven and eight who attend the Bartlett School. This contract was developed by the respective boards and was approved by the Jackson School Board on December 21, 2015 and by the Bartlett School Board on January 5, 2016.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approve the Tuition Contract between the school districts of Bartlett and Jackson effective for the one-year period of July 1, 2016 through June 30, 2017.

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

**AGENDA ITEM X. TABLED ITEMS**

- A. Student/Landaff School Board – SB-FY-16-12-006 – Hearing Officer’s Report and Recommendation on Motion to Dismiss
- B. Minutes of March 24, 2016
- C. Certificate of Formation for Cornish School District
- D. Oz Land Early Learning Center/NHDOE – SB-FY-15-08-001

**AGENDA ITEM XI. NONPUBLIC SESSION**

The Board did not go into Nonpublic Session.

**AGENDA ITEM XII. ADJOURNMENT**

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to adjourn the meeting at 11:40 a.m.

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

*Virginia M. Barry*

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Secretary