

LEGISLATIVE COMMITTEE MINUTES

**SB140**

# Bill as Introduced

SB 140 - AS INTRODUCED

2019 SESSION

19-1062  
06/08

SENATE BILL        **140**

AN ACT            relative to the rulemaking authority of the state board of education.

SPONSORS:        Sen. Kahn, Dist 10

COMMITTEE:      Education and Workforce Development

---

ANALYSIS

This bill permits the state board of education to adopt rules relative to alternative programs for granting credit that have been approved by school districts.

-----

Explanation:      Matter added to current law appears in *bold italics*.  
                     Matter removed from current law appears ~~[in brackets and struck through]~~.  
                     Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to the rulemaking authority of the state board of education.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1       1 Adequate Public Education; Rulemaking. Amend RSA 193-E:2-a, V(b) to read as follows:
- 2               (b) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to
- 3 the approval of alternative programs *authorized by school districts* for granting credit [~~leading~~
- 4 ~~to graduation~~].
- 5       2 Effective Date. This act shall take effect 60 days after its passage.

SB 140 - AS AMENDED BY THE SENATE

03/07/2019 0647s

2019 SESSION

19-1062

06/08

SENATE BILL **140**

AN ACT relative to credit for alternative, extended learning, and work-based programs.

SPONSORS: Sen. Kahn, Dist 10

COMMITTEE: Education and Workforce Development

---

AMENDED ANALYSIS

This bill authorizes local school boards to grant academic credit for alternative, extended learning, and work-based programs.

---

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to credit for alternative, extended learning, and work-based programs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Substantive Content of an Adequate Education; Alternative Programs. RSA 193-E:2-a, V(b) is  
2 repealed and reenacted to read as follows:

3                   (b) Each local school board shall determine whether to grant academic credit for  
4 alternative, extended learning, and work-based programs.

5           2 Effective Date. This act shall take effect 60 days after its passage.

SB 140 - FINAL VERSION

03/07/2019 0647s

2019 SESSION

19-1062  
06/08

SENATE BILL **140**

AN ACT relative to credit for alternative, extended learning, and work-based programs.

SPONSORS: Sen. Kahn, Dist 10

COMMITTEE: Education and Workforce Development

---

AMENDED ANALYSIS

This bill authorizes local school boards to grant academic credit for alternative, extended learning, and work-based programs.

---

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to credit for alternative, extended learning, and work-based programs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Substantive Content of an Adequate Education; Alternative Programs. RSA 193-E:2-a, V(b) is  
2 repealed and reenacted to read as follows:

3                   (b) Each local school board shall determine whether to grant academic credit for  
4 alternative, extended learning, and work-based programs.

5           2 Effective Date. This act shall take effect 60 days after its passage.



SB 140 - FINAL VERSION

03/07/2019 0647s

2019 SESSION

19-1062

06/08

SENATE BILL **140**

AN ACT relative to credit for alternative, extended learning, and work-based programs.

SPONSORS: Sen. Kahn, Dist 10

COMMITTEE: Education and Workforce Development

---

AMENDED ANALYSIS

This bill authorizes local school boards to grant academic credit for alternative, extended learning, and work-based programs.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to credit for alternative, extended learning, and work-based programs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Substantive Content of an Adequate Education; Alternative Programs. RSA 193-E:2-a, V(b) is  
2 repealed and reenacted to read as follows:

3                   (b) Each local school board shall determine whether to grant academic credit for  
4 alternative, extended learning, and work-based programs.

5           2 Effective Date. This act shall take effect 60 days after its passage.

6 VETOED July 10, 2019

7 Veto Sustained September 19, 2019

# Amendments

Sen. Starr, Dist 1  
February 19, 2019  
2019-0579s  
06/04

Amendment to SB 140

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to credit for alternative, extended learning, and work-based programs.

4

5 Amend the bill by replacing section 1 with the following:

6

7 1 Substantive Content of an Adequate Education; Alternative Programs. RSA 193-E:2-a, V(b) is  
8 repealed and reenacted to read as follows:

9 (b) Each local school board shall determine whether to grant academic credit for  
10 alternative, extended learning, and work-based programs.

