

New Hampshire
State Board of Education
Minutes of the October 13, 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 the State Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

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

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Cindy Chagnon led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

There was no public comment.

Chairman Raffio announced that two staff members from the department had experienced loss this past week and asked for a moment of silence.

Chairman Raffio reminded everyone of the American Cancer Society's annual *Making Strides Again Breast Cancer* walk being held on Saturday, October 16, 2016 at Memorial Field in Concord.

Chairman Raffio took this opportunity to read Governor Hassan's Farm-to-School Month proclamation for October 2016.

Chairman Raffio mentioned that on Wednesday, November 16, 2016 at 10:00 am, the Monarchs will be playing a morning game focusing on education. Chairman Raffio provided tickets to the Delta Dental suite and asked that the department coordinate distributing them to teachers and staff members.

AGENDA ITEM IV. OPEN BOARD DISCUSSION

A. Update on Science Standards – Barbara Hopkins started the presentation by showing a short video showing snippets from each of the five public forums (*i.e., Pinkerton, Concord, Plymouth, Keene, and Hanover*) that have occurred to date. Overall, approximately 154 people have attended the public forums, representing industry, higher education, teachers, parents as well

as members of the State Board of Education. Barbara showed a graphic of the state that provided an inventory of the 366 respondents to the Science Learning survey by school district. Barbara will continue to update the respondent state graphic as responses are received and will present it again at next month's meeting. Barbara also reported on several themes that are emerging from the forums:

- A large percentage of school districts have already done a considerable amount of work with Next Generation Science Standards.
- Teachers appreciate that the Science Standards are linked to the New Hampshire Career and College Readiness Standards; preparing our students for the future.
- The need for professional development opportunities for educators to continue to improve science education.
- Elementary teachers will need more advanced training to improve their understanding and ability to both nurture and challenge their students' growth in science.

Barbara distributed a letter of support to adopt the Next Generation Science Standards from the New Hampshire Science Teachers' Association (NHSTA) and from the Oyster River High School Science department as well as a word cloud (i.e., Wordle) of comments from teachers and administrators that were received in the Science Learning survey.

Helen Honorow asked if there were any other concerns regarding the standards from the public forums other than some not wanting to "jump right in" until the standards were actually adopted. Barbara stated that to date there has only been one respondent to the survey who did not want to go in this direction.

Helen Honorow asked if there were a plan in place to help the elementary school teachers integrate the new standards into their curriculum. Barbara responded that there has been a good response from the elementary school teachers to the survey as well as attendance at the public forums. Assisting the K-3 teachers to integrate science and mathematics into their reading curriculum will require collaboration between administrators, curriculum, and professional developers.

Cindy Chagnon asked if there were a group of institutions of higher education already working and collaborating on professional development opportunities for elementary school teachers. Barbara responded that there was not, but plans on speaking to the NHTSA board at their next meeting.

B. Home Education Advisory Council Annual Report Follow-up Discussion – Heather Gage, Director, Division of Educational Improvement and Amy Gall, Chair, Home Educator NH Homeschooling Coalition provided clarification and addressed some of the questions that resulted from the

addendum that was included with the annual report. Amy Gall provided the following:

- The Council is not seeking to increase regulation of home education.
- In order to track trends, the Council is requesting that the NHDOE publish new homeschool fall enrollments each year.
- The Council no longer receives notification when there is an alleged case of homeschool educational neglect now that these cases are being handled by the Department of Health and Human Services (DHHS). In order to track these trends, as well as provide DHHS a better understanding of home education, the Council is seeking a DHHS staff member to fill the empty NHDOE seat on the Council.
- Inconsistencies in access to public school programs (RSA 193:1-c) will require the Council to seek legislative remedy.
- The Council is seeking recognition of the problems caused by the ambiguous terms in the law (RSA 193:1 – “attend/attending” & RSA 193-A – “provided”) regarding enrollment and attendance status when looking at part and full-time attendance, home education and dual enrollment and a broader conversation about how they should be applied. Legislators on the Council are aware of the situation.
- The Council is actively recruiting a home educator to fill an empty seat on the State Advisory Commission on the Education of Children with Disabilities to open a dialogue about finding and creating resources for home educators of children with disabilities.

