

New Hampshire  
State Board of Education  
Minutes of the Wednesday, July 11, 2018 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:23 a.m. at the State Department of Education, 101 Pleasant Street, Concord, New Hampshire. Drew Cline presided as Chairman.

Members present: Cindy Chagnon, Drew Cline, Chairman, Sally Griffin, Helen Honorow, Ann Lane and Phil Nazzaro. Frank Edelblut, Commissioner of Education and Christine Brennan, Deputy Commissioner were also present. Kate Cassady was not able to attend due to another commitment.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Sally Griffin led the Pledge of Allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

Mr. George D'Orazio of Manchester addressed the issue of public funds being directed to nonpublic schools by stating there are many differences of opinion about what is an ideal education and the attempt to bring public funding to students attending nonpublic schools should never be characterized as an attack on the public schools but rather an attempt to provide a different kind of education for our children.

**AGENDA ITEM IV. SPECIAL PRESENTATIONS**

A. Home Education Advisory Council Annual Report

George\_D'Orazio, Chairman addressed the board and noted that a copy of the Home Education Advisory Council (HEAC) annual report was provided to the Board in advance. Mr. D'Orazio presented an overview of the council membership, duties and responsibilities. He noted that a section of the policy for the NH School Boards Association Model Policy for Home Education was found to be out of compliance with RSA 193-A and the Board was provided a copy of the proposed revision. The council has also authorized the chairman to contact the Department of Health and Human Services (DHHS) to assist the Division of Children, Youth, and Families (DCYF) with a better understanding of home education and application of the law in an effort to enable better communication.

Cindy Chagnon inquired as to the oversight that would be provided with the proposed legislative bill to provide funding to families who are home schooling. Mr. D'Orazio stated that the way the law is currently written a parent

is in compliance as long as they report they are home schooling. At this time there is no oversight.

Helen Honorow expressed her concern with the article included with the report that crosses into an area antagonistic of public education. Mr. D'Orazio responded that the insert was provided by him personally for the statistical information only, not the article itself. He clarified that he did not feel it was necessary to attack the performance of public schools and that home education and nonpublic school education are simply alternatives to public schools.

**B. Teacher/NHDOE – SB-FY-18-03-013 (nonpublic session)**

The parties requested that this hearing be held in nonpublic session.

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

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

**MOTION:** Cindy Chagnon made the following motion, seconded by Helen Honorow, that the State Board of Education accept the Hearing Officer's Report and adopts the Hearing Officer's recommendation.

**VOTE:** The motion was approved by a 3 to 2 vote of the State Board of Education with Sally Griffin and Ann Lane opposed and the Chairman abstaining.

**C. Student/Errol School Board – SB-FY-18-04-016**

The parent chose to have this case heard publicly.

Karen Hughes, attorney for the parent, Elana Pouliot, explained there had been a number of hearings on this matter and they were before the Board to request an approval for manifest educational hardship as the parent has been unable to obtain daycare for her daughter before and after school within the school district. The child did not attend kindergarten due to this same situation. The school district denied a request for manifest educational hardship in 2017 and options provided by the Hearing Officer were for the family to move, pay tuition to a private school, or pay tuition to another public school. These options would create hardships for the family. The Board is being asked to consider this unique situation and approve the request for manifest educational hardship that would allow the student to attend a school outside of the district.

Diane Gorrow, attorney for the Errol School Board, stated the issue in this case is a question of who is responsible for providing daycare before and after school. The Hearing Officer noted that it was a parental obligation and previously the State Board of Education had determined that the hardship must be likely to affect the educational needs of a particular child. The school district provided the parent a list of names of daycare providers and one individual was able to provide daycare three days a week. Many parents in the community work outside of Errol and face the same issue of daycare. The district is requesting the Board uphold the recommendation of the Hearing Officer.

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

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

Chairman Cline announced the agenda will have to be adjusted to allow for the Public Hearings to take place at their legally advertised time.

D. 10:45 AM – Student/Merrimack School Board – SB-FY-18-04-15

The parent chose to have this case heard publicly.

Mr. Robert Bevel of Merrimack was sworn in and stated the Board of Education needs to reexamine Education 204's appeals process by which a child or parent can appeal a dispute with a school board. He feels the process is flawed and no one can ever expect to get a fair hearing. He went on to explain that in 2017 Assistant Superintendent Mark McLaughlin unilaterally changed the homework policy and distributed it to parents and students without authorization from the school board and without proper notice. The proper due process procedures for changing policy under RSA 541-A for all administrative agencies in New Hampshire was not followed. He cited what he felt were six instances of violation of his daughter's due process rights throughout the series of hearings and appeals that brought him before the Board. He is requesting the State Board of Education find that his daughter was denied due process by the lack of adequate notice and opportunity to be heard regarding the changes to the homework policy, and that there is a lack of basis for meaningful judicial review by the administrative process by the school district. He is also asking the Board to overturn the decision of the Merrimack School District and instruct them to reestablish homework as a part of the cumulative grading system for the students.

