

New Hampshire  
State Board of Education  
Minutes of the Wednesday, June 13, 2018 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, New Hampshire. Drew Cline presided as Chairman.

Members present: Kate Cassady, Cindy Chagnon, Drew Cline, Chairman, Sally Griffin, Helen Honorow, Anne Lane, and Phil Nazzaro. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner of Education, were also present.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Drew Cline, Chairman, led the Pledge of Allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

Nicole Heimarck from the New Hampshire School Boards Association (NHSBA) commented on the proposed Code of Conduct and Code of Ethics along with the investigatory process. The final testimony from the Task Force was included in the Board packets on the changes that were brought forward. She highlighted the collaborative process, which has support from the field and the Department in terms of what was being brought forward. The Task Force recommended a change to Page 9, ED 511.01(d) involving changes to the investigatory process and notification to superintendents when an investigation is undertaken by the Department. The Task Force recommends very strongly that superintendents be notified and the rationale for this is highlighted in the testimony. Ms. Heimarck encouraged the Board to define the term "investigation" to avoid the potential for conflating complaint versus investigation.

Nate Greenberg from the New Hampshire School Administrators Association (NHSAA) spoke in support of the Code of Ethics and Code of Conduct and the Task Force's recommendations regarding the investigatory process in ED 511.01(d). The NHSAA agrees that it is imperative that the superintendent be notified, as it is a safety issue and protects the commissioner and the school districts. If there is a serious investigation, action can be taken at the local level too.

## **AGENDA ITEM IV. SPECIAL PRESENTATIONS**

### **A. Introduction of United States Senate Youth Program Delegate**

Lori Kincaid from the Department, explained that delegates are selected based on their academic accomplishments, community achievement and demonstrated qualities of leadership. In March of each year, the Foundation brings delegates to Washington, D.C., two from every state and territory, for an extensive week-long study of the federal government and the people who lead it. The two 2018 New Hampshire delegates, Meera Kurup from Bishop Guertin High School and Cameron “Cam” Magner from Timberlane Regional High School were introduced, and provided a brief overview of their time in Washington and its impact on their lives to the Board.

### **B. Student/Grantham School Board – SB-FY- 18-12-008**

The parents, Todd and Tanya McIntire, were sworn in and chose to have this case heard publicly. Ms. McIntire provided the Board with background information regarding the request for the placement of their son under manifest educational hardship to a private school. The initial request was dismissed by the local school board and financial assistance for private school placement denied. The request was then brought before a hearing officer who issued a report; however, the hearing officer never addressed the issue of manifest educational hardship in the report. She noted that there was never a second hearing; however, the Hearing Officer did write another report/recommendation to address the issue. Ms. McIntire noted that in this second report/recommendation the Hearing Officer left out the provisional line of the statute (i.e., the 4<sup>th</sup> paragraph).

Ms. McIntire noted that their son had two special education evaluations both indicating educational difficulties. Questions were raised about whether Grantham had a copy of the first evaluation, conducted by the Hartford, VT Special Education Department. The parents noted that a letter was placed in their son’s permanent file with Grantham stating that he had the evaluation, and argued that the school never reached out or followed up with the Hartford, VT Special Education Department regarding the evaluation. The parents asked that the Board reconsider the issue of manifest educational hardship.

Attorney Jim O’Shaughnessy, representing the Grantham School District, explained that the school district decided not to grant the hardship for two reasons. One, the parents had not met the burden of proving that there was a manifest educational hardship, and, two, the request for payment for private school tuition was not something the school district felt the law permitted nor did they have an arrangement with the private school allowing them to do so.

Attorney O’Shaughnessy also explained that when the student transferred to Grantham, the parents did not transfer the cumulative file so Grantham never

received the file that contained the special education letter. The school district, once it was in possession of the letter, initiated the special education referral process. Placement is then determined under the Special Ed 1100 rules.

On behalf of the school, Attorney O'Shaughnessy asked that the Board adopt the Hearing Officer's recommendation.

Ms. McIntire commented that the private school did a better job with the student than any IEP could have done, and noted she had evidence that was then given to the Board.

**MOTION:** Helen Honorow made the following motion, seconded by Ann Lane, that the State Board accept the Hearing Officer's report and adopt the Hearing Officer's recommendation.

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

#### C. Computer Science Framework and Standards – SB-FY-18-02-011

David Benedetto, State Director of STEM and Computer Science Education provided the Board with an overview of the computer science framework and standards and the process for obtaining input from contingency groups as well as from the field. He noted attending five listening sessions conducted throughout the state and noted the feedback from the sessions was very helpful and included poignant questions. David is currently working on consolidating the feedback from the listening sessions and will bring them back to the Development Committee for review and incorporation into the final draft that will come before the Board for review in August.

