

New Hampshire
State Board of Education
Minutes of the December 14, 2017 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:44 a.m. at the State Department of Education, 101 Pleasant Street, Concord, New Hampshire. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Bill Duncan, Gary Groleau, Helen G. Honorow, and Anne Lane. Frank Edelblut, Commissioner of Education and Christine Brennan, 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

The following individuals provided comments to the Board:

- Barrett M. Christina - New Hampshire School Boards Association, is not able to attend the Public Hearing and provided written and spoken testimony of the Association's support of Ed 320.
- Dan Moulis - Superintendent of Schools, Barrington, NH, provided spoken and written testimony regarding Ed 320 and reminded the Board that proper checks and balances have always been in place and any amendments would remove the ability for local school boards or districts to review parental requests.
- Chris Andriski - Assistant Superintendent, Newmarket, NH, spoke in support of keeping amendments as proposed for Ed 320.
- Donna Green - Citizen, RE: Town of Randolph Withdrawal, provided copies and read into the record a letter from Dennis Tupeck in support of the withdrawal process allowing Randolph the opportunity to vote and decide its own future.

AGENDA ITEM IV. SPECIAL PRESENTATIONS

A. 9:30 a.m. Student/Londonderry School Board – SB-FY-17-11-001 – 232-47 – Bruce Marshall, attorney for the Fletcher family, introduced himself and indicated his preference that the school district present first.

Gordon Graham, attorney for the school district, explained to the Board that this matter has been ongoing for approximately three years with no

resolution. The school district is asking the Board to support the Hearing Officer's decision that the school bus stop is safe. An extensive discussion was held regarding the location of the bus stop, the roundabout that was modified to be a 4-way stop, the videos of the stop showing the lack of traffic control by the bus and the stop signs. The school district has since moved the bus stop but the appeals process is still in place for the original bus stop. The policies and regulations regarding school bus stops were reviewed with the Board. Mr. Peter Curro, CFO for the school district, was sworn in and responded to questions from the Board. He reviewed some of the options offered to the Fletchers as solutions with no agreement reached. Discussion continued regarding the facts presented about cars not stopping at the stop signs raising additional questions about safety.

Attorney Marshall expressed his frustration with the version presented by the school district. He went on to review information from the Federal Highway Administration regarding rotary or circular roadways. He further explained this is a situation where a bus stop was in the middle of rotary and there are numerous areas in the records where facts vary. When this matter started it was discovered that the district had no written policy regarding bus stops and one had to be created. Chairman Cline asked again why this has taken three years. It was explained that it came down to diametrically opposed views of the facts. The Fletchers are asking the Board to overturn the Hearing Officer's decision because it contradicts the amount of evidence collected and presented.

After further discussion Chairman Cline clarified this hearing deals with the bus stop as it existed prior to where it exists now. He also expressed his concern that traffic is still not controlled by the stop signs or the bus stop signs. Ms. Chagnon expressed her concern that they are adopting a recommendation on something that doesn't exist anymore.

MOTION: Cindy Chagnon made the following motion, seconded by Bill Duncan, that the State Board of Education accepts the Hearing Officer's report and adopts the Hearing Officer's recommendation that the bus stop is safe.

VOTE: The motion was approved by the Board with Ann Lane opposing and the Chairman abstaining.

B. Social Studies Advisory Panel Update – Elizabeth Dubrulle, Director of Education & Public Programs, New Hampshire Historical Society – Chairman Cline explained that this item was placed on the agenda prematurely. It will be added to the agenda when more information is available.

C. The Windham Academy, Windham, NH – James Fricchione, Founder & Foundation for Student Achievement Board Member – Mr. Fricchione presented amendments and changes to the Board for its approval.

Chairman Cline inquired as to plans to deal with students who struggle to reach the goals and objectives. It was explained that having enough staff to provide personalized learning would identify students who are in need of additional, separate, or targeted instruction to reach the standards.

Ms. Honorow stated it was difficult for her to understand the differences between this school and other schools and didn't see anything different besides the mention of technology. Mr. Fricchione explained that he met with Mr. Ray McNulty who is the Dean of the Education Department from Southern New Hampshire University, about a partnering program with interplay between teaching staff and graduate students that incorporates newer high-tech facilities. He explained it will be a good partnership from a technical standpoint. There is not a large technology budget but in partnerships with the community sponsors, donations, and by reaching out to other companies and businesses, it is anticipated that any budget gap can be met. The estimates for fundraising were based on examples from other schools.

Ms. Honorow was concerned by the provision on Page 28 regarding right to reserve enrollment and did not think this sort of preference is anticipated or encouraged when setting up a charter school. Chairman Cline added his concerns with use of the word "reserved" as opposed to "preference" with regard to the inclusion of a large pool of reserved spots.