UNAPPROVED

2019-0579s

AMENDED ANALYSIS

This bill authorizes local school boards to grant academic credit for alternative, extended learning, and work-based programs.

UNAPPROVED

Education and Workforce Development  
February 21, 2019  
2019-0647s  
06/04

Amendment to SB 140

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to credit for alternative, extended learning, and work-based programs.

4

5 Amend the bill by replacing section 1 with the following:

6

7 1 Substantive Content of an Adequate Education; Alternative Programs. RSA 193-E:2-a, V(b) is  
8 repealed and reenacted to read as follows:

9 (b) Each local school board shall determine whether to grant academic credit for  
10 alternative, extended learning, and work-based programs.

**Amendment to SB 140**  
**- Page 2 -**

2019-0647s

**AMENDED ANALYSIS**

This bill authorizes local school boards to grant academic credit for alternative, extended learning, and work-based programs.

# Committee Minutes



# SENATE CALENDAR NOTICE

## Education and Workforce Development

Sen Jay Kahn, Chair  
 Sen Jeanne Dietsch, Vice Chair  
 Sen Jon Morgan, Member  
 Sen Ruth Ward, Member  
 Sen David Starr, Member

Date: February 6, 2019

### HEARINGS

Tuesday	02/12/2019
(Day)	(Date)
Education and Workforce Development	LOB 103
(Name of Committee)	(Time)
9:00 a.m. <b>SB 247-FN-A</b>	9:00 a.m.
establishing a sunny day fund in the department of business and economic affairs.	
9:35 a.m. <b>SB 277-FN-LOCAL</b>	
relative to grants to chartered public schools.	
9:55 a.m. <b>SB 266-FN</b>	
relative to funding for kindergarten pupils, keno revenues, and school building aid.	
10:15 a.m. <b>SB 278-FN-A</b>	
establishing the education administration efficiency fund and making an appropriation therefor.	
10:45 a.m. <b>SB 140</b>	
relative to the rulemaking authority of the state board of education.	

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 247-FN-A**

Sen. Dietsch	Sen. Morgan	Sen. Levesque	Sen. Fuller Clark
Sen. Kahn	Sen. Feltes	Rep. Leishman	

**SB 277-FN-LOCAL**

Sen. Ward	Sen. Bradley	Sen. Giuda	Sen. Kahn
Rep. Cordelli			

**SB 266-FN**

Sen. Watters	Sen. Feltes	Sen. Hennessey	Sen. Kahn
Sen. Morgan	Sen. Sherman	Rep. Morrison	Rep. Cahill

**SB 278-FN-A**

Sen. Dietsch	Sen. Fuller Clark	Rep. Tucker	
--------------	-------------------	-------------	--

**SB 140**

Sen. Kahn

Tricia Melillo 271-3077

Jay Kahn  
Chairman

# Senate Education and Workforce Development Committee

*Tricia Melillo 271-3077*

SB 140, relative to the rulemaking authority of the state board of education.

**Hearing Date:** February 12, 2019

**Members of the Committee Present:** Senators Kahn, Dietsch, Morgan, Ward and Starr

**Members of the Committee Absent :** None

**Bill Analysis:** This bill permits the state board of education to adopt rules relative to alternative programs for granting credit that have been approved by school districts.

**Sponsors:**  
Sen. Kahn

---

**Who supports the bill:** Representative Mel Myer, Representative Mary Heath, Dennis Jakubowski, Carl Ladd, Megan Tuttle, Liz Anne Platt, Maura Willing, Martha Clark, Nancy Brewer, Melissa Hinebauch, Cheri Falk, Mary Wilke, John Freeman, Doris Hampton, Mark Hampton, Sara Smith, Louise Spencer, Sally Hatch, Timothy McKernan, Nicole Heimarck, Jane Bergeron

