

New Hampshire
State Board of Education
Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301
Minutes of the August 8, 2019 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:15 a.m. at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

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

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Cindy Chagnon led the pledge of allegiance.

AGENDA ITEM III. PUBLIC COMMENT

The following attendees read written testimony regarding their objections to the Learn Everywhere (LE) Program:

- Megan Tuttle, National Education Association-New Hampshire (NEA-NH), President
- Rebecca Butler, NEA-NH and Pembroke School District
- Edward Olson, NEA, Executive Board member
- Maxine Mosley, NEA-NH, Educator from Manchester
- Karen McCloud, NEA-NH, Executive Board Member, and teacher at Plymouth Elementary School
- Jo Owens, NEA-NH
- Sandra Amlaw, NEA-NH
- Lisa Stone, NEA-NH, Executive Board member
- Patrick Cogan, NEA-NH and an educator in the ConVal School District
- Karen Brown, NEA-NH, Executive Board member
- Carolyn Leite, NEA-NH and an educator in Litchfield School District
- Amy Wilson, NEA-NH

Their comments included:

- The rule requiring that all staff assigned to alternative programs meet the same certification requirements as staff assigned to NH schools conflicts with other existing rules. With the LE program, the State Board is now demanding that parents, employers, colleges and universities accept credits and diplomas without knowledge of the teacher's credentials.
- The legislators' intent created a binary system, where the State Board of Education mandated the minimum standards for graduation and the local districts designed curricula to meet those standards. The requirement to accept completion certificates for up to one-third of credits from LE programs violates that statute.
- Legal experts have pointed out that the LE rules do not ensure student safety from bullying, harassment or abuse because the rules do not mandate a basic grievance policy.
- LE programs could create new learning opportunities, but they should be supervised and enacted by local control and by people in the field who are charged with giving credit.
- LE rules leave out students with IEPs who do not receive graduation credit, which is a clear abandonment of the very foundation of public education.
- LE programs undermine the State Board's authority because current law does not allow schools to require a district to grant credit for programs or courses the district does not approve.
- LE tramples on long-held statutes that delegate to school boards and the districts they represent the responsibility for a specific curriculum for which credit is granted. These rules are an administrative overreach and contrary to public interest.

AGENDA ITEM IV. PRESENTATIONS/REPORTS/UPDATES

A. Summary of Withdrawn Cases

Stephen Berwick, Coordinator, Dispute Resolution and Constituent Complaints, New Hampshire Department of Education (NHDOE), presented a summary of cases that were withdrawn because the parties resolved them or decided not to pursue. He provided the State Board with a list of these cases.

AGENDA ITEM V. NONPUBLIC SCHOOL APPROVAL

A. Commissioner's Nonpublic School Initial Application Reviews

1. Ashuelot Valley Academy, Keene NH

Melissa Valence from the NHDOE, Division of Analytics Education and Resources introduced John Fulp, Head of School for Mount Prospect Academy. Mr. Fulp presented an overview of Ashuelot Valley Academy, which is part of the Mount Prospect Academy system. The school was originally named Keene Academy, but other schools had already chosen that name or some variation, so the name was changed to Ashuelot Valley Academy.

The school provides a lot of hands-on, adventure-based learning, as well as classroom learning; connecting kids with the community. The school offers behavioral mental health services on site, and all staff is trained in therapeutic crisis response.

The application shows 30 students enrolled, but another 17 have expressed interest. The school is based in Keene in response to parents having no option but to send their children to faraway schools, even schools in Massachusetts, in order to get the help they needed.

Ms. Ann Lane asked about accreditation. Mr. Fulp said the school is going through initial KOFF accreditation

Ms. Helen Honorow said she was confused about the academic belief statement, which is from Mount Prospect. Mr. Fulp explained that Ashuelot is a subsidiary of Mount Prospect, so many of the policies, procedures and curriculum are the same. Ms. Honorow asked for more consistency since three entities will share the same statement. Mr. Fulp said the school will send a specific program report to parents with language that is consistent for each school.

