

New Hampshire
State Board of Education
Minutes of the October 12, 2017 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:27 a.m. at the State Department of Education, 101 Pleasant Street, Concord, New Hampshire. Drew Cline presided as Chairman.

Cindy Chagnon, Drew Cline, Chairman, Bill Duncan, Gary Groleau, and Helen Honorow were present. Kate Cassady and Ann Lane were unable to attend due to other commitments. Frank Edelblut, Commissioner of Education was also present.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Chairman Cline led the Pledge of Allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Attorney Michelle Wangerin, NH Legal Assistance, asked the Board to re-open the rule-making process that had begun last year for the Manifest Educational Hardship rules. She explained that they had gone through a stakeholder meeting process the previous year, which resulted in a group of regulations that she strongly encouraged the Board to adopt. She also expressed some concern with opening up the Manifest Educational process to private schools, as it may become a back door option for school choice as well as litigation and noted this would be a waste of resources for school districts and the State. Commissioner Edelblut asked if she could provide statistics on the number of manifest educational hardship cases being sought through NH Legal Assistance and if any cases had been brought before the State Board. Attorney Wangerin explained that they outline the process to families and provide them with school policy, the law, and the regulations and often refer them back to their local school board. She was additionally asked to provide the number of referrals that her office is making to school boards. Attorney Wangerin estimated that of the cases that come to their office, they identify perhaps 10 a year that would fit into Manifest Educational Hardship.

Bonnie Dunham, a private citizen, also asked that the rule-making process be re-opened for Manifest Educational Hardship. She requested that stakeholder meetings be held to gather input and taken into account the needs of children with disabilities. Ms. Dunham underscored that it should not be a back door for school choice.

Jim O'Shaughnessy, private citizen, encouraged the State Board to start the rule-making process and to adopt regulations for Manifest Educational Hardship. He provided a historical overview of Manifest Education Hardship and how it has become the parent school choice method through litigation. He also noted that parents are now using it to address special education placement issues, which becomes confusing for school boards. Mr. O'Shaughnessy would like to see the State Board be more objective and address what the law provides, what the stakeholders are looking at, and the impact on the State as a whole.

There was no additional public comment.

AGENDA ITEM IV. OPEN STATE BOARD DISCUSSION

A. Advisory Panel Recommendation for Social Studies

The following members are recommended by Chairman Cline:

- Eliga Gould, *Chair, History Department, UNH*
- Christopher Herr, *Curriculum Facilitator for Social Studies and World Languages, Concord High School*
- Elizabeth Dubrulle, *Director of Education & Public Programs, NH, Director, New Hampshire Historical Society*
- Martha Madsen, *President, New Hampshire Institute for Civics Education*
- Wayne Lesperance, Jr., *Dean, Undergraduate Residential Programs/Professor, Political Science, New England College*
- Nancy Gagnon, *Chair, Social Studies Department, Con-Val High School*
- David Morrissette, *Chair, Social Studies Department, Berlin High School*

Chairman Cline acknowledged that the advisory panel still needed representation in the areas of elementary/middle school educators and economics and asked for suggestions. He will also be asking members of the advisory panel for suggestions.

Chairman Cline opened up discussion on the Board's expectations of the advisory panel. Discussion ensued and it was suggested that the advisory panel look at the social studies standards and provide suggestions to the Board on what should be taught at each grade span level. It was agreed that Chairman Cline and Cindy Chagnon would represent the Board on the advisory panel and report back to the Board with regular updates. It was noted that the advisory panel will be a resource for not only the State Board but also for the Department.

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon that the State Board accepts Chairman Cline's advisory panel recommendations with the knowledge that additional educators will be added. The advisory panel will be tasked with setting expectations at each grade span level.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

During a pause in the discussion, Commissioner Edelblut introduced Ms. Christine Brennan, the Department's new Deputy Commissioner, who will begin on Friday, October 20.

AGENDA ITEM VI. LEGISLATIVE ISSUES/RULES

A. Manifest Educational Hardship (Ed 320)

At the September 2017 Board meeting there was a vote to bring forward the February 2017 Manifest Educational Hardship rules, which were withdrawn in March 2017, and open them for discussion for possible adoption as interim rules.

It was noted by Cindy Chagnon that the February 2017 rules came about at the end of a very inclusive process involving stakeholder groups, which resulted in a proposal that would work for parents and districts.

Commissioner Edelblut stated that the current proposal lacks fidelity to the law in some substantive ways, and referenced the alternative proposal that he brought before the Board in March 2017. He commented that as important as the stakeholder group is that there was no one representing families. The current proposal places burdens on parents that do not exist in the statute and creates confusion for school boards in terms of their role versus the role of the superintendent. Legal evidentiary burdens are placed on parents and school boards that do not exist in the law including requiring clear and convincing evidence of manifest education hardship. The law was put in place to provide parents an opportunity to advocate on behalf of their student and therefore, he disagreed with moving the original February 2017 rules forward.