**Who opposes the bill:** None

**Summary of testimony presented in support:**

**Senator Kahn**

- This bill is a wording change for adopting rules for granting credit leading to high school graduation.
- This bill clarifies that the approval of all programs should remain within the local districts.
- This bill is trying to emphasize that as we approve new programs, we recognize the local authority to approve the curriculum.
- RSA 193 E IVb states that common core standards do not have to be implemented if the local school board does not want them to be.
- SB 435 added that the board of education should adopt rules relative to approval of alternative programs granting credit leading to graduation.
- In a discussion on the Learn Everywhere program, it was discovered that as students complete the program they are given a grade which is to be given to their home district for credit towards a diploma.
- The reach of these rules raises the question of what the legislative intent of SB 435 was. The legislative record leaves the impression that the alternative programs would be approved by school districts.
- The BIA stated that the legislation encourages districts to come up with learning opportunities and to make them a priority.
- There has been a lot of confusion and this bill aims to bring clarity.

- Senator Ward asked if there was a list of requirements for an alternative program to have before they can be approved for students.
  - Senator Kahn believes there is with the local school board.
- Senator Ward asked if the requirements and standards for programs for graduation are not established by the school board of education.
  - He disagrees in that, the curriculum as to how to meet those standards are decided at a local level.
- Senator Starr asked why the language is not clearer that all alternative programs need to be approved by the local school board.
  - As it stands now, they do not have rules around alternative programs.

### **Representative Myler**

- He is in support of this bill.
- When SB 435 came before the house last session questions were raised around the authority of the State Board of Education granting credit for the extended learning opportunities. The answers given were that if a school does not have a program they can apply to the State Board of Education for these credits.
- When the rules were published in December he was shocked. He was stunned by how the department interpreted SB 435 and created a whole new structure of bureaucracy that went far beyond anything that was ever spoken about during the hearing.
- This is a local issue, not a state board of education issue.
- SB 140 will bring the power back to the school board.

### **Representative Heath**

- She is in full support of this bill.
- Last session as SB 435 was voted on she asked the commissioner if this would change the authority or usurp it from the local school board and was told it would not.
- She was shocked by the rules that were established with this bill.
- She had asked if SB 435 was for home school groups to get a diploma and she was told no but that is exactly what could happen with these programs.
- Accrediting private entities as credit bearing bodies is nothing the state has ever done before.

### **Nicole Heimarck**

- She has multiple and varying perspectives on this issue.
- She is in support of this bill.
- Last week the New Hampshire School Boards Association had a discussion with the commissioner and the deputy commissioner. One of the questions posed was, would it be possible for a student to get all their credits for graduation from outside programs. The answer was yes, although he did not feel there would be enough programs for a student to do that.
- This opportunity to be a part of ELO programs already exists for students at the local level, where they are monitored.
- School districts are required to have policies on these alternative programs.
- This year, 137 students from Merrimack Valley High School will earn credit

through their ELO program.

- She suggests tightening up the language in this bill and replacing the term ELO with work-based learning. Multiple bills this session are focused on workforce development and this change would bring alignment.
- Senator Kahn asked if she has the date for when extended learning opportunities were adopted.
  - They were established in 2005.
- Senator Kahn asked if she believes this definition would have some impact on education rules and would help focus on workforce opportunities
  - There were a few hopes with that recommendation. The feedback from stakeholders is that they would like to know what exactly is work based learning and they would like a definition. She would be very comfortable with Senator Starr's recommendation, which addresses the more critical concern, that someone besides the local school board is not approving programs for graduation credit.
- Senator Dietsch asked what is work based learning and how do you differentiate it from washing dishes.
- Senator Kahn commented that they do not have an official definition.
  - The bill coming out next week has some language that defines it as supported by educators and trained workforce mentors. It is really important that the students have support from site-based educators and that the mentors have some training in how to work with students.

### **Meagan Tuttle**

- She is in full support of this bill.
- There are not any credentialed educators in the process of Learn Everywhere.
- The programs that are now going on in the state are being governed by credentialed educators.