Ms. Sally Griffin asked whether students would be placed by districts, meaning tuition would be covered by the districts. Mr. Fulp said they would. Ms. Griffin then asked if Mount Prospect already has this designation and if so, would it also apply to Ashuelot. Mr. Fulp explained that districts would have to apply specifically to Ashuelot. If a student comes from another entity school, that would be part of the SPED process as well.

Ms. Lane asked about the relationship between Mount Prospect and Beckett. Mr. Fulp explained that initially all schools/programs operated under Beckett and that Mount Prospect was a spin off Beckett and became its own entity; however, it is still affiliated with Beckett

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, that the State Board of Education, accept and approve the Commissioner's Nonpublic School Initial Approval Status Report for Ashuelot Valley Academy for compulsory attendance only and that all materials issued by the Ashuelot Valley Academy indicate this approval.

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

2. Salve Regina Academy, Gorham NH

Father Kyle Stanton, pastor of Good Shepherd and Holy Family Parishes in Berlin and Gorham, and David Thibault, Superintendent of Catholic Schools in Roman Catholic Diocese of Manchester, are seeking approval from State Board to open a private Catholic school in Gorham. Five teachers are ready to be hired, and current enrollment is at 70, of whom 42 will start in the first year.

Ms. Lane asked if the school will be seeking accreditation. Father Stanton said it will after the first year or two of operations.

Ms. Chagnon asked what kind of assistance the Catholic Schools will provide. Mr. Thibault noted that the system has 27 schools, including parish schools and private Catholic schools. All fall under one master plan and receive curriculum development, standards development, leadership development and other resources.

Ms. Chagnon asked if this is the first Catholic school in the region. Father Stanton said there used to be a number of Catholic schools in the area and the last one closed in 2007. Half the residents in the area attended Catholic school, but their children and grandchildren have not been provided the same option and in fact, the children and grandchildren of these residents are the ones requesting a new Catholic school.

Ms. Honorow asked if Salve will be using the curriculum from the Diocese. Father Stanton said the Diocese curriculum will guide the school's curriculum but will not dictate where the materials are purchased.

Ms. Honorow asked why the fire and zoning compliance were not signed. Father Stanton explained that they cannot be signed until the school opens, but the form has been submitted to the fire chief.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, accept and approve the Commissioner's Nonpublic School Initial Approval Status Report for Salve Regina Academy for compulsory attendance only and that all materials issued by the Salve Regina Academy indicate this approval.

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

3. Squamscott River Academy, Hampton, NH

Mr. Fulp gave an overview of Squamscott and noted it was taken over by the Mount Prospect Academy organization from another entity on July 1. The school will enroll 18 girls who are in transit to foster care or other placements. The girls are in grades 5 through 12 and will receive the same curriculum, policies and procedures as the previous entity had put in place.

Ms. Cindy Chagnon asked if this could possibly be a gender-neutral school. Mr. Fulp said it could if a girl did not identify as female. Ms. Honorow also asked how students are placed. Mr. Fulp said most of the students are being placed through the Department of Health and Human Services, and explained that the State does allow school districts to place students in residential care.

Ms. Honorow asked if the school has everything ready to open. Mr. Fulp responded that it is and is in the process of hiring the school director and staff, and explained that the school is currently contracted with another school to provide the girls' education until approved and staff hired.

Ms. Lane asked for clarification on which grades and ages are included. Mr. Fulp reiterated that it will be grades 5-12 in the residential portion and education portions. All will be in separate rooms and floors and will be placed in separate classrooms based on grade.

Ms. Honorow asked why this approval is needed while the structure is still being determined. Mr. Fulp said without approval, it is hard to plan and budget for all the necessary components. He said he is pushing to open the school by September 10 because they are expecting girls to enroll and placed in a safe, secure environmental setting as soon as possible.

MOTION: Cindy Chagnon made the motion to return to public session, seconded by Phil Nazzaro, that the State Board of Education accept and approve the Commissioner's Nonpublic School Initial Approval Status Report for Squamscott River Academy for compulsory attendance only and that all materials issued by the Squamscott River Academy indicate this approval.

VOTE: The motion was approved by a 5-1 vote of the Board with the Chairman voting.

B. Commissioner's Nonpublic School Approval Designation Report

1. Monarch School of New England, Rochester NH

Ms. Valence noted that the school is looking to renew.