It was pointed out by Helen Honorow that according to the advice of counsel to the Board, the regulations do have fidelity with the law and noted that the Board had gone through the process and were at the final adoption stage back in February 2017. She argued that organizations like NH Legal Assistance do represent families. She noted that while school boards and superintendents have budgets and taxpayer money to be concerned about, she respectfully disagreed with the notion that they somehow have a separate role and that they absolutely represent children and the families they are serving.

Chairman Cline noted that there is a bill currently being drafted dealing with Manifest Educational Hardship and the Board may have to open the rules up again depending on the outcome of the bill.

Commissioner Edelblut advised that a technical advisory has been issued by the Department to provide clarity to Manifest Educational Hardship and to

lessen confusion. Helen Honorow noted that a technical advisory is not mandatory. The Board has an obligation to move forward, and if the legislature ultimately comes up with a statute that changes whatever rule is adopted, it obviously has to change. For the Board to just wait again, however, is a mistake and does a disservice to everyone who has to deal with the statute and lack of rules.

MOTION: Bill Duncan made the motion, seconded by Helen Honorow, that the State Board adopts what is in the Board packet as Final Proposal, which was adopted in February 2017 as an initial proposal and that a public hearing be scheduled at the next meeting.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

B. Initial Proposal--Robotics Education Grant Fund (Ed 1410)

Attorney Fenton explained that the initial proposal will go through the rule-making process and will be open for public comment. The proposal is very similar to the interim rule. Some changes were made based on feedback from the field including the following:

- The Fund was narrowed down to include newly established robotics teams.
- Schools will be allowed to have multiple teams at different grade levels (i.e., elementary and middle school).
- Language was added regarding how the business office would distribute the grants.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board approves the initial proposal for Ed 1410 Robotics Education Grant Fund.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

C. Conditional Approval--School Nurse Certification (Ed 306.12, Ed 504.07, Ed 505 various sections, Ed 508.06 and Ed 512.07)

Attorney Fenton updated the Board on where they were in the process, based on recommendations in a letter from the Office of Legislative Services. One of the recommendations was to amend the words referencing the application and the other was for the Board to seek legislation in the upcoming session clarifying its authority to create the School Nurse I certification in Ed 504.07. She informed the Board that a Legislative Service Request (LSR) had

been filed that would address this issue. Commissioner Edelblut further clarified that Representatives Hill and Ladd were aware of the issue and Representative Hill had drafted the LSR. Discussion ensued regarding legislation involving school nurse certification.

Chairman Cline stated that he would not want the Board to anticipate legislation or get involved in the legislative debate and suggested that the Board send a letter to the Joint Legislative Committee on Administrative Rules (JLCAR) requesting clarity on the Board's authority to create an alternative path, which the Board believes it has.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education approve the conditional approval response for school nurse certification to include a response regarding the condition that the Board will seek legislation in the upcoming session clarifying its authority to create a school nurse certification in Ed 504.07 and authorize Chairman Drew Cline to draft the letter on its behalf.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

D. Final Proposal--Educator in Social Studies (Ed 507.27, Ed 507.54, Ed 612.28, and Ed 612.29)

Chairman Cline provided some background and commented that the proposal is a slight improvement over past ones, and it would be a good idea to move forward. The Board could then have more serious conversation about how to increase the rigor for hiring social studies teachers. There needs to be a bigger conversation about cut scores, exams, and raising our standards. His recommendation was for the Board to move forward.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, for the State Board of Education to approve the final proposal for Ed 507.27, Ed 507.54, Ed 612.28 and 612.29, Social Studies Teacher.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

E. Conditional Approval--Computer Science Educators (Ed 500.00 and Ed 612.33)

There were concerns over the fiscal impact on educators. This is a new certification, and there was concern that teachers who are already teaching computer science would now be required to get this endorsement in addition to

endorsements they already have. It was explained that teachers who are teaching computer science are endorsed already, but they are not endorsed in the correct area for computer science. This would allow them to have the correct endorsement, and they wouldn't have to carry both. There is an exception in the proposal where teachers are allowed to apply prior to June 30, 2019 and prove they are already teaching computer science so that they do not have to get additional college credit to be certified.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, for the State Board of Education to approve the conditional approval response for Ed 505.05A, alternative site-based certification plan, Ed 507.52, computer science teacher, and Ed 612.33, computer science education.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

Helen Honorow mentioned the need to look at rigor and content knowledge requirements in all areas, not just computer science. Chairman Cline agreed and asked if the Department could provide the Board with a summary report on how the GPA requirements contained within the rules work. He further clarified that the Board's intent is not to raise GPA requirements, but to have a better understanding of measuring content knowledge.

AGENDA ITEM VII. REPORT AND NEW DEPARTMENT BUSINESS

A. Nominations for Professional Standards Board (PSB)

Category II - Higher Education and Education Administration

Cindy Chagnon raised the question as to why a private school administrator would be interested in serving on the PSB. Commissioner Edelblut explained that Mr. Burbach would bring a different perspective to the PSB. Bill Duncan mentioned that he had spoken to Mr. Burbach the day before and Mr. Burbach realized it would not be a good fit and that he wanted to withdraw his application.