### **John Freeman**

- He is in support of the bill.
- Two key issues with ELO's are resources and relationships.
- Learn everywhere claims to build on earlier work of the Department of Education and address the equity issue, but he does not agree with those claims
- It does not address the equity issue that is a huge problem in his district
- Pittsfield was one of the first districts to offer ELOs.
- They wanted kids to know what to do after high school and they began to look at ELOs to help with that.
- They were able to get a grant that partially funded the program.
- A private foundation did a scan of our network to identify Extended Learning Opportunities and it found 100, including civic and cultural organizations.
- He had one student who was able to make contacts with a UNH professor and their programs and another student connected with religious leaders for research.
- Some of those resources would never be available with the Learn Everywhere

program.

- There is an importance in relationships in learning and school culture needs to focus on relationships. The ELO programs help with that and is a key factor in supporting children that come from impoverished backgrounds.
- The DOE rules expect that all children are the same and they are not.
- This program would make it unlikely that we can reinstate our ELO program.
- Senator Dietsch asked if the lack of transportation and a coordinator will make this program less efficient, and would an online program make it easier for parents.
  - Absolutely.

### **Jane Bergeron**

- She agrees with the previous testimony.
- Extended learning opportunities are the hallmark for children with special needs.
- Local IEP teams are responsible for designing a program for special education and are legally bound to do that.
- This responsibility will now be given to someone at the state level.
- These students need to have teaching done by credentialed staff.
- She is interested in the fiscal impact of granting others the authority for making programs for special education students.
- In support of ELOs but the Learn Everywhere program takes the possibility of scheduling ELOs away from student's IEP teams.

**Summary of testimony presented in opposition: None**

# Speakers

# Senate Education and Workforce Development Committee SIGN-IN SHEET

Date: February 12, 2019 Time: 10:45 a.m.

SB 140

AN ACT relative to the rulemaking authority of the state board of education.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
Dennis Jakubowski SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carl Ladd NHSAA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Megan Tuttle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liz-Anne Platt self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maura Willing self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mauro Clair self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Brewer self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Melissa Hinebaugh self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cher Falk self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Mary Wilke self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Freeman Pittsfield School District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doris Hampton self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mark Hampton self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sara Smith self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
Louise Spencer self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sally Hatch self	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Timothy McEran Granite State Progress	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nicole Heimarch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep MEL MYLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Rep Mary Heath

Jane Bergeron NHASAA ✓

✓  
✓

# Testimony



## Support Senate Bill 140

### Read Learn Everywhere write-up on DOE website

- Claims to build on earlier work of Dept of Ed
- Claims to address equity issue
- Actually does neither

### Pittsfield ELO's

- 2008-2009 – vision/mission work – personalized learning
- One of first schools in state to offer ELO experiences to high school students
  - Winnacunnet sends parents to Pittsfield website to learn about ELO's
- Our first ELO coordinator – partially district-funded, partially grant-funded
- Resources
  - NMEF paid for community resources for personalized learning – New England Network for Child, Youth, and Family Services
  - Nearly 100 resources identified:
    - Social and health services
    - Town
    - Schools and education-related organizations
    - Civic and cultural organizations
    - Private sector
    - Organizations/individuals nominated by youth as potential
    - Faith-based organizations
  - Early examples:
    - UNH genetics lab
    - Suncook Valley Sun
    - Abraham
  - Examples of ELO's over last 3 years
    - (See list)
  - Would these resources likely seek credentialing
    - Liz Hitchcock (American Sign Language)
    - Pittsfield Players
    - Rocking Horse Studio
    - TC's Service Center
    - Companion Animal Hospital
  - Not likely – do so because of community spirit and generosity
    - And connection made by our ELO coordinator
    - Unfortunately – ELO coordinator position eliminated due to budget issues
    - Another example of the inequity
- Importance of relationships
  - Eliot Warshor
    - Young people come to know who they are through relationships with others
    - Big Picture – students required to tell teachers about themselves – 9<sup>th</sup> grade module – Who Am I?