When asked why the stack of materials was so small, Ms. Vance said, in the past, NHDOE gave a short list of names for renewal approval and those names got approved and is happy to submit additional materials if needed. Mr. Nazzaro asked that the materials be submitted to the Board going forward, since it is not always easy to recall what these programs offer. Chairman Cline said the Board will determine what should be presented for renewals.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, that the state Board of Education accept and approve the Commissioner's nonpublic school approval status report for the Monarch School of New England for compulsory attendance only and that all materials issued by the Monarch School of New England indicate this approval.

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

AGENDA ITEM VI. CHARTER SCHOOL REPORTS/UPDATES

A. First-Year Charter School Program Audit Report

Jane Waterhouse, NHDOE, Charter School Administrator, explained that charter schools are subject to a first-year audit. These audits have not been done in the past; explaining that she created a new process, plus a system to evaluate the progress schools are making and provide recommendations for next steps. These audits also provide NHDOE with a way to monitor new schools to make sure they are on track.

Some documents were not submitted in time to be included in the report, so that information will be reflected in subsequent updates. Ms. Waterhouse reviewed the changes with the State Board.

1. Capital City Public Charter School

Stephanie Alicea, founder and Head of School, Capital City Public Charter School, introduced Kasai Mumpini, Chair of the Advisory Board; and Caroletta Alicea, Vice Chair of the Advisory Board. She then noted that it was a great year for the school and gave some highlights of the activities and programs the students participated in.

Ms. Chagnon asked about the school's plans to address the low scores. Ms. Alicea replied that the school has several students with learning gaps, so the average student was below proficiency. Those students will receive extra time after school and during class, and the school will ask the sending districts to share students' Individual Education Plans (IEP). She acknowledged that there

are gaps with some of the districts because it was difficult to get in touch with them.

Ms. Griffin asked for an update on the student who had made a threat to the school. Ms. Alicea said the school immediately notified the police, the board and parents. The police began their investigation, the students were excused for the day, and the school staff held an emergency meeting. The children were scared to return, as were their parents, so calming them down was an intense situation. Right now, the school is holding a mediation hearing.

Ms. Honorow said she wants the school to succeed and hoped their audit report was well received, but she has some concerns and hopes the school is willing to work with the State Board and other resources to remedy these issues. She asked what the school is doing to build up its board of trustees. Mr. Mumpini said the school wanted to recruit parents for the board, but many parents had hard time separating the needs of their own children with their duties as board members. Other board members have been not been available to attend board meetings, so the issue is not finding board members, but rather finding members who can devote his or her time.

Ms. Honorow asked for minutes from 2019 board meetings. Ms. Alicea said she can submit them, as well as minutes from 2018 meetings. She noted that the minutes are not always posted quickly as they are done by an external webmaster.

Chairman Cline noted that all nonprofits struggle, but building a strong board is important for fundraising, networking and administrative value. He recommended using online resources and community resources in the Concord area.

Ms. Honorow said she is concerned about the school's sustainability. She noted that the school does not have any board training in place and no board development strategy, so it is hard to know if the board is fulfilling its responsibilities. She asked how soon the school could reasonably address this issue. Ms. Alicea responded that within 90 days is her goal.

Ms. Honorow asked that the school come back in 90 days with updates on learning objectives, fundraising, a timeline for accountability and closing achievement gaps. She also noted that it appears that services for IEPs were not provided to students. Ms. Alicea said the structure of the school already addresses many IEP needs and the districts need to provide the services, not the school and noted that some districts did not.

Ms. Honorow asked when the school plans to apply for a Title I grant. Ms. Alicea said she believes the grant ends in August. She was reminded that a 2019-2020 grant is available and the school should apply.

Ms. Griffin asked about the school's enrollment. Ms. Alicea responded that there are 14 new students and 42 students total. She will provide that update when she returns in 90 days.

Mr. Nazzaro recommended tightening up systems and processes, which would significantly ensure the success of the students. Ms. Alicea thanked him for the recommendation. She also thanked Ms. Waterhouse for the report and recommendations.

2. Windham Academy Public Charter School

Ms. Waterhouse began her report about Windham Academy by noting two corrections. First, the number of students on the waiting list is now 74. Second, there is now a recommendation to provide board training on governance and the roles and responsibilities of board members and committees.