1. Brian Burbach - 1st three-year term (2017-2020): *Principal, South Merrimack Christian Academy*
2. Vince Connelly - 1st three-year term (2017-2020): *Associate Professor of English UNH*

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education approves the nomination of Vince Connelly and table Brian

Burbach's nomination until his intention to serve on the PSB could be clarified.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

B. Annual Report on NH Public Charter Schools

David Quigley provided an overview of a one-page report he distributed to the Board and also showed the Board a video. The report included public charter school statistics and "newsworthy" items. Mr. Quigley noted that there are some great, innovative schools that are part of the charter school community. There was a suggestion that the information in the "newsworthy" section be expanded to include additional schools. Another suggestion was to include information on schools that have taken on the mission of addressing the drop-out rate. Those are important success stories.

Mr. Quigley's findings were summarized as follows:

- It is important for the Department to foster educational innovation, encourage support and lead by example.
- In 2017, NH public charter schools are significantly underfunded, but the answer is not more State funding. The answer needs to be innovative and be shifted or changed in different areas to increase revenue coming into schools so they can take care of the needs of every child in the classroom. The schools doing really well in NH are those that have strong relationships with local SAUs. They are getting partial funding from local schools, which brings up the revenue per child.
- Identify and establish new approaches for public charter schools to lessen the financial burden.
- Work to change the public perception of charter schools.
- Improve procedures/processes by disseminating best practices and providing assistance to struggling schools.
- Facilitate regional workshops to train professionals in the steps for creating a public charter school.

Cindy Chagnon thanked Mr. Quigley for the report and agreed that better communication on best practices is needed throughout the State involving all public schools, which includes charters. Gary Groleau and Bill Duncan agreed and thanked Mr. Quigley for his great work. Helen Honorow asked for clarification on what was being included in the report to the joint legislative oversight committee from the information provided by Mr. Quigley, as much of the information includes observations. Commissioner Edelblut responded that only the first section of the report that included the statistics would be submitted along with the video.

C. Consultation on Director, Division of Higher Education - Higher Education Commission Nomination

Commissioner Edelblut distributed Michael Seidel's resume and letter to the Governor to the Board and noted that it has been several months since there has been a director for the Division of Higher Education and outlined the nomination process to the Board. The Higher Education Commission Board has been actively recruiting for the position, and a nomination from the Governor is being prepared. It is a requirement for the Commissioner to consult on the nomination with the State Board of Education and Commissioner Edelblut stated this is why he was before the Board today to fulfill that obligation. He noted that a great topic of discussion during the nomination process was the nominee's lack of higher education background and noted that the position is transaction-oriented and did not detract from the appropriateness of the nomination. Bill Duncan noted that there are benefits to having someone in the position that has been deeply embedded in higher education, and those benefits would not be available with this nominee. Cindy Chagnon stated that she too was "not excited" with the lack of higher education background. There was concern voiced that the nominee's resume did not have anything to do with being a director of higher education, and the individual does not seem to present with the necessary skills.

Commissioner Edelblut thanked the State Board for their consult and reiterated that the Higher Education Commission Board is supporting the nomination and believes the individual will do a good job of supporting them.

D. DOE Aspiration - Organization

Commissioner Edelblut asked for and was granted by the Legislature the authority to restructure the Department of Education. He provided an overview of the process and presented a draft of the reorganization for input from the State Board and noted there will continue to be four divisions, and he presented the objectives of those divisions and an overview of the reorganization. Commissioner Edelblut welcomed input and advice emails from Board members regarding the reorganization. It was suggested that a side-by-side graphic representation of where things are now and where they are going to go would be helpful.

There was a request that the Commissioner and Chairman provide written information in Board packets prior to the meeting so that it can be reviewed before the meeting.

AGENDA ITEM VIII. OLD BUSINESS

There was no old business to address.

AGENDA ITEM IX. CONSENT AGENDAA. Meeting Minutes of August 24, 2017 and September 19, 2017

Chairman Cline requested that the minutes be changed to reflect his abstaining from voting.

MOTION: Cindy Chagnon made the motion, seconded by Bill Duncan, to approve the minutes from State Board of Education meetings held on August 24, 2017 and September 19, 2017, as amended.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

B. Non-Public School Approval Designation ReportC. Public School Approval Designation Report

MOTION: Bill Duncan made the motion, seconded by Cindy Chagnon, that the State Board of Education approves the remainder of the consent agenda, Items B & C.

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.

AGENDA ITEM X. TABLED ITEMS

There were no Tabled items.

AGENDA ITEM XI. NONPUBLIC SESSION

There was no Nonpublic session.

AGENDA ITEM XII. ADJOURNMENT

The meeting was adjourned at 1:10 p.m.

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

VOTE: The motion was approved by unanimous vote of the State Board with the Chairman abstaining.



Secretary