

New Hampshire  
**State Board of Education**  
Department of Education  
Londergan Hall, Room 100F  
101 Pleasant Street  
Concord, NH 03301  
Minutes of the October 10, 2019 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:10 AM at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

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

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

Sally Griffin led the pledge of allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

Albert St. Pierre, Charlestown Selectman, said his town voted to invoke RSA-195:25, which requires his committee to submit a plan to the State Board by November 1; however, the committee may need more time and requested an extension. It was suggested he submit the request in writing.

Bonnie Dunham, New Hampshire State Advisory Committee (SAC), asked how long the interim rule for special education teachers would be in effect and whether there would be a public hearing about it. Chairman Cline said the interim rule is in effect for six months and provides time before opening rulemaking. He emphasized that the interim rule is the same as the current rule so there are no changes.

Ms. Dunham also said she was disappointed to hear that Heather Gage would not be re-nominated because that meant there would be two vacant positions in the agencies that deal with education for children with disabilities. She noted this could create inconsistency and a lack of historical knowledge at the agency.

Jerry Frew, New Hampshire School Administration Association (NHSAA), asked the State Board to provide a timeline for each of the initial proposals presented at the meeting so NHSAA has a clear idea of when things will happen.

#### **AGENDA ITEM IV. PRESENTATIONS/REPORTS/UPDATES**

##### **A. Timberlane Regional School District SAU 55 Withdrawal Plan**

Sara Murdough, attorney for the SAU Withdrawal Committee, introduced Kim Farah, Chair of the Committee. Ms. Farah thanked the committee for the time they spent on the plan.

The committee cannot address potential liabilities in full since they are not payable at this point. Even then, apportionment changes are made on an annual basis, so they cannot be calculated until the new year begins. However, it is likely many employees will go to the Timberlane District, which means those liabilities would carry forward.

The withdrawal should be relatively simple because Timberlane owns all the assets, and there should not be a significant financial impact because Timberlane will maintain a majority of the SAU. Moreover, Hampstead supports the withdrawal by a vote of 7-1. There will need to be negotiations between the boards regarding personnel and new staff may need to come on board to facilitate the transition to a new SAU.

Chairman Cline asked for clarification on how liabilities might be allocated and whether they will be negotiated in the future. Attorney Murdough said there is a plan in place to determine these allocations during the transition year. Ms. Farah noted that there are questions around long-term liabilities such as post-employment benefits, which could be paid all at once or in installments, but she expects Timberlane to accept the liability for those who move into their SAU.

Chairman Cline asked if the \$6 million in pension liabilities were addressed. Ms. Farah said the district pays the liability until the employee retires or leaves for another district, so Timberlane will continue to pay that liability for the staff that join them.

Ms. Honorow said it was not clear which liabilities Timberlane would absorb. Ms. Farah pointed her to the appendix and noted they have decreased due to payouts but is paying out about \$120,000 per year. Future payouts will be the responsibility of the SAU they join.

Ms. Honorow then asked for more information on the educational impact of the withdrawal, for which Timberlane did not provide much detail. Ms. Farah said the committee has talked about it, but there isn't much detail because the SAU is mainly a management function that has little involvement with educational support.

Dean Eggert, attorney for the Hampstead School District, introduced Caitlin Parnell, Chair, Hampstead District School Board; and Karen Yasenka, Vice Chair. He thanked the State Board for the opportunity to speak on behalf of his school district. He said that Hampstead supports the concept of withdrawal but is not yet supporting the plan without some modification. He asked that the State Board exercise its authority to approve the plan subject to the withdrawal committee providing an adequate plan to address assets and liabilities. The current plan does not include a fiscal analysis or a plan for the disposition of such liabilities as net pension or retirement liabilities.

Chairman Cline asked if there was any objection to the brief statement Ms. Farah just made regarding educational impact. Attorney Eggert replied that Hampstead is prepared to deal with the educational impact and meet its students needs post-withdrawal.

Ms. Chagnon asked what would happen if the withdrawal is approved but Hampstead does not approve of the proposed plan. Attorney Eggert said the State Board could indicate that will approve the withdrawal upon receipt of a plan that adequately addresses liabilities.

Chairman Cline said Timberlane laid out a complete budget, which includes how liabilities would be apportioned, and asked if that was adequate. Attorney Eggert said it reads like a proposed operating budget going forward but does not provide sufficient detail about the liabilities the budget assumes.