Dean Eggert, Attorney for the Merrimack School Board, introduced himself and representatives of the school district. Mr. Eggert provided the district's

perspective of why the Hearing Officer was correct in his recommendation and it is their opinion that the parent was not bereft of other options if he felt this was uniquely adversely impacting his child. The district is requesting the Board to affirm the recommendation of the Hearing Officer.

Chairman Cline read Ed 306.14 into the record and opened the floor for discussion or a motion.

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

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

Phil Nazzaro stated for the record that the appeals process is laborious for parents and suggested that during the Board retreat they look at this process from the parents' perspective and find ways to ensure the process is as simple and coherent as possible.

#### **AGENDA ITEM V. OPEN BOARD DISCUSSIONS**

There was no open board discussion.

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

**A. 11:00 AM - 11:30 AM – PUBLIC HEARING – Educational Interpreter/Transliterator for children and Youth Ages 3-21 (Ed 507.35 and Ed 612.36)**

The Public Hearing opened at 11:02 AM.

Laurie Gilbert, Nashua School District, stated nationwide there is an increase in standards to obtain a bachelor's degree and the National Bureau of Labor and Statistics recommends the educational requirement for an interpreter be a bachelor's degree. It is her feeling that leaving the requirement to an associate's degree would be rolling things backwards in the process. Should the Board not approve the educational requirement change from associates to bachelor's degree, Ms. Gilbert asked that it be sent back to the committee for more work.

Brianna Cameron, an Interpreter in the Nashua School District, spoke in support of the requirement for a bachelor's degree and feels it would put interpreters on the educational level to more accurately interpret what students are being taught.

Susan Wolf-Downes from Northeast Deaf and Hard of Hearing Services provided her personal comments and asked that the Board support this proposal but if not, then it should be returned to the subcommittee for more work.

Commissioner Edelblut asked Ms. Wolf-Downes if she felt this change would affect the ability to provide interpreters and she did not feel it would be more difficult. She did recommend that a good system be in place for interpreters to refer each other and noted that there were parts of the State where it might be difficult to cover assignments. She added that there are two regional programs available.

Chairman Cline spoke about his tour of several Manchester schools last month and stated when he asked what the State Board of Education could do to make things easier the consistent response was help with reducing credentialing requirements. Several people he spoke to were not able to attend the meeting and he did get permission from a few of them to speak on the record today on their behalf to note that the bachelor's requirement would be a significant burden to Manchester in the hiring of interpreters.

Helen Honorow noted that to be part of the public record actual letters or documentation from the individuals for whom Chairman Cline spoke should be provided to the Board. The record will be open for five days and she encourages anyone who could not attend today to provide written documentation of their comments to the Board.

Ms. Connie Clanton, retired teacher's aide from the New Hampshire Program for the Deaf and Hard of Hearing spoke in support of the requirement for a bachelor's degree.

The Public Hearing closed at 11:32 AM.

B. 11:30 AM – 12:00 PM – PUBLIC HEARING – Digital Learning Specialist (Ed 507.22 and Ed 612.19)

The Public Hearing opened at 11:32 AM and closed at 12:06 PM with no testimony.

C. Final Proposal - Code of Conduct for Educators (Ed 501.01, Ed 501.02, Ed 502.01, Ed 510, Ed 511, and Ed 512) (REMOVE from TABLE)

Amanda Phelps, NHDOE, Division of Educator Support & Higher Education, Office of Policy reviewed and discussed areas that were changed in Ed 510.05 Duty to Report and Ed 511 Investigations and Disciplinary Proceedings. The implementation process for the Code is in the process of being finalized. A checkbox will be provided for affirmation that the credential

holder has read and agrees with the Code in the online process. The Code will also be a part of the curriculum in the New Hampshire educator preparation programs as well as part of any New Hampshire educator credential renewal process. Chairman Cline offered to write and send a letter out to all state credential holders notifying them of the Code prior to the start of the new school year and suggested that the media also be contacted to provide press releases.

**MOTION:** Cindy Chagnon made the following motion, seconded by Phil Nazzaro that the State Board of Education approve the Final Proposal Ed 501.01, Ed 501.02, Ed 502.01, Ed 510, Ed 511, and Ed 512 as amended.

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

Commissioner Edelblut introduced Richard Sala, who is replacing Erin McIntyre as an attorney for the Department of Education.

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

### **A. Granite State Academy Charter School Charter Renewal Extension Request**

Jane Waterhouse, NHDOE, Division of Educator and Analytic Resources, Charter School Administrator introduced Mr. Anthony Polito who is requesting an extension for the charter. Mr. Polito expressed his pleasure and excitement at the conclusion of five successful years and noted this year saw the first graduating class.