Emma Rous asked who receives the information when a family decides to enroll in homeschool. Amy Gall responded that when a family decides to initiate a home education program, they file a homeschool notice of intent with a participating agency of their choice (i.e., local SAU, a non-public school or the commissioner).

Commissioner Barry explained that this is where there are inconsistencies, as not all home school notice of intent forms are submitted to the department which impedes the department’s ability to provide reliable enrollment data.

Cindy Gagnon asked how the department finds out when there are alleged cases of homeschool educational neglect. Heather Gage responded that the department is sometimes notified by a concerned family member and then connects them with DHHS, who handles these cases. Commissioner Barry further explained that the department would not normally get involved with these cases unless a request for information came from DHHS. Commissioner Barry stated that having a member from DHHS on the Council is a great idea.

Emma Rous asked who the legislators were on the Council. Amy responded that they were Representatives Cordelli, Representative Shaw and Senator Avard.

C. Update on Every Student Succeeds Act (ESSA) – Heather Gage, Director, Division of Educational Improvement provided a detailed update focusing on the stakeholder engagement process and provided the board with a handout. Heather clarified that New Hampshire is doing so much more than what is required in the ESSA State Plan document. Heather provided detailed information on the following:

- ESSA consultation structure that includes: a dedicated email, NHDOE webpage, surveys, meetings with civil rights groups, parent and education associations, conducting regional listening tours, working with the Legislative Oversight Committee and advisory teams.
- A listing of the advisory teams currently in place and meeting regularly to create a decision outline of recommendations to bring forward to the Strategic Leadership Team.
- Reviewed the regional listening tour schedule.
- Provided a listing of Advisory Team Contacts.
- Provided a DRAFT timeline for the ESSA State Plan.

Emma Rous asked how will people know about the survey. Heather stated that they had received over 200 responses already and the survey hasn't even been publicized yet. The survey will be included in the regional listening tour invitations that will be going out shortly and she is confident of there will be a good response to the survey.

Cindy Chagnon asked how the regional listening tour invitations were being handled. Heather explained they will be going out in a variety of ways. There will be a press release as well as emails going out to various groups and associations and that the goal is to reach as many folks as possible.

Chairman Raffio thanked Heather and the DOE team for their ESSA implementation efforts cause his is often asked what New Hampshire is doing with ESSA.

D. Update on SAT & Smarter Balanced – Sandie MacDonald, Administrator, Bureau of Instructional Support & Student Assessment gave the board a handout and provided an update on changes for the upcoming year based on feedback from field members as well as an update on preliminary data summaries.

This was the first year implementation of the School Day SAT, which went extremely well. A total of 13,868 students took the assessment on one of

the three days provided by College Board. There were few implementation issues and as a result the following occurred:

- Formed the NH Statewide SAT School Day Users Group comprised of members from eight New Hampshire schools, the NHDOE, and College Board to support the geographical regions of the state with the administration of the annual School Day SAT.
- College Board created the SAT Educator Portal to answer questions and offer advice to users.
- College Board has set up a dedicated help line to provide support in the administration of the NH SAT School Day Assessment with help desk reporting tools to assist in the reporting of issues. They are also creating a separate help line dedicated to support all states with the administration of the Saturday SAT.
- College Board will have a bulk registration process for the SAT.
- College Board will ship materials two weeks in advance.