Mindy Labo, School Director, introduced herself and Kim Golden, Assistant Director and provided highlights of the first year.

- In the first year, 96 students were enrolled in grades K-3. In this second year, 175 are enrolled in K-4, with 74 on the waiting list.
- The school has been able to smoothly meet the needs of students with IEPs.
- There are nine classrooms with assistants in each.
- The school board meets each month, with committees for fundraising, communities and a parent-teacher organization.

When asked if any student chose not to return, Ms. Labo said there were a few; some to a newly opened elementary school and because a few moved out of state.

Ms. Honorow asked if this audit process was helpful. Ms. Labo said it was very helpful because it revealed issues the leaders were not aware of and it helped the team set priorities when it came to putting procedures in place.

Ms. Griffin asked if there was room for expansion in Windham Academy's five-year plan. Ms. Labo said the school is adding a grade each year, and the owner of the building has capacity for growth.

Mr. Nazzaro asked if there is a way for experienced charter school leaders to engage with first-year leaders so they can learn from one another. Ms. Labo said she has been reaching out to other new school leaders to exchange ideas. Ms. Waterhouse said charter school meetings are held regularly so leaders can discuss issues with one another. In a recent meeting, 22-23 charter school

leaders got together to discuss the special education issues they were having. She noted that there is no formal group, but thinks it is a great idea.

Ms. Honorow asked if NHDOE provides any support if a school reports they are not receiving special education services from the district. Ms. Waterhouse noted that she receives quite a few calls about this issue and refers them to the Special Education Department. Ms. Waterhouse has also asked school leaders to share presentations about best practices at the charter school meetings. She mentioned a full-day training scheduled for August 20, in which charter school leaders will share concerns and questions about special education and other issues.

Ms. Honorow said she was concerned that Capital City could not get that special education support. Ms. Waterhouse responded that she is looking into the issue to try and determine what is going on.

Ms. Honorow asked if it was possible for the Special Education Department to explain how the process works. Ms. Waterhouse said the Department could provide this information at the all-day training.

B. Status Change for MicroSociety Academy Public Charter School (MACS)

Amy Bottomley, School Director, asked the State Board to approve a change in MACS charter to allow for an early increase to an already approved K-8 student enrollment expansion starting with the 2020-2021 academic year. MACS is requesting an increase of 20 students this fall. Ms. Bottomley noted that they are converting the computer lab into a classroom and will be doing more tech integration rather than having a traditional computer class. With 100 students on the wait list, the school is confident it can fill the lower grades quickly.

MOTION: Cindy Chagnon made the motion, seconded by Sally Griffin, Pursuant to RSA 194-B:3, XI, I move that the State Board of Education authorizes MicroSociety Academy Charter School to change the charter enrollment growth plan starting in the 2019-2020 academic year and continuing for a 5 year period.

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

C. MicroSociety Academy Public Charter School Student Conduct, Discipline and Due Process Update

Ms. Bottomley presented the State Board with an updated due process policy in response to a previous request.

AGENDA ITEM VII. PROFESSIONAL STANDARDS BOARD (PSB) UPDATE

Steve Appleby, NHDOE Administrator, Bureau of Credentialing and Closed School Transcripts, presented reappointment applications for four members of the Professional Standards Board (PSB) and a new application for one prospective member.

Ms. Honorow asked if the members are participating and attending meetings. Mr. Appleby said PSB will be voting on a procedure manual that includes expectations on attendance, subcommittee participation and other matters. All four people applying for reappointment had excellent attendance.

A. Reappointment Applications for 2019-2022

- a. JoAnn Misra, Special Educator, Windham
- b. Irv Richardson, NEA-NH
- c. Kirk Beitler, Superintendent, SAU 73-Gilford
- d. Kimberly Yarlott, Reeds Ferry School Principal

MOTION: Helen Honorow made the motion, seconded by Phil Nazzaro, that the State Board of Education accept the reapplication appointment of Joanna Misra, Irv Richardson, Kirk Beitler and Kimberly Yarlott.