- Interests, talents, passions, aspirations
  - School's culture focuses on relationships
  - Offers chance to guide students
  - Sheila made strong effort to get to know students
- Eric Jenson – Engaging students of poverty
  - Relationships one of the 7 key engagement factors for youth
  - Strong and secure relationships help support students behavior
  - Many such children do not have the repertoire of necessary social-emotional response for school
    - Narrower than expected social skills
    - Dependent on strong teacher-student relationships to help counter negative aspects of poverty
    - Manage risk
    - Build mindset
  - Find this to be accurate
    - Students not likely to respond to external opportunities
    - Are likely to so do when a supportive third party, trusted third party, is involved as mediator and supporter
- Does not build on earlier work of Dept of Ed
  - Strong support for community
  - Strong support for responsible implementation of ELO's
  - Concern for standards
- Does not address equity issue
  - Ignores role of relationships in engagement
  - Ignores role of support from a person who knows
  - Demonstrates that the needs of students facing poverty have not been considered – all the same
  - Pittsfield mission / vision statements
- Back to inequity in state funding
  - ELO coordinator - \$87,000 – stabilization grant
- Once again: students from property-poor towns disadvantaged by our system

2/11/2019

Testimony on SB 140  
Sen. Jay Kahn

The changes proposed in SB 140 seem as simple as the original legislation to adopt rules for the approval of alternative programs for granting credit leading to graduation. Given current Education Rules that emphasize local school district authority over curriculum, why would one have thought that in rule making this would be defined as granting the Board of Education the role to decide for local school districts that they should accept credit from any for-profit or non-profit entity or any individual(s) that offers an educational program, which means a sequence of instruction over a period of time, which meet the requirements of a subject or subjects

RSA 193-E:IV (b)

(b) Neither the department of education nor the state board of education shall by statute or rule require that the common core standards developed jointly by the National Governors Association and the Council of Chief State School Officers be implemented in any school or school district in this state. If the local school board elects not to implement the common core standards or the common core state standards adopted by the state board pursuant to RSA 541-A, the local school board shall determine, approve, and implement alternative academic standards.

RSA 193-E: V (a)

It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the curriculum, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

SB 435 added V (b)

(b) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the approval of alternative programs for granting credit leading to graduation.

When Initial Proposal for Ed Rules Learn Everywhere were released on Dec. 13, 2018, legislators and education leaders wondered how did SB 435 morph into this.

2/11/2019

“Scope. These rules shall apply to any for-profit or non-profit entity or any individual(s) that offers an educational program that meets the minimum standards for approval to grant credit leading to graduation.”

“Program” means a sequence of instruction over a period of time, which meet the requirements of a subject or subjects listed in Ed 306.27(t) resulting in a granting of credit leading to high school graduation. (Ed 306.27(t) defines all 20 credits leading to graduation.)”

In a Q&A on Learn Everywhere, Under how the program works, it states, “As students complete the program, they will be awarded a certificate of completion and a grade that they will present to their home district for credit.”

In summary, the reach of these rules raises the question of legislative intent. Testimony from the senate hearing on SB 435 is very brief. And on the Senate floor, the bill passed by a voice vote. But what record there is leaves the impression that the alternative programs would be approved by school districts.

In the Education Committee minutes on the SB 435 hearing on which only two people offered testimony, the commissioner states that the bill will accelerate workforce development opportunities, and the examples of specifics reference outside sports and art activities, and gymnastics, which is consistent with the examples in the Learn Everywhere Q&A.

At the hearing the minutes say, “Sen. Kahn stated that it can be difficult to put parameters around programs such as this and asked the Commissioner to explain his vision of the parameters of the program. Commissioner Edelblut elaborated on his own experience of being a parent of children involved in gymnastics, but who are younger. He added that the rules process may sort out issues so that this remains an option not a requirement.” This implied to me that school districts would determine which alternative credits they would accept.

The BIA in supporting testimony states the legislation encourages **districts** to come up with learning opportunities and to make them a priority.

I don't believe anyone understood that it would be up to the Board of Education to approve these programs without school district decision-making nor that school districts would have to accept these credits. It is important for the legislature to better define legislative intent.

2/11/2019

SB 140 clarifies that the approval of alternative programs should remain the authority of school districts.