Chairman Cline and Ms. Chagnon expressed their appreciation at the hard work and improvement in the application and the applicant's efforts to address the Board's previous concerns and questions.

MOTION: Cindy Chagnon made the following motion, seconded by Gary Groleau, that the State Board of approve the application for Windham Academy Public Charter School.

VOTE: The motion was approved by a 4-2 vote of the Board with Helen Honorow and Bill Duncan opposed and with the Chairman abstaining.

AGENDA ITEM V. OPEN BOARD DISCUSSION

A. Advisory Panel Recommendations for Social Studies - Julie McNish, 4th Grade Teacher, New Boston Elementary School – Chairman Cline noted that Ms. McNish came highly recommended and is enthusiastic about joining the advisory panel. A motion is needed to vote her onto the panel.

MOTION: Gary Groleau made the following motion, seconded by Ann Lane, that the State Board of Education add Julie McNish to the Advisory Panel for Social Studies.

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

Chairman Cline noted that an item from the panel committee meeting was to add more experts on curriculum development to the panel. That will be brought to the Board at a later date.

Commissioner Edelblut explained at Mr. Duncan's request, that two other charter school applications have been received and one included Capital City Charter School that Ms. Alicea is currently working on to present to the Board and the second is currently out for external legal review. There is approximately \$670,000 of funding for the applications currently under review. In terms of hiring, the Department continues to look for an individual to oversee the charter school program. There was initial concern that the job description did not enumerate the statute in terms of responsibilities and it was explained that it would not be a problem to add statutory requirement language to the job description. This position supports public charter school and if this involves providing information to legislators, that would be part of job but it would not include lobbying activities.

Ms. Chagnon asked if the Board would consider adjusting the meeting schedule from May until September to allow her to be able to attend the Board meetings as she has other commitments during that period of time. Ms. Adams will gather date information and disperse this information to the Board.

Chairman Cline announced that Ms. Erin McIntyre has been confirmed as part-time judge in circuit court and will be leaving the Department.

Mr. Groleau announced that he has tendered his resignation to the Board and this is his last meeting. He stated it has been an honor to serve on the Board for the last five years.

AGENDA ITEM VI. LEGISLATIVE ISSUES/RULES

A. 1:00 to 1:30 PM PUBLIC HEARING – Manifest Educational Hardship (Ed 320)

The Public Hearing was opened at 1:08 PM.

Chairman Cline notified the speakers they will have five minutes to speak.

The following people spoke regarding the proposal:

- Michelle Levell, School Choice for NH, provided written documentation of an example of a family who was denied an inter-district placement and had to seek an educational option outside the district. She wanted

to bring to the attention of the Board that sometimes families have no choice but to seek alternatives outside of the school system.

- Bonnie Dunham of Merrimack, NH, expressed her support of the rules but had questions about the wording contained in Ed 320.01(b) requiring a parent to demonstrate a potential benefit of a change. She suggested the possibility of adding language that provided examples of how parents may meet this requirement. Ms. Dunham will provide the Board with copies of her prepared notes as she did not have them with her.
- Jane Bergeron, New Hampshire Association of Special Education Administrators, expressed her support of the return of the original language of the proposal and believes language as written is true to the intent and spirit for which it was brought forward.
- Mark Vallone, retired school principal, expressed his support of the use of public institutions as the option for these situations.
- Megan Amundson, parent, spoke against the proposal and explained events and issues she has faced since the Board's denial of her request for a change in school assignment. Solutions that were offered in previous hearings were either withdrawn or nonexistent. She will provide the Board and Commissioner Edelblut with copies of correspondence.

The Public Hearing closed at 1:30 PM.

B. 1:30 to 2:00 PM – PUBLIC HEARING - Ed 507.27, Ed 507.271, Ed 612.28 and Ed 612.29 Social Studies Teacher

The Public Hearing was opened at 1:30 PM.

Steve Foster, CTE Director, Berlin Public Schools, thanked the Board and Department for the Robotics Fund. Since the announcement there has been an overabundance of interest and there are more interested students than program capacity. This robotics grant gives students a chance to compete on a statewide level, get more involved with robotics, and creates pathways for student education further on down the road. He noted to the Board that \$660 of a stipend was returned to the State and is confused about why the instructor was not allowed to keep the entire amount.

Chairman Cline thanked him for bringing this to the Board's attention and stated they will check this to make sure educators receive their-full stipend.

Mr. Foster also noted that he met with the New Hampshire Economic Development group and they are going to work with them to get large corporations, the community, parents, and the state involved in relationships to benefit and expand the program.

The Public Hearing was closed at 2:00 PM.