This was our second year with Smarter Balanced, which, too, went extremely well. A total of 150,132 students completed the assessment in English language arts and literacy and 150,421 students completed the assessment in mathematics. Smarter Balanced has been responsive in implementing changes based on the feedback they received from last year, such as:

- Increased staffing on the help line
- Redesigned the Teacher Portal Page
- Redesigned trainings
- Set testing windows earlier
- Greater access for teachers to the interim assessment results to target instruction

Sandie MacDonald reported that both organizations have been very supportive and responsive to feedback.

Chairman Raffio asked when the assessment data would be made public. Commissioner Barry responded that the data is still preliminary up until the end of October and are in the final stages of making sure the data is reliable and valid. Smarter Balanced is finished and we are still finalizing some pieces of the SAT.

Chairman Raffio asked how the assessment data would be disseminated to individual teachers to be used to help them in the continuous improvement of their students. Chairman Raffio noted that it sounds like some of that is starting to happen. Sandie MacDonald noted that the Bureau of Instructional Support & Student Assessment has reorganized a bit and is currently working on creating *Assessment Literacy 101* to support and educate teachers on how to find and use assessment data to help set learning targets.

Chairman Raffio noted that with SAT being made more readily accessible to students more would apply to school and colleges after high school. Sandy MacDonald reported that approximately 70% of the students in New Hampshire participated last year in the Saturday SAT and anticipates a 95% participation rate this year. Also, of the 70% that participated last year, 89% of them linked the results to their College Board accounts to be reported.

Commissioner Barry mentioned that discussion has come up in the House Education Committee to potentially look at making the PSAT assessment free to New Hampshire students. Helen Honorow noted that in Nashua, they used the PSAT assessment as a tool for placing students in AP classes that otherwise may have been overlooked and supported the ongoing discussions.

Commissioner Barry noted that Smarter Balanced is really a diagnostic tool. Feedback from teachers, because of the quick turn-around in data, is that they are able to discuss concepts that were missed, particularly in the areas of math, and draw on that information in terms of placement and curriculum changes.

AGENDA ITEM V. SPECIAL PRESENTATIONS

A. Oz Land Early Learning Center/NHDOE – SB-FY-15-08-001 – Attorney Erin McIntyre, representing the New Hampshire Department of Education was present. There was no representative present for Oz Land Early Learning Center.

The Department of Education, through its attorney, requested that the board issue a final decision denying Oz Land Early Learning Center's appeal of a suspension and termination of its agreement with Child and Adult Care Food Program (CACFP) and finding that Oz Land is ineligible to participate in the CACFP. The Department asked that this decision cover any and all appeals concerning Oz Land's participation in the CACFP.

MOTION: Bill Duncan made the following motion, seconded by Cindy Chagnon, that the State Board of Education adopts the Hearing Officer's Recommendation on Remand.

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

B. Goshen School District Plan for Withdrawal from SAU#71 – Dr. Michele Munson, Superintendent of Schools and Allen Howe, Chair, Goshen School Board were in attendance representing SAU#71.

Chairman Raffio requested that they confirm the meeting with the voters occurred.

Dr. Munson reported that the correct process was followed and that the official meeting with the voters occurred as documented.

MOTION: Cindy Chagnon made the following motion, seconded by Bill Duncan, that the State Board of Education acknowledge that the voters in Goshen School District, present and voting, having voted to withdraw from SAU 71, by the necessary 3/5 majority required by law have lawfully withdrawn from SAU 71 and that State Board issue its Certificate of Formation.

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

AGENDA ITEM VI. LEGISLATIVE ISSUES/RULES

A. Code of Ethics Proposed Enabling Legislative Language – presented by Attorney Diana Fenton.

Commissioner Barry asked Attorney Fenton to review next steps in the process. Attorney Fenton responded that legislation is one part of the process and the other is the task force. Dates have been set for the task force to meet; twice in October and once in November. One of the items to discuss at the meeting is the role the Professional Standards Board (PSB) plays in the process once the task force drafts a version of the rule; keeping in mind that two members of the PSB are on the task force. It will definitely be a collaborative effort with input from the PSB.