Clarification was asked in regard to the process, which David provided. David noted that the majority of the feedback received had to do with the certification.

Before the August meeting when final approval will be sought for the standards, the State Board will receive detailed information on the feedback and any changes made as a result.

### **AGENDA ITEM V. LEGISLATIVE ISSUES/RULES**

#### A. 1:00-1:30 PM – PUBLIC HEARING – Non-Public School Approval (Ed 403.03; Ed 405.01; Ed 407.01)

The Public Hearing opened at 1:00 PM and closed at 1:35 PM with no testimony.

B. Conditional Approval Response – Special Education Aid (Ed 1128)

Attorney Diana Fenton and Bridget Brown from the Department provided an overview of the changes which includes a title change from “catastrophic” to “special education” as well as updating the Superintendent’s form and better defining the aid process. If approved, it will be adopted at July’s Board meeting.

**MOTION:** Kate Cassady made the following motion, seconded by Cindy Chagnon that the State Board of Education approval the conditional approval response for Ed 1128, Special Education Aid.

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

C. Final Proposal -- Professional Education Requirements (Ed 505.07 and Ed 610.02) - "Guiding Principles: The Code of Conduct for New Hampshire Educators"

The Code of Conduct was annotated with new changes based on public comment, comment from the Office of Legislative Services (OLS), feedback from stakeholders, and a meeting with the commissioner's task force on ethics was presented to the Board by Amanda Phelps from the Department.

Clarification was asked regarding why notification to the superintendent was not included when it was overwhelmingly asked for in the feedback. It was explained that under the current rules, they are notified any time there is a recommendation for a reprimand, suspension, or revocation, or by law if a child is believed to be in danger. Commissioner Edelblut explained that notification shouldn’t go to superintendents every time an investigation is opened because they are focusing on the Fourth Amendment due process rights of teachers in the schools. So far this year the Department has received 209 complaints in which investigations were opened. Many are trivial or specious complaints against educators. Additionally, it is not uncommon for complaints to involve a superintendent so it would be unusual to notify them. To preserve the integrity of the investigatory process, there must be a degree of independence retained.

It was noted that when an investigation does not directly involve the superintendent, it doesn't sit well to not inform them. It was pointed out that the Task Force included educators and union representatives of educators, and they overwhelmingly agree that the superintendents should be notified and concern was raised that their input was not being implemented. An additional point was made that the concerns about due process have to be held in balance with the concern over student safety.

It was proposed that a new letter be inserted before or after "D", "If the Department's initial review finds that a formal investigation will be opened, the current superintendent shall be notified unless there is reason to believe that such notification will compromise the integrity of the investigation."

It was agreed that additional time is needed to continue to work on the language to make sure that the notification piece to the superintendent is made clear.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane to table the agenda item until the following month's meeting.

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

D. Final Proposal - Professional Education Requirements (Ed 505.07 and Ed 610.02) - "Guiding Principles: The Code of Ethics for New Hampshire Educators"

Amanda Phelps from the Department made the recommendation to withdraw the current proposal so that a new rule could be written that is separate from the professional education requirements that would be called the Code of Ethics for Educators. That document, as proposed to the State Board of Education, would be written in rule format. The educator preparation programs would then use it for ethics education.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane to approve the guiding principles of the Code of Ethics for New Hampshire Educators and withdraw the initial proposal for Ed 505.07 and Ed 610.02 Professional Education Requirements.

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

E. Final Proposal - Basic Academic Skills (Ed 513.01) Amendment to Existing Rules in Response to HB 1498

The final proposal addresses the alternative for the exam for anyone seeking certification in a career and technical education specialty area. It is unchanged except for a recommendation to remove in (b) (3) the recommendation from the Superintendent or head of school because that process already exists within the certification process.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approves the final proposal for ED 513.01, Basic Academic Skills as amended.

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

F. Final Proposal - Mathematics Teacher; General Requirements (Ed 507.26); Middle Level (Ed 507.27); Upper Level (Ed 612.17); Mathematics - Middle Level (Ed 612.17) and Mathematics - Upper Level (Ed 612.18)

A public hearing was held, and the only changes that have been made were editorial.

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin that the State Board of Education approves the final proposal for Mathematics Teacher; General Requirements (Ed 507.26); Middle Level (Ed 507.27); Upper Level (Ed 612.17); Mathematics - Middle Level (Ed 612.17) and Mathematics - Upper Level (Ed 612.18).