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

B. New Application for 2019-2022

- a. Thomas Laliberte, Assistant Superintendent, Bedford

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, that the State Board of Education approve the nomination of Thomas Laliberte to be a new member on the Professional Standards Board.

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

AGENDA ITEM VIII. COUNCIL FOR TEACHER EDUCATION (CTE) UPDATE

A. Plymouth State University five (5) New Program Proposals

Michael Seidel, NHDOE Director, Division of Educator Support and Higher Education, introduced Mary Earick from Plymouth State University. He presented

a recommendation from CTE to approve five (5) teacher preparation programs at Plymouth State.

1. Life Science 7-12
2. Earth and Space Science 7-12
3. Physics 7-12
4. Science 5-8, General Requirements
5. Chemistry

Ms. Lane asked about “engaging the community” in the physics curriculum. Ms. Earick said the courses are taught in professional development schools, and those schools are looking at ways to network with their respective communities.

Ms. Honorow asked about annual reports. Ms. Earick said she submits annual reports every year on all programs. Mr. Seidel noted that these reports are reviewed by CTE in the fall, and then a summary is presented to the State Board.

MOTION: Phil Nazzaro made the motion, seconded by Sally Griffin, that the State Board of Education approve five new programs proposed by Plymouth State University: Life Sciences 7-12 (Ed 612.25/507.32); Earth and Space Science 7-12 (Ed 612.24/507.31); Physics 7-12 (Ed 612.27/507.53); Science 5-8, General Requirements (Ed 612.23/507.29) and Chemistry (Ed 612.26/507.33) through July 2020.

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

B. Reviewer Update

Mr. Seidel provided an update on new reviewers.

- Rivier College program review scheduled for September should have one slot for a school psychologist filled within the next few weeks.
- The reviewer search for the University of New Hampshire (UNH) program review scheduled for October is in progress.
- New England College program review scheduled for November is still looking for three reviewers.
- Granite State College program review scheduled for April 2020 is still looking for six reviewers.

Ms. Honorow asked how she could help recruit reviewers. Mr. Seidel offered to talk to her after the meeting.

AGENDA ITEM IX. OPEN BOARD DISCUSSION

Discussion was held and moved in the agenda to immediately follow after Agenda Item, X, H. JLCAR Objection and Draft Response ~ Learn Everywhere (Ed 1400).

AGENDA ITEM X. LEGISLATIVE UPDATES

A. Initial Proposal – Confidentiality and Record Retention (Special Education) (Ed 1119.01) (REMOVE from TABLE)

Ms. Amanda Phelps, NHDOE, Administrative Rules Coordinator provided an overview of Ed 1119.01, which is a response to a statutory requirement change in RSA 186-C:10-a. The rule was amended to refer to the statute rather than reiterate what the statute already says.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, that the State Board of Education approve the initial proposal for Ed 1119.01, relative to special education confidentiality and record retention, and hold a public hearing on October 10, 2019.

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

B. Proposed Interim Rule – Qualifying Methods for Obtaining a Teaching Credential (Ed 505)

Ms. Phelps presented alternative methods for obtaining a teacher credential, which are set to expire on September 16, 2019. The alternative methods are with the PSB committee, which has approved technical fixes, but Ms. Phelps identified a few more changes that need to be made. Rather than send it for approval without these changes, Ms. Phelps preferred to make the changes and then send them for approval. She explained that in order to do that, the expiration date needs to be extended. The changes are in progress and the proposal should be ready by October.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane, that the State Board of Education approve the proposed interim rules for Ed 505, qualifying methods for obtaining a teaching credential.

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

C. Proposed Interim Rule – General Special Education Teacher and Early Childhood Special Education Teacher (Ed 507.40 and Ed 507.41)

Ms. Phelps noted that the pathway rules are being reworked, along with some teacher credential rules. NHDOE decided to create three separate credential categories for administrators, teachers and education specialists. General special education teachers and early childhood special education teachers will fall into the third category.

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, that the State Board of Education approve the proposed interim rules for Ed 507.40 and Ed 507.41, general special educator teacher and early childhood special education teacher.

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

D. Conditional Approval Response – Computer Science and Kindergarten Minimum Standards (Ed 306 Various)

Ms. Phelps explained that the only change JLCAR made was to update a table to reflect implementation dates.