## Melillo, Tricia

---

**From:** dan williams <ren\_man\_67@yahoo.com>  
**Sent:** Monday, February 11, 2019 6:37 PM  
**To:** Kahn, Jay; Dietsch, Jeanne; Morgan, Jon; Ward, Ruth; Starr, David; Melillo, Tricia  
**Subject:** RE: SB 140

I remember a few years ago, at the ribbon cutting for a new school building in the district I teach in, Fred Bramante was invited to say a few words. He proceeded to lay out his vision for the future of education, whereby students could earn high school credits towards graduation for doing virtually anything outside of school. The example he gave was this: "Suppose a student wants to get credit for taking music lessons at a local music store instead of having to take music in school." Now consider this, at the time of his speech, Mr. Bramante owned a series of music stores called "Daddy's Junky Music", which are now out of business. This was a blatant, self-serving move on his part, and I'd argue a conflict of interest, as he also sat on the NH Board of Education at the time! This is the sort of thing that we will see more of if we allow "Learn Everywhere" to become law. This is why I urge you to support SB 140. Want another reason to support SB 140? Two words: LOCAL CONTROL. "Local control" is something we here a lot about in NH lately. It's supposed to matter. But it apparently doesn't matter in this case. Why would we want to take the decision-making process regarding high school credits out of the hands of the experts (the dedicated, credentialed men and women who've earned degrees in and now work in the field of education) and put it in the hands of bureaucrats with questionable motives and dollar signs in their eyes? Please, support SB 140. This is a good piece of legislation that seeks to strengthen our education system, not undermine it. Dan Williams Concord, NH

From:

Sent:

To:

Subject:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

From:

Re:

**Melillo, Tricia**

---

**From:** Terri Donovan <terridd@metrocast.net>  
**Sent:** Monday, February 11, 2019 6:42 PM  
**To:** Kahn, Jay; Dietsch, Jeanne; Morgan, Jon; Ward, Ruth; Starr, David; Melillo, Tricia  
**Subject:** Senate Bill 140 (Please support.)

Dear Honorable Members of the Senate Education Committee,

It is with great interest that I reviewed Senate Bill 140. I have had the honor in the past to serve eight years on the Dover School Committee and had the honor of serving as Chairperson.

I also served as a member of the NH House for two terms where I served on the House Education Committee. I believe that SB 140 is necessary to make certain that we do not dilute local control by our school boards. Final decisions about what should qualify for high school credit for a diploma from one of our high schools must occur at the local level and with our elected school boards.

Our local school districts are already embracing new ideas and being flexible in finding multiple avenues of learning opportunities.

However, the proposed rule from the State Board of Education takes us far afield from how we currently make these decisions.

I also know how much time and effort our local administrators and teachers put into developing curricula, courses and opportunities for their students.

Let's continue to support that work and not undermine local control.

I encourage you to recommend Ought to Pass on Senate Bill 140.

Thank you for your consideration.

Dear Terri  
Terri Donovan  
20 Donovan Road  
Gilmanton, NH 03237

I believe  
Final  
must  
Our  
learn  
How  
these  
can

To:  
From:  
Subject:  
Date:  
Time:  
2019  
Gilmanton  
NH

## Melillo, Tricia

---

**From:** Adam Marcoux <nashuatu@nashuatu.org>  
**Sent:** Monday, February 11, 2019 8:25 PM  
**To:** Kahn, Jay; Dietsch, Jeanne; Morgan, Jon; Ward, Ruth; Starr, David; Melillo, Tricia  
**Subject:** SB 140

Good Evening Senators,

I write in full support of SB 140. New Hampshire has prided itself on local control. I fully support local control because each school board can make decisions after working with its constituents. The State Board of Education's Learn Everywhere proposal takes away as school board's right and responsibility of deciding what has the rigor to be counted as credit. As the way it sits now, I am opposed to the Learn Everywhere proposal as written, and fully support SB 140.