Ms. Honorow recommended sending the plan back to Timberlane asking them to create a more specific plan on how liabilities will be handled. Ms. Farah said this would require reassembling the committee, re-voting and holding another public hearing, and it may not be possible to do it in the timeframe needed. Ms. Honorow said her understanding is that the statute requires the committee to meet and write the plan, but not another hearing. Attorney Eggert concurred that that was his understanding as well.

**MOTION:** Helen Honorow made the following motion, seconded by Cindy Chagnon, that the State Board of Education return the withdrawal plan to the Timberlane Regional School District to address the deficiencies in the plan, which do not sufficiently address the liabilities.

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

**B. Students/Capital City Charter School - SB-FY-19-01-007/SB-FY-19-01-008**

Stephen Berwick, NHDOE, Coordinator, Dispute Resolution and Constituent Complaints, spoke to the State Board and indicated that the parties wish to withdraw and enter into mediation.

Chairman Cline said he was concerned that the mediation documents provided do not address the student complaint, only the access to records, so it is not clear what was discussed or whether the mediation addressed the parent's issue. Chairman Cline noted that it seems the parent's issue is still unresolved and still subject to a hearing.

It was noted that the agreement signed by both parties indicated they were entering a mediation in order to avoid a hearing.

Chairman Cline said the State Board is concerned that approving the mediation could take away the parent's right to a hearing. Mr. Berwick said he sensed the matter could be dismissed without prejudice, which means the parent could bring the issue back before the State Board. Ms. Honorow said the materials the State Board received only included the final decision, which did not resolve the underlying issue. Mr. Berwick said NHDOE receives all the correspondence between the parties and his office, but the hearing officer did not include the emails between her and the parties, and will look into this matter.

Ms. Griffin said the State Board received a signed agreement, which implies both parties were satisfied with the solution. Mr. Berwick said most mediated agreements include a paragraph indicating the resolution nullifies all other issues. That paragraph does not appear in this agreement, so it is possible the underlying issue was not made clear until the mediation process.

**MOTION:** Phil Nazzaro made the following motion, seconded Sally Griffin, that the State Board of Education deny the hearing officer's recommendation (*because the materials presented do not address whether the parent's complaint was addressed and satisfied*) and send the report back to the hearing officer.

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

## **AGENDA ITEM V. PUBLIC HEARINGS**

### **A. Ed 1119.01, Confidentiality Requirements and Record Retention**

Chairman Cline opened the hearing at 10:00 AM.

Ms. Bonnie Dunham noted that, at the October 2 meeting, SAC had requested that two sub-paragraphs be added to Ed 1119.01(c). The first would make adult students eligible as defined in 20 USC 1232g(d). The second would

allow documentation of a student's disability, which is in the student's educational record, to be used to demonstrate eligibility for any reasonable accommodation to which the child may be entitled in postsecondary education and employment.

Ms. Chagnon said she admires Ms. Dunham for her hard work and her advocacy and dedication.

Chairman Cline closed the public hearing at 10:35 AM.

## **AGENDA ITEM VI. COUNCIL FOR TEACHER EDUCATION (CTE)**

### **A. One (1) year extension of all of Keene State College's educator preparation programs**

Melinda Treadwell, President, Keene State College, requested a one-year extension of the educator preparation program review. She introduced Kirsti Sandy, Dean, School of Arts, Education and Humanities; and Tanya Sturtz, Associate Dean, and then presented an overview of Keene's programs.

Ms. Treadwell explained that the extension is necessary due to structural deficits and other disruptions. The school has adopted a three-year strategic plan, which includes major realignments involving accreditation and other areas, and the extension will enable it to complete these realignments and then realign the programs accordingly.

Ms. Honorow asked what the school will do to send status updates to CTE and NHDOE and ensure continuous improvement and evaluation. Ms. Treadwell said the school has put in place a data aggregation system to verify and validate student success. It also has a long history of being transparent about its challenges and progress, and that will not change. Chairman Cline thanked Ms. Treadwell for her directness.

**MOTION:** Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education grant a one-year extension of Keene State College's education preparation programs from August 31, 2021 to August 31, 2022.

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

## **AGENDA ITEM VII. LEGISLATIVE UPDATES**

### **A. INITIAL PROPOSAL ~ Ed 501-Ed 504 – Credential Standards for Educational Personnel**

Amanda Phelps, NHDOE, Administrative Rules Coordinator, explained that these rules contain clarifying definitions in response to the rule changes in other Ed 500 rules.