Emma Rous asked about the decision making hierarchy. Attorney Fenton responded that the PSB is advisory to the board and doesn't usurp the board's authority, but still plays a key role.

Commissioner Barry asked if a timeline had been established. Attorney Fenton responded that no timeline had been set and would be one of the first topics of discussion at the next task force meeting.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan to endorse the proposed enabling statutory language for a Code of Ethics as presented.

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

B. Final Proposal for the Special Education Rules – presented by Attorney Diana Fenton.

Helen Honorow asked for clarification on Attorney Rosenberg's October 3, 2016 email regarding Ed 1126.01(b) (3). Attorney Fenton stated that it was a language change and the word "opportunities" was removed and "shall make available" inserted. Santina Thibedeau, Administrator, Bureau of Special Education and State Director of Special Education explained this was done because the New Hampshire Office of Legislative Services (OLS) notified the department there was no definition of what "opportunities" might be, so it was removed.

Attorney Fenton discussed the administrative rules in excess of Individuals with Disabilities Education Act (IDEA) chart. She stated that the department and board had met and exceeded their obligation for public comment and they do not have an obligation to conduct additional public comment on the administrative rules in excess of IDEA chart. Attorney Fenton is seeking to have the board authorize the final proposal today.

Attorney Gerald M. Zelin was present and addressed the board about his concerns about the process and not having public input on the administrative rules in excess of Individuals with Disabilities Education Act (IDEA) chart. Attorney Zelin recommended that the board apply for a waiver to the Joint Legislative Committee on Administrative Rules (JLCAR) to extend the deadline in order to accommodate public input on the chart.

Helen Honorow asked Attorney Fenton to address Attorney Zelin's statement in his October 6, 2016 letter to the board where he indicated the chart omits all but one of his comments on the proposed rules.

Attorney Fenton responded that the department has worked very hard to make sure all the public comments were looked at and Santina Thibedeau, Administrator, Bureau of Special Education and State Director of Special Education explained that comments that were more of an editorial nature were included in the final proposal and not included in the chart.

Attorney Fenton will be providing the attorneys at OLS the Individuals with Disabilities Education Act (IDEA) chart.

Chairman Raffio asked Attorney Fenton what impact a waiver extension to JLCAR would have on the process. Attorney Fenton responded that it would probably delay it by a month or two, and would be looking most likely at early spring for a final decision.

MOTION: Bill Duncan made the motion, seconded by Helen Honorow, that the State Board of Education submits the 1100 rules as a final proposal to the New Hampshire Office of Legislative Services (OLS).

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

C. Proposal for Conditional Approval for Ed 507.19 and Ed 614.08 Specialist in Assessment of Intellectual Functioning (SAIF) – presented by Attorney Diana Fenton.

MOTION: Cindy Chagnon made the motion, seconded by Emma Rous, that the State Board of Education adopts the changes to the conditional approval for Ed 507.19 and Ed 614.08, Specialist in Assessment of Intellectual Functioning (SAIF).

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

D. Initial Proposal for Ed 507.37 Modern Language Teacher and Ed 612.14 Modern Language Educator Preparation Program – presented by Attorney Diana Fenton.

MOTION: Cindy Chagnon made the motion, seconded by Emma Rous, that the State Board of Education adopt the initial proposal for Ed 507.37 Modern Language Teacher and Ed 612.14 Modern Language Educator Preparation Program and that the State Board hold a public hearing on this rulemaking filing for January 12, 2017 at 10:00 a.m.

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

E. Various Items and Related Bills

Attorney Fenton mentioned that the annual School Restraint and Seclusion Report for School Year 2015-2016 submitted to the Legislature per RSA 126-U:8 will be made available to the board at the November meeting.

F. Discussion on Legislation and Process

There were no items for discussion.