**MOTION:** Cindy Chagnon made the following motion, seconded by Sally Griffin that pursuant to Ed 318.12 and Ed 318.13, the State Board of Education authorize the six (6) months extension of the charter or until the Department of Education is able to complete the renewal visitation report for Granite State Academy Charter School.

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

### **B. Extension Request for the Approval of Plymouth State University's Professional Educator Preparation Programs**

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

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

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

MOTION: Phil Nazzaro made the following motion, seconded by Sally Griffin that the State Board of Education table the Extension Request for the Approval of Plymouth State University's Professional Educator Preparation Programs until the August meeting.

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

### C. Overview of the Rule Making Process

MOTION: Phil Nazzaro made the following motion, seconded by Helen Honorow that the State Board of Education Table the Overview of the Rule Making Process until the August meeting.

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

Chairman Cline notified the Board that Amanda Phelps has prepared a calendar to track credentials and rules that are expiring as well as new rules that come up, so that the Board can take a more proactive role in advance of the expirations. This calendar will be provided to the Board at the August meeting.

Chairman Cline noted he has been working with Angela on changing the agenda structure to hopefully cut down on the amount of disruptions to the meetings. He suggested moving the Public Comment portion to the lunch hour to allow for higher attendance. Helen Honorow stated she thought Public Comment should be left as is.

#### D. Year-End Highlights from the New Hampshire Department of Education

Frank Edelblut, Commissioner of Education, presented slides that provided an overview of work conducted by the Department through the last year such as (*a copy of the presentation can be obtained on the State Board of Education's webpage*):

- Reorganization of the Department of Education
- Addition of 170 new robotic teams across the State
- A cyber robotics coding challenge was designed allowing students to learn programmatic skills for robots which ran in conjunction with Code.org. The first year there were 2,600 kids coding to program robots and 10 States reached out to the Department that were interested in participating. The process has continued working with Intelitek, Inc. In Derry, NH and 31,000 students participated from around the world. The goal is to have a million kids participate in the next two to five years.
- The new statewide assessment system has reduced the footprint of the assessment and made New Hampshire once again in charge of its assessment.
- The Career and Technical Education (CTE) set of rules went from 39 pages down to 16.
- CTE credentials were approved allowing New Hampshire to hire experienced and qualified CTE instructors into our classrooms.
- CAST's Universal Design for Learning (UDL) educator training is helping us move toward personalized education.
- With the passage of a law requiring schools to test water for lead, Commissioner Edelblut has applied for and received a grant providing schools remediation in cases where lead may be found.
- A federal audit was conducted and the Department is awaiting final results.
- An error in Smarter Balanced assessment student data was discovered resulting in \$1.5 million being sent to the local school districts where it belonged.
- Work was done with the legislature that passed a bill giving authority to all State agencies to transfer excess funds to meet maintenance of effort (MOEs) requirements.
- The Department is working with school districts in completing school board federal assurances
- The Department website is being updated and branded
- A Director of Communications has been hired.
- The Department has been working on computer science standards as well as continuing work on social studies
- There will be a new statewide contract for a student information system which will lower the cost from \$10.45 to \$7.10 per student. This should



eliminate the burden on schools to report and create a more efficient, streamlined, and secure system.

- A data dashboard is being developed and should roll out in conjunction with the updated website.

Helen Honorow observed that the Board has been more involved in the past with things like changes to the website and would like to have Commissioner Edelblut report to the Board each month regarding ongoing projects and processes to allow the Board a less passive role in what is going on with the Department of Education. Chairman Cline stated that the Board retreat would be a better forum for this discussion.

Phil Nazzaro commented he would like more information on the Board's organizational priorities and maybe this would be a conversation to have for the Board retreat as well.

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

A. Meeting Minutes of June 13, 2018 (*see motion after agenda item VIII, C below*)

B. Nonpublic School Advisory Council Nominations

MOTION: Phil Nazzaro made the following motion, seconded by Sally Griffin, that the State Board of Education approve the recommended reappointment for Nonpublic School Advisory Council Membership per the list provided.

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

C. Nonpublic School Approval Designation Report

MOTION: Phil Nazzaro made the following motion, seconded by Ann Lane, that the State Board of Education approves the Meeting Minutes of June 13, 2018 and the Nonpublic School Approval Designation Report.

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

### **AGENDA ITEM IX. TABLED ITEMS**

A. Final Proposal - Code of Conduct for Educators (Ed 501.01, Ed 501.02, Ed 502.01, Ed510, Ed 511 and Ed 512)

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin that the State Board of Education removes this item from the Tabled Items.

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

**AGENDA ITEM X. NONPUBLIC SESSION**

There was no nonpublic session.

**AGENDA ITEM XII. ADJOURNMENT**

The meeting was adjourned at 2:25 PM

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro that the State Board of Education adjourns.

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



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Secretary