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

G. Adopt - Definitions and Personnel Standards (Ed 1102.01(y),(z),(aa), Ed 1102.03 and Ed 1113.12)

Attorney Diana Fenton and Bridget Brown from the Department provided an overview of the changes and explained that the rules have been in the works for a while and are at the adoption stage. Today's request was to adopt the rules to change the Highly Qualified Teacher requirement and the comment on the core academic subjects. Those were removed from federal law, and the changes reflect that.

MOTION: Ann Lane made the following motion, seconded by Kate Cassady, that the State Board of Education adopt Ed 1102.01(y),(z),(aa), Ed 1102.03 and Ed 1113.12.

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

H. Withdrawal and Re-adoption - Alternative Education and Career and Technical Education (Ed 1300)

There was a conflict between the law and what was written in the rule, and this version is the version that the Board approved in the final approval. It's unchanged, and the changes that were removed were deleted because of the conflict between the law and the rule.

MOTION: Ann Lane made the following motion, seconded by Sally Griffin, that the State Board of Education withdraw the adoption of Ed 1300 from April 12, 2018, and adopt this version of Ed 1300, Alternative Education and Career Technical Education.

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

**AGENDA ITEM VII. REPORTS AND NEW BUSINESS**

A. Gate City Charter School for the Arts charter renewal extension request.

A summary of the letter submitted to the Board was provided.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady that the State Board of Education authorizes a 6-month extension of the charter of Gate City Charter School for the Arts.

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

B. Mountain Village Charter School charter renewal extension

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education authorizes a 6-month extension of the charter of Mountain Village Charter School.

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

C. Mountain Village Charter School change in charter request

The request was to change the growth plan for the upcoming school year. The content of the letter submitted to the Board was reiterated.

MOTION: Ann Lane made the following motion, seconded by Sally Griffin, that the State Board of Education pursuant to RSA 194-B:3, XI authorizes the Mountain Village Charter School to change the charter growth plan for one full school year.

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

**D. Social Studies Advisory Panel Change of Mission**

Chairman Cline provided an overview of the original mission of the Advisory Panel to the Board. Discussion amongst the board ensued and concern was raised regarding the potential for duplication of efforts and cross-purposes of the Board's Advisory Panel and the Department's team that is currently working on the standards.

It was asked that at the next meeting more detailed information be provided to the board as to what the Advisory Panel and the Department are currently working on and where each are in the process.

Chairman Cline welcomed board members to attend the Advisory Panel meetings and will make a point of including them in the meeting notices.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education adopts the change of mission for the Social Studies Advisory Panel.

VOTE: The motion was approved by a five to one vote of the State Board of Education with the Chairman abstaining and Helen Honorow opposed.

**AGENDA ITEM VIII. OLD BUSINESS**

There was no Old Business.

**AGENDA ITEM IX. CONSENT AGENDA**

- A. Meeting Minutes of May 10, 2018
- B. Tuition Agreement between Landaff and Lisbon Regional School Districts
- C. Tuition Agreements between Haverhill Cooperative and Bath, Benton and Piermont School Districts

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, to approve all consent agenda items

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

#### **AGENDA ITEM IX. NONPUBLIC SESSION**

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education enter into nonpublic session per RSA 91-A:3, II(c).

VOTE: The motion was approved by roll call vote by State Board of Education members Cindy Chagnon, Drew Cline, Sally Griffin, Helen Honorow, Ann Lane, and Phil Nazzaro.

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane, that the State Board of Education approves a draft order.

VOTE: The motion was approved by roll call vote by State Board of Education members Kate Cassady, Cindy Chagnon, Drew Cline, Sally Griffin, Helen Honorow, Ann Lane, and Phil Nazzaro.

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

VOTE: The motion was approved by roll call vote by State Board of Education members Kate Cassady, Cindy Chagnon, Drew Cline, Sally Griffin, Helen Honorow, Ann Lane, and Phil Nazzaro.

MOTION: Phil Nazzaro made the following motion, seconded by Cindy Chagnon that the State Board of Education return to public session.

VOTE: The motion was approved by roll call vote by State Board of Education members Kate Cassady, Cindy Chagnon, Drew Cline, Sally Griffin, Helen Honorow, Ann Lane, and Phil Nazzaro.

#### **AGENDA ITEM XII. ADJOURNMENT**

The meeting was adjourned at 2:00 PM

MOTION: Cindy Chagnon made the following motion, seconded by Ann Lane that the State Board of Education adjourn.

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



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Secretary