Ms. Honorow asked what the amendment to the G credential means. Amanda replied that there are multiple authorizations that lead to eligibility to teach, so the language ensures all those authorizations are included. She said she will remove “statement” from the first line.

**MOTION:** Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education approve Ed 501-Ed 504, Credential Standards for educational Personnel, as amended.

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

#### **B. INITIAL PROPOSAL ~ Ed 505 – How to Obtain a NH Educator License**

Ms. Phelps noted that this proposal has been edited to reflect feedback from the previous meeting. The biggest change is how the Professional Standards Board (PSB) handles credential applications. Mr. Page Tompkins, Executive Director & Faculty, Upper Valley Educators, said the revision covers the different methods for obtaining a license but removes redundancies and makes the requirements clearer.

Ms. Honorow asked for clarification on the PSB motion. Mr. Tompkins said there was not enough time to gather insight on how changes would affect each person or district individually. As a result, it is hard to predict the unintended consequences, so the PSB took steps to acknowledge that but still approve the draft.

Ms. Honorow asked how the PSB and other stakeholders would get the information they need to understand the impact of these processes before the public hearing. It was explained that it has been shared with CTE, and their concerns will be raised in a public hearing (although the CTE is happy with the direction the proposal is taking). Mr. Tompkins said there have been no changes to the options or the basic structures, only clarification. The PSB is not saying there will not be changes going forward, but this proposal covers a broader process for thinking through the quality of each of these pathways.

Ms. Honorow asked if the State Board will get recommendations in addition to proposed rule changes. Mr. Tompkins said it will, but the current recommendations were approved based on the old pathways. The PSB will redraft them and vote on them at the November meeting.

Ms. Honorow then asked for a definition of unintended consequences without broader consultation. Mr. Steve Appleby, NHDOE, Administrator, Bureau of Credentialing recounted a previous process in which every technical fix resulted in the need for further clarification, which required reaching out to consultants and other stakeholders for guidance. Since there were unintended consequences in that process, it is likely the same will occur with this process.

Ms. Honorow recapped the discussion made at the previous meeting regarding changes that could be more substantial than structural, Mr. Tompkins noted that the committee made numerous changes since the last Board meeting and did its best to only add clarifications without changing the substance of the process. Ms. Griffin said she appreciates the PSB and Bureau's efforts, and Chairman Cline thanked them for taking on this task.

**MOTION:** Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve Ed 505 How to Obtain a NH Educator License.

**VOTE:** The motion was approved by a 4-1 vote with the Chairman abstaining.

**C. INITIAL PROPOSAL – Ed 506-Ed 508 – Requirements for Specific Endorsements**

Ms. Phelps explained that these are revisions to the endorsement requirements for administrators, teachers and educational and instructional specialists.

**MOTION:** Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education approve Ed 506-Ed 508 Requirement for Specific Endorsements.

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

**D. INITIAL PROPOSAL ~ Ed 509, Ed 512 & Ed 513 – Renewal Requirements and Denial of Credentials**

Ms. Phelps noted that these rules include technical fixes and reorganization of the rules.

**MOTION:** Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education approve Ed

509, Ed 512 and Ed 513 Renewal Requirements and Denial of Credentials.

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

E. INITIAL PROPOSAL – Ed 321 – School Building Aid

The proposal was amended to clarify the application and disbursement processes for building aid. Some Board members asked whether landscaping is covered in the new definitions. Amanda said she could get clarification.

Chairman Cline asked for clarification of the process to receive building aid. It was explained that there have been times when the school requests building aid before it is approved by a local vote, or the request and the vote happen simultaneously. However, aid cannot be paid without the approval from NHDOE.

Ms. Griffin asked why utilities and computers were removed from covered costs, except for computers that run certain building systems. It was noted that the proposal only covers the cost of building a physical property and anything that is integral to the operation of the building.

MOTION: Cindy Chagnon made the following motion, seconded by Phil Nazzaro, that the State Board of Education adopts the initial proposal for Ed 312 School Building Aid.

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

F. INITIAL PROPOSAL ~ Ed 507.40 & Ed 507.41 – General Special Education Teacher

Ms. Phelps noted that these rules were approved about four years ago and then the State received a grant from the Center for Education Excellence and an alignment to work on revisions of the standards. Ultimately, the PSB kept the K-12 certification structure but revised the special education rules.