C. Initial Proposal – Specialist in Assessment of Intellectual Functioning (SAIF) (Ed 507.19 and Ed 614.08) – The rule was adopted in January of 2017 but when implementing the rule it was noted that there was language disqualifying to candidates. The adjustments resulted in the proposal having to be reprocessed through the system.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education approve the Initial Proposal for Ed 507.19 and Ed 614.08 Specialist in Assessment of Intellectual Functioning (SAIF) and hold a public hearing for these rules on February 8, 2018.

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

D. Adopt – Social Studies Teacher (Ed 507.27, Ed 507.54, Ed 612.28 and Ed 612.29) – This is before the Board for approval as a final proposal and was accepted by the Joint Legislative Committee on Administrative Rules (JLCAR).

Chairman Cline requested clarification of this proposal by adding the words "New Hampshire" and "U.S." before the word history.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education adopt Ed 507.27, Ed 507.54, Ed 612.28, and Ed 612.29 Social Studies Teacher, as edited.

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

Ms. Diana Fenton notified the Board that final approval for the science rules is with the Office of Legislative Services (OLS) for comment. It was explained that there were 7 science proposals and 6 were put on the OLS consent agenda; however, the general science requirements proposal had substantive changes and will need to be a Conditional Approval request which adds time to the process. These will be brought before the Board in January.

AGENDA ITEM VII. REPORT AND NEW DEPARTMENT BUSINESS

A. School Restraint and Seclusion Report for School Year 2016-2017 per RSA 126-U – Ms. Chagnon explained to the Board that she contacted a school in her district to gather more information about this report. This document is required by state statute and reports incidents when restraining types of contact are made with a child to prevent injury to themselves or others. Mr. Richard

Farrell, NHDOE investigator, was available to explain the report and noted that it is a requirement of all public schools but currently there is no mechanism that allows for the collection of data from nonpublic schools. As the rule is fairly new and nonpublic schools do not always fall within the same rules and regulations, more effort is being put into outreach to the schools not reporting.

B. Gorham Randolph Shelburne (GRS) Cooperative School District Report of Withdrawal of the Town of Randolph – There was no discussion or questions.

MOTION: Cindy Chagnon made the following motion, seconded by Helen Honorow, that the State Board of Education accepts the Gorham Randolph Shelburne (GRS) Cooperative School District Report of Withdrawal of the Town of Randolph.

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

AGENDA ITEM VIII. OLD BUSINESS

There was no old business.

AGENDA ITEM IX. CONSENT AGENDA

A. Meeting Minutes of November 9, 2017

On Page 5 the date December 12, 2017, should be corrected to 2016. On Page 14 the word *mechanics* should be changed to *mathematics*.

Ms. Honorow requested that the minutes be corrected to include the requests from the State Board that any application the Board receives include the application with a legal review and response, in consecutive order that includes dates, authors, and anything else needed by the Board in advance to inform and assist in their decision. Ms. Adams will add the information to the minutes of November 9, 2017.

Chairman Cline thinks there may be confusion regarding Capital City's charter school application and that Ms. Alicea may have misunderstood the Board's recommendation that the size of the school board needs to be expanded and that should also be reflected in the minutes.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve the Meeting Minutes of November 9, 2017 as amended.

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

AGENDA ITEM X. TABLED ITEMS

- A. Cornish and Claremont School Districts Tuition Agreement
- B. Cornish and Windsor School Districts Tuition Agreement
- C. Cornish and Hartford School Districts Tuition Agreement

MOTION: Helen Honorow made the following motion, seconded by Gary Groleau, that the State Board of Education move Items A, B, and C from the table.

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

Commissioner Edelblut explained that the changes consisted mainly of semantics in terms of getting the language up to date.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education accept the tuition agreements between Cornish and Claremont School Districts in New Hampshire, Cornish and Windsor School Districts in Vermont, Cornish and Hartford School Districts in Vermont.

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

AGENDA ITEM XI. NONPUBLIC SESSION

MOTION: Cindy Chagnon made the following motion, seconded by Helen Honorow, that the State Board of Education move into a nonpublic session.

VOTE: The motion was approved by roll call vote by board members Ann Lane, Gary Groleau, Kate Cassady, Cindy Chagnon, Drew Cline, Bill Duncan, and Helen Honorow.

MOTION: Helen Honorow made the following motion, seconded by Bill Duncan that the State Board of Education return to public session.

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

MOTION: Cindy Chagnon made the following motion, seconded by Bill Duncan, that the State Board of Education seal the minutes of the nonpublic session.

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

AGENDA ITEM XII. ADJOURNMENT

The meeting was adjourned at 2:00 p.m.

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon to adjourn the meeting.

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



Secretary