

## **DRAFT Meeting Minutes: NH Home Education Advisory Council (HEAC), January 20, 2023**

**Location:** Granite State College, 25 Hall St., Concord, NH

**In physical attendance:** Mike Koski (presiding), Jen Pereira, April Villani, Michelle Levell, Tim Carney, Sen. Ruth Ward, Elizabeth (Liz) Brown (Legal Counsel, NHDOE)

**In remote attendance:** Rep. Glenn Cordelli (inclement weather, alone in room), Althea Barton (inclement weather, alone in room), Sarah Wheeler (guest, alone in room)

Meeting called to order at 2:45pm.

Nomination of Althea Barton as secretary. April motions, Mike seconds, unanimous by roll call vote.

Nomination of Mike Koski as chair. Jen motions, April seconds, unanimous by roll call vote.

Nomination of April Villani as vice chair. Mike motions, Jen seconds, unanimous by roll call vote.

Minutes of September 2022 were accepted without revision. Michelle motions, April seconds, accepted unanimously by roll call vote.

### **Chair report**

Mike welcomed Sarah Wheeler, Administrator, NHDOE Bureau of Adult Education, Division of Adult Learning and Rehabilitation, who reported on updates to ED 704 adult education rules and the HiSET test relative to home education. Discussion ensued about eligibility to take the HiSET, high school program completion notification, and exemption from compulsory requirements and ineligibility for high school support and e-start once the HiSET is passed. The adult education rules will be updated with the opportunity for public testimony.

### **NH Department of Education report**

Tim presented information about RSA 91-A Right to Know law, public access, and how it relates to the HEAC. See NHED Office of Home Education Report. He suggested the HEAC take up policies and procedures regarding recording meetings, public comment format, remote attendance, public posting of agenda in advance of meetings and other topics. Discussion ensued about benefits, development, and posting of policies.

Liz Brown stated the attorney general's advice is to use caution in adopting policies because problems can arise if they are not followed carefully, and they can create recordkeeping issues. She recommended that any needed policies be kept simple, short, concise, understandable, published, and transparent, that they be reviewed periodically by a lawyer to ensure they're consistent with state law, and possibly conduct an annual Council member sign-off that policies have been read and acknowledged.

Discussed effective ways of transferring knowledge to successors without written policies/procedures including keeping a simple running list of actions taken by the HEAC and noting that actions will be "consistent with RSA."

The HEAC annual report process was discussed. Liz noted unanimous agreement is not necessary and a minority report can also be submitted. Discussed the importance of having the annual report emanate from a majority vote of the council.

As NH DOE legal counsel reporting to the Commissioner and advisor to the HEAC, Liz presented a powerpoint titled "Open Meetings Held by Public Bodies and Agencies." She discussed transparency, right-to-know law, public meetings and non-public sessions, HEAC membership, public comment, quorum, public notice, and other topics. She said the HEAC has its own obligations under RSA 91-A, is subject to right-to-know requests, and must respond to them. In response to questions, Liz noted: the HEAC can go into non-public session to protect an outside person but not a HEAC member; HEAC members may discuss legislation outside of meetings because the HEAC doesn't take positions on legislation; HEAC members may collaborate to handle issues which are not council business; if the HEAC required an attorney for a legal issue in non-public session, or if the HEAC were sued, the matter would be referred to the NH attorney general's office.

Member reports were deferred.

### **Old Business**

Tim reported on rulemaking for ED315 due to passage of HB1663 (see DOE Rulemaking Process, Summary of Procedure for Adoption of Regular Rules). He noted that when the law changed in June, he drafted rules changes and gave the draft to the HEAC and NHDOE Administrative Rules Coordinator Julie Shea. He subsequently notified Julie of an error in Ed 315.04 Participating Agencies: Duties and Authority. Paragraph (a) should read: "A parent shall select, as a participating agency for home education program notification and support, one of the following: (1) The commissioner; (2) The resident district superintendent; or (3) The head of a nonpublic school." Item (2) "The resident district superintendent; or" had been erroneously deleted. Tim assured the HEAC that it would be corrected.

A member asked about Ed 315.02 Definitions letter (e): "'Educational progress' means growth in learning commensurate with age and ability within the child's individual home education program chosen by the parent," and asked whether it should read "age, ability or disability" to reflect HB 1663. Michelle made a motion to add "disability," Jen seconded, Althea abstained, all others voted yes and the motion passed.

Discussion ensued about the process of updating the home education rules after the law has changed, noting in past years the HEAC has written and recommended home education rules changes. Tim and Liz said the HEAC can create a rules committee at any time; absent HEAC recommendations, the agency brought forth changes. Further, after the initial proposal is approved by the NH BOE, the HEAC or individual members can provide testimony at the public hearing (likely in April). There was consensus that a committee is not needed at this time given the recommended correction and addition. Tim will provide links to BOE meeting dates and the registry.

Members expressed appreciation for the thorough reports and presentations.

April made a motion to table discussion of HEAC policies to a later date, Michelle seconded, unanimous by roll call vote.

Motion to adjourn at 5:09 by April, seconded by Tim, unanimous roll call vote.

Minutes by AB