Ms. Chagnon asked what the committee was trying to accomplish with the revisions. It was explained that the committee was originally going to do one set of standards, but soon realized each change would have long-term implications, so it revised all the rules to ensure consistency and eliminate redundancies.

Ms. Honorow asked what was done with different stakeholders. It was noted that the committee met with special education administrators, certified teachers, parents and other groups to solicit feedback. Ms. Honorow then asked



how this proposal would reach people who may want to attend the public hearing. It was explained that the NHDOE has a mechanism to alert stakeholders about the hearing, including superintendents.

Chairman Cline asked for several changes to be made:

- Page 2 and Page 10: language defining medical diagnoses of sensory disabilities was replaced with language about diversity, families, gender and society. The current rule requires teacher prep programs to teach about these matters, including origins of disabilities, and taking it out of the rule might remove the need to cover it. He recommended addressing it in some way, such as adding “biological” to the list of factors that are relevant to educating students with disabilities.
- Page 2, Paragraph f: Understanding the student’s condition and its impact on learning was replaced by understanding the theoretical concept of least restrictive environment. He wants educators to understand both and for the rule to reflect that.
- Page 3: The revision talks about promoting access and equity, but the language about the goal of encouraging academic success should be added back into the text.
- Page 12, Paragraph 5: Clarify the language so educators know they are only required to choose the right language to administer assessments and not in every language.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve Ed 507.40 and Ed 507.41, General Special Education Teacher.

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

G. ADOPTION - Ed 505.01-Ed 505.05 – Pathways to Certification (Interim Rule)

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education adopt the interim rule for Ed 505.01-Ed 505.05, Pathways to Certification.

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

H. ADOPTION ~ Ed 507.40 & Ed 507.41 – General Special Education Teacher (Interim Rule)

Ms. Phelps explained that this rule adopts the current rules for another 180 days. The rule would go into effect tomorrow and would allow the Bureau to start issuing licenses again. Ms. Honorow asked the department, per Jerry Frew's request, to clarify when rules go into effect and for how long and record them in the minutes.

**MOTION:** Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education adopts the interim rules for Ed 507.40 and Ed 507.41, Special Education Teacher Requirements.

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

#### I. EMERGENCY RULE ~ Ed 1307 – Robotics Education Fund

It was explained that the application period to receive these funds ran from September 1 through 30, but the budget was not approved until after that time. This rule is meant to remove some of the requirements that prevent the disbursement of these funds.

Ms. Honorow asked why the requirement to only use the funds for stipends was changed, and why it is considered an emergency. Commissioner Edelblut said the earlier draft was not in line with the changes to the RSA. It is considered an emergency so schools can receive the funding in the Fall.

Ms. Honorow asked how schools will be notified of these changes. Commissioner Edelblut noted that the application process will begin as soon as the rule is passed.

**MOTION:** Cindy Chagnon made the following motion, seconded by Kate Cassidy, that the State Board of Education adopts Emergency rule Ed 1307, Robotics Education Fund.

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

#### J. EMERGENCY RULE ~ Ed 322.09 – School Lease Aid

The current rule requires schools to bid for two leases before they can bring plans to NHDOE. Normally, NHDOE would accept applications in January, but there was no aid available at the time. Now that aid is available, the NHDOE deemed it unreasonable to ask schools to retroactively meet this requirement. This rule is meant to waive that requirement.

MOTION: Phil Nazzaro made the following motion, seconded by Sally Griffin, that the State Board of Education adopts Emergency rule Ed 322.09, School Lease Aid.

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

### **AGENDA ITEM III. COMMISSIONER'S UPDATE**

#### **Personnel Changes**

- The Bureau of Credentialing has made great strides to streamline processes and as a result is retiring its folding machine after 30 years of service.
- Laura Stoneking has replaced Ashlee Stetser as the Administrator, Bureau of Educator Preparation and Higher Education.
- The search is still underway for a new attorney because the top pick accepted another position.
- The top candidate for a special education position withdrew from consideration, so the committee is considering the second choice and has reposted the position.
- Heather Gage will not be reappointment, so the NHDOE is actively recruiting to replace her.