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

Commissioner Virginia Barry reported on the following topics:

- The department received a letter from the United States Department of Education (USDOE) extending the New Hampshire Performance Assessment of Competency Education (PACE) Pilot for another year.
- The topic of school building aid is surfacing throughout the state. The School Building Authority has reformed itself and membership includes an engineer from the Department of Education, the State Treasurer, two educators and a representative from the State Fire Marshal's Office. They will be convening tomorrow and are looking to expand the membership. They are specifically meeting on the Concord Steam issue and its impact on approximately 4,000 students, 1,000 of which are at the high school level.
- As mentioned at the last board meeting, moving the needle on Mathematics is going to be a high priority statewide. We will be working on this effort with the New Hampshire Superintendents Association (NHSAA) with Dr. Chip McGee, Bedford High School Superintendent, taking the lead. There will be survey going out to looking to identify:
 - ✓ Programs school districts are using
 - ✓ Professional development opportunities being offered for teachers
 - ✓ Hiring practices of school districts (i.e., what are the considerations when hiring teachers).

The results of the survey will be linked to department data from schools showing improvements in mathematics to assist in determining and developing best practices.

- Announced that next week we will be hosting Council of Chief State School Officers (CCSSO) 2016 Innovation Lab Network's Annual Convening in Nashua where there will be several renowned experts in the area of innovation. On the last day of the conference, we will be meeting with Linda Darling-Hammond, President and CEO at the Learning Policy Institute, to talk about New Hampshire's new accountability system and to look at the elements of school culture, socio-emotional behavioral health and career readiness.
- The Expulsion/Suspension PK-3 study that was conducted at the request of the House Education Committee, based on national statistics, showed that New Hampshire does not have an issue in this area. We will continue to look at policies in the area of expulsion and suspension. Commissioner Barry thanked Keith Burke for his work on the study.
- Commissioner Barry stated that we should be very proud of the direction our State is taking in preparing students not just for college, but for careers. This is demonstrated by the many projects, pilots, and deep commitment in our schools as it relates to the recognition that socio-

emotional behavioral health is absolutely essential for children to do well in schools.

Chairman Raffio mentioned the 65/25 initiative as an example of a program whose goal is to have 65% of 25-64 year olds have the education needed (i.e., college degree or credential) to meet their life goals as well as the economic needs of the state. The program is strongly supported by the business community, such as the Business and Industry Association of New Hampshire (BIA), the NH Charitable Foundation, the Department of Education and the New Hampshire Coalition for Business and Education (NHCBE). Chairman Raffio gave a shout out to Dr. Ed McKay, Director, Division of Higher Education and Higher Education Commission for his contribution to the initiative.

AGENDA ITEM VIII. OLD BUSINESS

There was no Old Business at this meeting.

AGENDA ITEM IX. CONSENT AGENDA

A. Minutes of September 15, 2016

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to approve the Minutes of September 15, 2016.

VOTE: The motion was adopted by vote of the Board with Helen Honorow and Emma Rous abstaining and with the Chairman voting.

B. Haverhill Cooperative and Bath School Districts Tuition Agreement

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approves the contract between the Bath School District and Haverhill School District.

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

C. Haverhill Cooperative and Piermont School Districts Tuition Agreement

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education approves the contract between the Piermont School District and Haverhill School District.

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

D. Hooksett and Manchester School Districts Tuition Agreement

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approves the contract between the Hooksett School District and Manchester School District.

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

E. Bath and Lisbon School Districts Tuition Agreement

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, that the State Board of Education approves the contract between Bath School District and Lisbon School District.

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

AGENDA ITEM X. TABLED ITEMS

A. Lempster – Fall Mountain Regional School District Tuition Agreement

AGENDA ITEM XI. NONPUBLIC SESSION

The Board did not go into Nonpublic Session.

AGENDA ITEM XII. ADJOURNMENT

MOTION: Chairman Raffio made the motion, seconded by Bill Duncan, to adjourn the meeting at 11:30 a.m.

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

Virginia M. Barry

Secretary