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To: Joint Legislative Committee on Administrative Rules

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**Re: Ed 1400, Learn Everywhere**

In New Hampshire, as in many states, the local school districts are charged with implementing public education to meet agreed upon goals. In our state the Education RSA 186:8-I gives the rule-making authority over academic standards to the state board of education [1], but RSA 193:C-VI clearly states “**The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum.** It is, rather, to establish what New Hampshire students should know and be able to do and to develop and implement effective methods for assessing that learning and its application **so that local decisions about curriculum development and delivery can be made.**” [emphasis added] [2]

Learn Everywhere undermines local school districts’ ability to meet the local and student needs, in violation of 193:C-VI. This past school year nearly 7,000 students in New Hampshire participated in at least one Extended Learning Opportunity, under the direction of their local school districts and in response to their own needs. [3] Under the current RSAs we can and should encourage such programs. Accountability for credits leading to a diploma must remain with the local school districts, as prescribed in RSA 194.23. [4]

Public education is at the heart of our democracy. A system that educates the vast majority of its citizens with shared content as well as shared social and emotional experiences creates pathways for mutual understanding, problem solving, and decision making. As early as 1779 Thomas Jefferson proposed taxpayer funded public schools under local administration to foster democracy. [5]

New Hampshire’s own RSA 193:C-I reinforces this: “**A well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development.**” Immediately before that sentence, however, is this important and relevant statement: “**Improvement and accountability in education are of primary concern to all of the citizens of New Hampshire.**” [2] Ensuring accountability in a program as broad and dispersed as Learn Everywhere as proposed is just one of the challenges Ed 1400 would face.

The League of Women Voters of New Hampshire has previously submitted written comment to the State Board of Education about the proposed Learn Everywhere rules not fitting with the accreditation process.

School accreditation, a public need, would be at risk for any school found to yield its responsibilities to the State Department of Education. Determining credit for education experiences is one of those responsibilities.

Lack of responsiveness by the State School Board to the expectations of the accrediting body and therefore the need for rules that support what is required for each school to meet accreditation standards is one rule violation - 403.01 (a). A second violation is that the rule could not be uniformly applied because accreditation requires that each school's unique ways of meeting accreditation standards be honored – 403.02 (b) [ 6 ].

According to the New Hampshire Department of Education website, “Most public and private high schools and a few middle schools in New Hampshire are accredited by the New England Association of Schools and Colleges (NEASC).” [ 7 ]

Each accredited school must have demonstrated “that it has the basic structures, policies, and systems in place to support a quality learning environment ... each school is reviewed based on the unique characteristics and applications of the NEASC Standards ....” (NEASC Overview) [ 8 ]

Because NEASC is an accreditor of institutions, alternative education and granting of credits are included in the responsibilities of each school, not of the State.

Every accredited school is assessed according to seven Standards. Alternative education experiences have to fit into what the Standards require. Examples of Standards expectations include:

“Decision-making remains focused ... and aligned.” (Standard 1)

“The curriculum includes a purposefully designed set of course offerings ....” (Standard 2)

“Instruction is ... deliberate in its design and delivery ....” (Standard 3)

“The school is responsible for providing an effective range of coordinated programs and services.” (Standard 6)

Indicators [under each Standard on the NEASC website—see link to the Standards in the appendix] provide even more specifics. [ 8 ]

Alignment, design, and co-ordination as well as overall coherence of instructional offerings and experiences demanded by NEASC must be met school by school. Authority and accountability evidence must be provided by each individual school. The public needs alternative education to be under the control, not of the State, but of each school district in order for school accreditations to be granted.

## Appendix:

### [ 1 ] TITLE XV EDUCATION

#### CHAPTER 186 THE STATE SCHOOL ORGANIZATION

##### **186:8 Rulemaking Authority; Standards; Employee Qualifications. –**

The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

**I. Academic standards for all grades of the public schools. [emphasis added]**

II. Minimum standards for public school approval for all grades of the public schools.

III. Qualifications and duties for school superintendents, principals, school administrative unit professionals and other public school employees.

IV. Certification standards for educational personnel, including those listed in RSA 21-N:9, II(s), provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, provide for recertification based on another state's procedures if the other state's professional development plan is approved by the New Hampshire department of education.

V. Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners.

VI. Certification standards for advanced teaching credentials, including administering the master teacher credential as provided in RSA 189:14-f.

VII. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

VIII. Requiring a high school pupil to attain competency in mathematics for each year in which he or she is in high school through graduation to ensure career and college readiness. A pupil may meet this requirement either by satisfactorily completing a minimum of 4 courses in mathematics or by satisfactorily completing a minimum of 3 mathematics courses and one non-mathematics content area course, including, but not limited to, a CTE program under RSA 188-E, in which mathematics knowledge and skills are embedded and applied, as may be approved by the school board. The rules shall be implemented in the 2015-16 school year.

[ 2 ] TITLE XV  
EDUCATION

CHAPTER 193-C  
STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM

Section 193-C:1

**193-C:1 Statement of Purpose. –**

**I. Improvement and accountability in education are of primary concern to all of the citizens of New Hampshire. A well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development. [emphasis added]**

II. A statewide education improvement and assessment program built upon the establishment of academic standards specifying what students should know and be able to do is an important element in educational improvement. Such a program also serves as an effective measure of accountability and student performance when the assessment exercises or tasks are valid and appropriate representations of the knowledge and skills that students are expected to achieve.

