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September 13, 2013

Thomas Raffio, Chairman, New Hampshire State Board of Education
101 Pleasant Street
Concord, NH 03301

In RE: Written Comments of the New Hampshire School Boards Association
On Proposed Amendments to ED 306

Dear Chairman Raffio:

This letter serves as the New Hampshire School Boards Association's (NHSBA) formal public comments regarding the New Hampshire State Board of Education's proposed amendments to Ed 306, the Minimum Standards for Public School Approval.

NHSBA acknowledges the time and effort that both the Department and State Board have devoted to this significant task. NHSBA also appreciates the State Board's commitment to meeting regularly with and allowing due consideration of the comments, suggestions and objectives of the Minimum Standards Steering Committee, of which NHSBA was a member.

While mindful of the above, NHSBA has significant concerns about the proposed amendments to Ed 306, as follows.

NHSBA has continuing concerns over the erosion of local school board/district governance by both the State and US Departments of Education. This trend is reflected in the proposed revisions. By way of example, the proposed revisions will require local school boards to revise approximately twenty (20) existing policies, while additionally requiring local school boards to adopt an assortment of new and expanded policies. These policy-related mandates will undoubtedly require New Hampshire school boards/school districts to expend considerable time and effort in interpreting the new rules, reviewing existing policies and programs, and adopting new policies. Notably, these changes are issued as mandates from the State, often without a clear statement nor stated appreciation as to the very real impact on local school boards/school districts. The implication (and recent trend of the Department), too, is that the new/modified rules may likely result in administrative actions that will prescribe the content of the required new school board policies. We believe that this is an unnecessary

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and inappropriate over-reach into the legal and policy-making domain of school boards and citizens of local school districts.

Additionally, these required policy-related changes will come at the very time when school boards continue to grapple with yet to be defined changes apparently required by the ESEA waiver; the implementation of the Common Core State Standards; and, a transition to the Smarter Balance assessment tools, to name but several prominent and new state and/ or federal mandates. On behalf of its members, NHSBA has posed various questions to Department officials concerning these new initiatives, seeking clarity as to impact on local school districts, with the hope that answers would enable understanding and support for the initiatives. Those questions have largely been unanswered, to date.

Simply put, much has been put on the “plate” of local school boards and school districts by state and federal authorities, and we urge the State Board to proceed with deliberate speed on these new initiatives. We urge a carefully crafted strategy that will enable all in the public education community to study, assess, and reasonably implement the new initiatives.

NHSBA also has concerns about the systematic linguistic changes that appear throughout the proposed changes. As the State Board and Department representatives will remember, the Steering Committee, which consisted of career educators, had a difficult time rectifying and coming to consensus about terms such as “competencies”, “mastery”, and the varying differences between the multiple use of competencies (competencies, district competencies, graduation competencies, etc.)

It is our concern that such vague language, undefined terms, and lack of consistent definitions will create confusion among the state’s many school districts, likely creating the unintended consequence of different school boards interpreting and implementing these terms differently. The likely result would not be a coherent system of delivering education at the local level, as the proposed rules seem to contemplate and intend, but rather could well result in the creation of a multitude of local school systems that apply and implement the rules in vastly different ways. This, in our view, would not contribute positively to the effective delivery of public education in New Hampshire.

NHSBA additionally has concerns about the regulatory burden these Rules would have on school district superintendents, building principals, and other school administrators. NHSBA understands that the State Board will consider these rules at its November 2013 meeting. However, NHSBA is

unclear when these rules will become effective and when local school districts would need to begin implementing them.

Given the other significant systematic changes currently ongoing in New Hampshire, as noted above, NHSBA believes that if these rules are adopted, the Department of Education must give local school districts significant reasonable and appropriate lead time to transition into these new standards. NHSBA believes that implementing them, e.g. on July 1, 2014, would not be sufficient time for school boards and school administrators to address the comprehensive changes contained therein, and would result in unintended non-compliance at the local level.

Significantly, while the Department has stated that its intent is to keep these changes cost-neutral, the overarching reality is that the proposed changes will have a significant financial impact on local school districts and local communities. Staff time will have to be devoted to gain a simple understanding of the various linguistic changes to the rules. Professional development will have to be offered so teachers have a firm understanding of the requirements. District administrators will spend countless hours developing competencies. And, local school boards will be tasked with implementing new policies to address the rules at the local level. All this will require a significant expenditure of additional local resources, for which we urge the Department and Board, in concert with the adoption process, to seek adequate State appropriations for local school districts to cover any and all additional costs.

NHSBA's concerns about the date of implementation also springs from the reality of the local budget process, noting that local school district budgets are set primarily in March at school district annual meetings. The budget process itself occurs through the late fall and early winter. As such, requiring school districts to implement these new changes effective July 1, 2014 would have considerable negative effects on school district budgets, which have already been set. Simply put, school districts would not be in a financial position to implement new standards at that time.

We agree with your public statements, Chairman Raffio, that the consideration and potential adoption of these new/modified rules constitutes one of the major decisions of the State Board in recent years. You have aptly and correctly acknowledged the long term impact on local school districts. Given that, we urge the State Board to approach this major decision with great thought and deliberation, mindful of the various serious ramifications on the delivery of public education in our State.

NHSBA appreciates the opportunity to offer these comments, and trusts that the State Department and State Board will give the comments due consideration in the process of final adoption of the proposed rules.

We are more than happy to respond to any concerns and/or questions that you may have.

Sincerely Yours,

John T. Widmer, President, New Hampshire School Boards Association

Theodore E. Comstock, Executive Director, New Hampshire School Boards Association