Ms. Honorow expressed concern about the long time needed to fill positions and asked if there was a way to continue Ms. Gage's position. Commissioner Edelblut said it is possible, depending on whether Ms. Gage wants to continue.

#### **Credentials**

Amid the discovery that a few administrators in the Concord district did not have the necessary credentials, NHDOE is working to make sure credentials are validated. Ms. Honorow asked what oversight NHDOE might have in verifying credentials. Commissioner Edelblut explained that the department is notified when someone is hired and monitors when someone works in areas outside their credentials, but the lack of credentials would not be reported in the system.

Mr. Nazzaro asked if it was possible for NHDOE to be a check on this. Commissioner Edelblut said some positions do not require credentials, but it causes a problem when someone falsely claims to have credentials. He explained that there is a rule in place that requires superintendents to verify credentials for those they employ.

#### **Capital City Charter School**

At the September meeting, the State Board had asked the school to come back to present an update, but there has not been much progress since then.

Commissioner Edelblut recommended meeting with them soon, possibly November, so they can explain the situation.

### **Medicaid to Schools Programs**

New Hampshire passed laws that expanded the ability to provide Medicaid services in schools. Since the laws went into effect, Health and Human Services (HHS) ran an audit and found some schools were not getting prior authorization for services or not using qualified providers to offer the services.

To remedy this situation, emergency rules were put in place to restrict who is allowed to provide those services. This caused a disruption because schools will no longer receive reimbursements for those services. The NHDOE is working to address this by creating funds for those services or finding alternatives to providing them, and by trying to mitigate the impact on students who thought they were receiving needed services but were not.

### **Math Learning Communities**

There are two bills on the matter. The first, 1761, requires the Commissioner to create a task force to look at math learning communities. That task force was created and presented a report to the legislature that recommended spending \$200,000 to reconstitute some of the curricular activities and providing teacher training. The bill is currently going through the state senate.

## **AGENDA ITEM IX. APPOINTMENTS**

### **A. Commissioner's Consultation with the State Board of Education (RSA 21-N:3, II)**

Commissioner Edelblut nominated Stephen Appleby to serve as Division Director for Educator Support Programs and Higher Education and asked the Board for their input.

Chairman Cline said he has worked closely with Mr. Appleby in his current role in the Bureau of Credentialing and knows he takes a very careful approach with everything.

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

Ms. Honorow said she received the JLCAR response to Learn Everywhere (LE) but was unable to review it and expressed concern about the lack of time given to evaluate it. Commissioner Edelblut noted that JLCAR only sent the response late Friday after weeks of waiting, so the entire State Board is reviewing it.

The Commissioner will attend the JLCAR meeting on October 17 and will address JLCAR's remaining objections. The State Board does not need to respond, but the board does need to know how JLCAR will respond so it can take the proper action at the November meeting. If JLCAR makes another objection, Commissioner Edelblut will present it to the Board at the next meeting.

Ms. Honorow said her objection is that she does not have time to decide whether she agrees with the board's response. Commissioner Edelblut said the State Board filed a preliminary objection, and he will be at the meeting to defend that.

### **AGENDA ITEM XI. OLD BUSINESS**

#### A. Appeal of Rye School District Update

The Supreme Court has agreed to hear the appeal.

#### **MicroSociety**

Chairman Cline said the school removed the "Tuition-Free" sign from the grounds, but it is still posted on their website. When Chairman Cline asked for an explanation, the head of the school said she wanted to make sure parents knew it was an academy and not a private school. He recommended they change the language to "public charter school".

Ms. Honorow reminded board members that MicroSociety had said it had a long waiting list but still has a sign saying space is available. Chairman Cline said he took that to mean the expansion would allow the school to accept more students on the wait list, but he would contact the head of the school for clarification.

### **AGENDA ITEM XIII. CONSENT AGENDA**

#### A. Minutes of September 12, 2019

The Board asked for two clarifications:

- Page 4745: Change "Mr. Robin" to "Mr. Tobin"
- Page 4744, Paragraph 3: Check whether "\$20 per square mile" is an accurate description or a hypothetical example
- Page 4750, last paragraph: Change "no having a GPA" to "not having a GPA"

MOTION: Cindy Chagnon made the motion, seconded by Kate Cassady, to approve the minutes of September 12, 2019 as amended.

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

**AGENDA ITEM XIV. ADJOURNMENT**

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon, to adjourn the meeting at 1:45 PM.

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



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Secretary