III. Widespread participation in the establishment of a statewide education improvement and assessment program is essential. Consultation with educators at all levels, business people, government officials, community representatives, and parents must occur in the development of academic standards. In turn, widespread dissemination of those standards, once established, must occur. Teachers, administrators, and school board members must be fully apprised of these state-developed standards. They must, in turn, communicate these expectations to students and parents, and find and implement methods to enable students to acquire and apply the requisite knowledge and skills.

IV. In addition, the assessment results must be reported to students, parents, teachers, administrators, school board members, and to all other citizens of New Hampshire in order that informed decisions can be made concerning curriculum, in-service education, instructional improvement, teacher training, resource allocation, and staffing.

V. [Repealed.]

**VI. The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum. It is, rather, to establish what New Hampshire students should know and be able to do and to develop and implement effective methods for assessing that learning and its application so that local decisions about curriculum development and delivery can be made. [emphasis added]**

Source. 1993, 290:2. 2013, 263:7, I. 2016, 84:3, eff. July 18, 2016.

[3] Reaching Higher New Hampshire <http://reachinghighernh.org/2019/06/12/learn-everywhere-qa-how-might-the-proposed-program-affect-your-family/> June 12, 2019.

[ 4 ] TITLE XV  
EDUCATION

CHAPTER 194  
SCHOOL DISTRICTS

## General Powers and Duties

### Section 194:23

#### **194:23 Definition of High School. –**

I. The term "high school" shall mean a public school or public academy comprising a span of grades beginning with the next grade following an approved elementary, middle or junior high school as defined by RSA 189:25 and ending with grade 12. **Such a school shall:**

(a) Offer those subjects prescribed by statute, including instruction in history, government, and constitutions of the United States and New Hampshire and of the organization and operation of New Hampshire municipal, county, and state government;

(b) Provide such other subjects as the school district maintaining such school shall determine by its school board or by vote of the district;

(c) Comply with standards prescribed by the state board of education which shall be uniform in their application to all schools; and

**(d) Qualify a pupil to receive a diploma upon completion.**

[ 5 ] School: The Story of American Public Education. Companion volume to the 2001 four-part public television series. (Boston: Beacon Press, 2001), pp. 1-2

[ 6 ] Appendix 4 RULES FOR THE JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES <http://www.gencourt.state.nh.us/rules/jlcar/rules.html>

[ 7 ] [https://www.education.nh.gov/program/school\\_approval/approval\\_faq.htm](https://www.education.nh.gov/program/school_approval/approval_faq.htm)

[ 8 ] The **New England Association of Schools and Colleges** (NEASC) is an independent, voluntary, nonprofit membership organization which connects and serves over 1500 public, independent, and international schools in the US and worldwide. Founded in 1885, NEASC has been working to establish and maintain high standards for all levels of education longer than any other **accreditation agency** in the United States.

### **Standards for Public High Schools**

The Standards act as the foundation for the cycle of accreditation: the school's self-reflection, the on-site visits by peer review teams, and the school's planning and follow-up process. They guide the school and its community toward a clear and comprehensive school improvement/growth model by which they can assess themselves; gain valuable, objective feedback from other educators; and implement a realistic and relevant planning process to improve education for their students.

The standards summarized below and in detail in the link below were instituted in 2011.

<https://cpss.neasc.org/standards/2011-standards>

### **Standard 1 Core Values, Beliefs, and Learning Expectations**

Effective schools identify core values and beliefs about learning that function as explicit foundational commitments to students and the community. Decision-making remains focused on and aligned with these critical commitments. Core values and beliefs manifest themselves in research-based, school-

wide 21st century learning expectations. Every component of the school is driven by the core values and beliefs and supports all students' achievement of the school's learning expectations.

### **Standard 2 Curriculum**

The written and taught curriculum is designed to result in all students achieving the school's 21st century expectations for student learning. The written curriculum is the framework within which a school aligns and personalizes the school's 21st century learning expectations. The curriculum includes a purposefully designed set of course offerings, co-curricular programs, and other learning opportunities. The curriculum reflects the school's core values, beliefs, and learning expectations. The curriculum is collaboratively developed, implemented, reviewed, and revised based on analysis of student performance and current research.

### **Standard 3 Instruction**

The quality of instruction is the single most important factor in students' achievement of the school's 21st century learning expectations. Instruction is responsive to student needs, deliberate in its design and delivery, and grounded in the school's core values, beliefs, and learning expectations. Instruction is supported by research in best practices. Teachers are reflective and collaborative about their instructional strategies and collaborative with their colleagues to improve student learning.

### **Standard 4 Assessment of and for Student Learning**

Assessment informs students and stakeholders of progress and growth toward meeting the school's 21st century learning expectations. Assessment results are shared and discussed on a regular basis to improve student learning. Assessment results inform teachers about student achievement in order to adjust curriculum and instruction.

### **Standard 5 School Culture and Leadership**

The school culture is equitable and inclusive, and it embodies the school's foundational core values and beliefs about student learning. It is characterized by reflective, collaborative, and constructive dialogue about research-based practices that support high expectations for the learning of all students. The leadership of the school fosters a safe, positive culture by promoting learning, cultivating shared leadership, and engaging all members of the school community in efforts to improve teaching and learning.

### **Standard 6 School Resources for Learning**

Student learning and well-being are dependent upon adequate and appropriate support. The school is responsible for providing an effective range of coordinated programs and services. These resources enhance and improve student learning and well-being and support the school's core values and beliefs. Student support services enable each student to achieve the school's 21st century learning expectations.

### **Standard 7 Community Resources for Learning**

The achievement of the school's 21st century learning expectations requires active community, governing board, and parent advocacy. Through dependable and adequate funding, the community provides the personnel, resources, and facilities to support the delivery of curriculum, instruction, programs, and services.