Respectfully,  
Adam Marcoux

\*\*\*\*\*

**Adam A. Marcoux**  
**President, Nashua Teachers' Union**  
**American Federation of Teachers, Local 1044**  
**7C Taggart Drive**  
**Nashua, NH 03060**  
**Office: 603-888-7544**  
**Cell: 603-321-0634**  
**Fax: 603-888-7639**  
**Email: [president@nashuatu.org](mailto:president@nashuatu.org)**  
**[www.nashuatu.org](http://www.nashuatu.org)**  
**Like the NTU on Facebook: @nashuantu**  
**Follow the NTU on Twitter: @NTULocal1044**  
**Follow Adam on Twitter: @NTUPresident**





## Melillo, Tricia

---

**From:** Nicole Heimarck <nheimarck@nhsba.org>  
**Sent:** Tuesday, February 12, 2019 6:39 AM  
**To:** Kahn, Jay; Ward, Ruth  
**Cc:** Barrett Christina; Morgan, Jon; Dietsch, Jeanne; Starr, David; Melillo, Tricia  
**Subject:** SB 140

Dear Members of the Senate Education and Workforce Development Committee,

The New Hampshire School Boards Association (NHSBA) submits written testimony in response to SB 140, relative to the rulemaking authority of the state board of education. This bill has its roots in a Senate Bill proposed and passed last legislative session, SB 435 (RSA 193-E2-a.).

NHSBA supports SB 140 and offers language for an amendment to the existing proposed language.

### Recommended Amendment Language

- o In line 3, eliminate alternative program and replace with work-based learning opportunities.
- o Define work-based learning to read as follows: Work-based learning means an educational strategy that offers students an opportunity to reinforce and deepen their classroom learning, explore future career fields, and demonstrate their skills in an authentic setting supported by educators and trained work-place mentors.

Ultimately the language NHSBA brings forth read as follows:

The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the approval of work-based learning opportunities authorized by school districts for granting credit.

Work-based learning means an educational strategy that offers students an opportunity to reinforce and deepen their classroom learning, explore future career fields, and demonstrate their skills in an authentic setting supported by educators and trained work-place mentors.

NHSBA suggests this language on the basis that:

- o Flexibility at the local school district level already exists in offering students pathways to granting credit towards graduation.
- o The proposed amendment provides cohesion and coordination with additional legislation proposed this session on work-based learning and broader workforce development strategies. As well as, a new position at the NHDOE, Work-based Learning Coordinator.
- o The proposed amendment elevates work-based learning opportunities and underscores it as a strategy in preparing for both the individual's and state's economic future.

As for background, flexible learning opportunities already exist for students. They exist in the form of extended learning opportunities (ELO's). NHDOE administrative rules define ELO's.

Ed 306.02

(i) "Extended learning" means the primary acquisition of knowledge and skills through instruction or study outside of the traditional classroom methodology, including, but not limited, to:

- (1) Independent study;
- (2) Private instruction;
- (3) Performing groups;
- (4) Internships;
- (5) Community service;
- (6) Apprenticeships; and
- (7) Online courses;

Within this definition adopted by the state board of education both students and schools have a pathway to earning credit in an alternative, non-traditional format. Furthermore, local school boards are charged with policy development services focused on both ELO's and alternative means towards earning credits. These requirements are detailed in the ED 306.04 administrative rules.

Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

- (13) Providing alternative means of earning credit toward a high school diploma or equivalent such as extended learning opportunities, and distance education to meet the requirements of RSA 193:1, (h) until July 1, 2015;
- (14) Providing alternative means of demonstrating achievement of identified graduation competencies toward the awarding of a credit for a high school diploma or equivalent such as extended learning opportunities, career and technical education courses, and distance education no later than July 1, 2015 to meet the requirements of RSA 193:1, (h);
- (15) How a credit can be earned, as provided in Ed 306.27(e) until July 1, 2015;
- (16) How a credit used to track achievement of graduation competencies can be earned no later than July 1, 2015, as provided in Ed 306.27(e);

By making these small changes to SB 140, the Senate Education and Workforce Development Committee is able to avoid duplicity with existing administrative rules and provide greater clarity concerning intent and focus, while providing cohesion across additional legislative efforts and positions within our State Education Agency, NHDOE.