MOTION: Ann Lane made the motion, seconded by Cindy Chagnon, that the State Board of Education approve the conditional Computer Science education program and corresponding amendments to change Information and Communication Technology to Digital Literacy as well as new Kindergarten curriculum standards.

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

E. Adopt – Technology and Engineering Teacher (Ed 507.05, Ed 612.31 and Ed 612.36 through Ed 612.39)

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, that the State Board of Education adopt Ed 507.05, Ed 612.31 and Ed 612.36 through Ed 612.39 relative to a technology and engineering teaching endorsement and its educator preparation program, as well as renumbering of other existing educator preparation program rules.

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

F. Adopt – Computer Science and Kindergarten Minimum Standards (Ed 306 Various)

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, that the State Board of Education adopt Ed 306, (various sections) relative to a Computer Science education program and corresponding amendments to change Information and Communication Technology to Digital Literacy as well as new Kindergarten curriculum standards.

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

G. Discuss Draft Initial Proposal – How to Obtain a New Hampshire License (Ed 505.01 through Ed 505.04)

Ms. Phelps said this is a draft proposal that overhauls the way teachers earn credentials. The draft, which will be presented in September or October, will include PSB's recommendations. The main change is, instead of five application rules; have only one rule that covers how to apply for each separate pathway. Other changes include the reworking of categories for different types of teachers and a set length of time between application and notification.

H. Joint Legislative Committee on Administrative Rules (JLCAR) Objection and Draft Response – Learn Everywhere (Ed 1400)

Richard Sala, NHDOE Attorney, raised three issues in response to the preliminary objection from JLCAR regarding changes to Learn Everywhere.

1. NHDOE feels much of the opposition comes from a misunderstanding of curriculum versus credit. Learn Everywhere focuses on issuing credits to students who have demonstrated mastery of required competencies and ensuring those credits lead to graduation. He used the Math Learning Communities program with the community college system as an example where schools are already accepting credits based on mastery of competencies and not curriculum.
2. Most of the issues raised in the preliminary objection were considered before taking up the vote on the final proposed rules. In cases where the objections were nuanced, the Department attempted to make changes to address those issues.
3. There is nothing wrong with the State Board disagreeing with JLCAR, and noted that there are processes in place to resolve these disagreements.

Ms. Honorow thanked Attorney Sala and respectively disagreed with his example of the Math Learning Communities as evidence that LE does not contradict current policy. She then noted that the program was developed by the community college system and mentioned the memorandum of understanding (MOU) that schools adopt the program and grant the resulting credits, so she does not understand how the program allows the State Board to grant credit. Attorney Sala said the MOU states that coursework credit may be granted by one school, but the student will still receive credit if he/she moves to another school.

Ms. Honorow asked how this would apply to an entity that is not part of a school district or the community college system. Attorney Sala replied that, because the statute says “shall,” one school would accept credit for coursework taken at another school, even if the two schools are not part of the same MOU.

Ms. Honorow asked why the response talks about the Math Learning Communities as being equivalent to Learn Everywhere. Attorney Sala said the Math Learning Communities is given as an example, but it does not need to be included in the response.

Ms. Honorow asked about the task force that was supposed to be created. Chairman Cline responded that he did not know. Ms. Honorow asked for an update on the implementation of that task force.

Ms. Honorow said the draft response to JLCAR seems to suggest that granting credit is something that State Board can do, but granting credit has always come from school districts, and these proposed rules contradict that. Attorney Sala said the Department’s position is that programs must grant credits that lead to graduation, which means they must be applied somewhere. Chairman Cline said the mistake JLCAR made is using the word “curriculum”. The fundamental misunderstanding of Learn Everywhere is that it inserts a curriculum in the school system, but it does not. The state has been moving to a competency-based system, where mastery of a skill leads to course credit. Learn Everywhere does not insert a credit into the local school. It just makes sure children who demonstrate a competency get the credit. JLCAR is mistaking credit for curriculum.