Sincerely,

Nicole M. Heimarck

**Nicole Heimarck**  
**NHSBA Director of Governmental Relations**  
25 Triangle Park Drive  
Suite 101  
Concord, NH 03301  
Phone: (603) 228-2061  
Fax: (603) 228-2351  
Email: nheimarck@nhsba.org

The information in this electronic message, including any attachment(s), may include confidential or privileged information, a draft, or legal guidance which is intended for the exclusive use of the intended recipient. If you are not the intended recipient and have received this message in error, do not use or rely on this information. Please notify the New Hampshire School Boards Association by reply e-mail or by telephone at (603) 228-2061. Please destroy all copies of this message and any attachments thereto.



# Voting Sheets

**Senate Education & Workforce Development  
Committee  
EXECUTIVE SESSION RECORD  
2019 Session**

Bill # 140

Hearing date: 2-12-19

Executive Session date: 2-21-19

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Kahn, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Dietsch, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Starr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Amendment 0579s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Kahn, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Dietsch, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Starr	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Kahn, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Dietsch, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Starr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Kahn

Notes: \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Thursday, February 21, 2019

THE COMMITTEE ON Education and Workforce Development

to which was referred **SB 140**

AN ACT

relative to the rulemaking authority of the state  
board of education.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0647s

Senator Jay Kahn  
For the Committee

Tricia Melillo 271-3077

**Docket of SB140**

Docket Abbreviations

**Bill Title:** (New Title) relative to credit for alternative, extended learning, and work-based programs.*Official Docket of SB140.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/18/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Education and Workforce Development; <b>SJ 4</b>
2/6/2019	S	<b>Hearing:</b> 02/12/2019, Room 103, LOB, 10:45 am; <b>SC 10</b>
2/21/2019	S	Committee Report: Ought to Pass with Amendment # <b>2019-0647s</b> , 03/07/2019; <b>SC 12</b>
3/7/2019	S	Committee Amendment # <b>2019-0647s</b> , AA, VV; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	<b>Ought to Pass with Amendment</b> 2019-0647s, MA, VV; OT3rdg; 03/07/2019; <b>SJ 7</b>
3/21/2019	H	Introduced 03/20/2019 and referred to Education <b>HJ 11</b> P. 70
3/27/2019	H	Public Hearing: 04/03/2019 10:15 am LOB 207
4/18/2019	H	Executive Session: 05/07/2019 10:00 am LOB 207
5/8/2019	H	Majority Committee Report: Ought to Pass for 05/23/2019 ( <b>Vote 12-8; RC) HC 25</b> P. 8
5/8/2019	H	Minority Committee Report: Inexpedient to Legislate
5/23/2019	H	<b>Ought to Pass:</b> MA <b>RC 224-146</b> 05/23/2019 <b>HJ 16</b> P. 23
6/12/2019	H	Enrolled 06/06/2019 <b>HJ 18</b> P. 47
6/12/2019	S	Enrolled (In recess 06/06/2019); <b>SJ 20</b>
7/15/2019	S	Vetoed by Governor 07/10/2019
9/19/2019	S	Notwithstanding the Governor's Veto, Shall SB 140 Become Law: <b>RC 14Y-10N</b> , Veto Sustained, lacking the necessary two-thirds vote; 09/19/2019; <b>SJ 22</b>

NH House

NH Senate



# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: SB 140

Senate Committee: Education + WFD

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0579       - amendment # 0647

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate       as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office JM

July 10, 2019

Governor's Veto Message Regarding Senate Bill 140

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 10<sup>th</sup>, 2019, I have vetoed Senate Bill 140, relative to credit for alternative, extended learning, and work-based programs.

New Hampshire has a long and distinguished history of education innovation that has served our students, families, and communities well. Learn Everywhere is the next step on this path to innovation and this bill effectively repeals it. My firm belief is that all students can find success when we put them in the right environment, inside or outside of a classroom. Programs like Learn Everywhere continue this legacy by enabling creative and innovative learning experiences for all of our public school students. Senate Bill 140 would restrict the ability of parents to seek out educational alternatives. We should be expanding alternatives for New Hampshire students, not reducing them.

For the reasons stated above, I have vetoed Senate Bill 140.

Respectfully submitted,

---

Christopher T. Sununu  
Governor