Ms. Chagnon said the ability to fulfill competency within a school curriculum is unique. Many districts have a unified course, but if a student takes Learn Everywhere, the school may choose to not accept that coursework. She also said she does not agree with the distinction between credit and curriculum, as curriculum is vital to a district. Attorney Sala said if a student takes a Learn Everywhere course that only covers a portion of the competency, the credit will only cover that portion. The district can still grant credit but choose not to give credit for coursework that does not demonstrate competencies in that course.

Ms. Griffin asked if there has been a response to the letter regarding special education. It was explained that Attorney Sala responded to the author of the letter directly and explained that changes cannot be made to the rules that are not specifically outlined in the objection, but they could be addressed after they have been approved and adopted.

Ms. Honorow said she thinks JLCAR gets it. They are saying there is a conflict in the rules, and it is inaccurate to say curriculum is not a part of it. A school district must look to their curriculum when determining whether to grant a credit and telling them they must accept certain credits is inserting a curriculum. Chairman Cline noted that the LE rules states that if a child demonstrates graduation competence, the credit will be accepted. That does not mean the school has to give credit for competencies that have not been demonstrated, nor does it take away their ability to create a curriculum.

Ms. Honorow said she reads the objection as JLCAR believing it is not in the public's best interest to have a situation where a district must approve a curriculum before granting credits but also accept credits without approving them. Chairman Cline reiterated that Learn Everywhere does not focus on curriculum but on credits awarded for demonstrating competencies, so JLCAR is conflating curriculum with credits.

Ms. Chagnon asked about the change to the rules regarding bullying and school safety. Attorney Sala said corrections were made to items 6 and 7 to address the concerns raised by JLCAR. However, Item 4 remained unchanged.

Ms. Chagnon asked about the modifications in Item 8.1. Attorney Sala noted that the rule was amended to allow some Learn Everywhere credits to be granted and, when credit is not granted, the student will receive a certificate and may use that to apply towards credit.

MOTION: Phil Nazzaro made the motion, seconded by Sally Griffin, that the State Board of Education accept the response to the JLCAR Objection to the Ed 1400 proposal.

VOTE: The motion was approved by a 4-2 vote of the State Board with the Chairman voting.

AGENDA ITEM XI. OLD BUSINESS

Seclusion and Restraint Reports

Ms. Honorow asked for a follow-up on the two nonpublic schools that have not responded to requests for information. Chairman Cline said that he will follow up with NHDOE and ask for details on processes and what happens when schools do not respond to these requests.

Meeting Minutes of June 2019

Ms. Adams noted that when she went to make corrections to the June meeting minutes discovered that quite a bit of information was missing, including a large portion of Chairman Cline's comments on Learn Everywhere. Since there were so many changes, she is asking that the State Board review them again before they are posted.

Chairman Cline provided minor changes.

MOTION: Cindy Chagnon made the motion, seconded by Ann Lane that the State Board of Education approve the minutes of the June 13, 2019 meeting as amended.

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

AGENDA ITEM XII. NONPUBLIC SESSION

There was no nonpublic session.

AGENDA ITEM XIII. TABLED ITEMS

A. Initial Proposal – Confidentiality and Record Retention (Special Education) (Ed 1119.01)

MOTION: Phil Nazzaro made the motion, seconded by Sally Griffin, that the State Board of Education remove the initial proposal for Ed 1119.01, confidentiality and record retention, from the table.

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

AGENDA ITEM XIV. CONSENT AGENDA

A. Meeting Minutes of July 11, 2019

Chairman Cline provided minor changes.

Ms. Honorow asked for a status update regarding an invitation for John Tobin to give a presentation on school funding. Chairman Cline responded that he was not on this month's agenda because Commissioner Edelblut would not be in attendance and an invitation would be extended at a future meeting to Mr. Tobin.

Ms. Honorow asked if the language regarding nonpublic school approval has been updated. Chairman Cline responded that the language has been added and letters are going out to schools.

MOTION: Sally Griffin made the motion, seconded by Cindy Chagnon, that the State Board of Education approve the minutes of the July 11, 2019 meeting as amended.

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

The Board discussed potential travel plans to visit and hold a fall and spring meeting at a school in the northwest and the seacoast.

AGENDA ITEM XV. ADJOURNMENT

MOTION: Cindy Chagnon made the motion, seconded by Phil Nazzaro, to adjourn the meeting at 1:30 p.m.

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



Secretary