

PART Ed 306 MINIMUM STANDARDS FOR PUBLIC SCHOOL APPROVAL

Readopt with amendment Ed 306.01, effective 3-27-14 (Document #10556), to read as follows:

Ed 306.01 Applicability. ~~In order to be an approved school,~~

Note to JLCAR: These rules are expired. JLCAR may have questions about enforcement of expired rules, although this is only a definitions section.

~~(a) Public schools,~~ and public academies shall meet the applicable criteria established in these standards ~~to be an approved school.~~

Edit: "grade 8"

~~(b)~~ Except as provided in ~~(c)~~ below, a public school shall be approved as an elementary school if it contains ~~any of the grades~~ kindergarten through 8 and meets the rules applicable to all schools and to each elementary school.

Edit. Citations to the applicable rules would be useful.

~~(c)~~ As determined by vote of the local school board, any combination of the grades 4 through 8 may be organized as a public middle school, and so approved if it meets the rules applicable to all middle schools. ~~and~~

~~(d)~~ A public school or a public academy shall be approved as a high school if it contains any of the grades 9 through 12 and meets the rules applicable to all schools and to each high school.

Adopt Ed 306.02, previously effective 7-1-05 (Document #8354), as amended effective 12-17-11 (Document #10047), and expired 7-1-13 in paragraphs (a)-(d) and expired 12-17-19 in Ed 306.02 intro. and paragraphs (e)-(h), to read as follows:

Edit: "or CTE" (use exact statutory term)

Ed 306.02 Definitions. Except where the context makes another meaning manifest, the following words have the meanings indicated when used in this chapter:

Edit: "career and technical education or CTE"

- (a) "Academic standards" means "academic standards" as defined in RSA 193-E:2-a, VI(b);
- (b) "Achievement of competencies" means a student has demonstrated competencies at a proficient level;
- (c) "Career and technical education (CTE)" means CTE as defined in RSA 188-E:2, III;

(d) "Competencies" means the knowledge and skills a student will be able to apply as a result of a specific set of learning opportunities;

Edit: "to"

(e) "Competency-based education" means an educational approach in which student progress is measured by the student's ability to demonstrate proficiency in required competencies;

- (f) "Course of study" means a progression of competencies leading to credit;
- (g) "Credit" means the official record that a student has achieved competencies associated with learning opportunities;

Edit: quotation marks

- (h) "Curriculum" means curriculum as defined in RSA 193-E:2-a, VI(c);
- (i) "Department" means the New Hampshire department of education;
- (j) "Differentiation" means the adjustments made to learning opportunities for groups of learners based on similar learning needs;

(k) "Educator" means administrators, educational specialists, instructional specialists, teachers, paraeducators, educational interpreter and transliterators, school nurses, and any other individuals credentialed by the state board;

Note to JLCAR: The definition of "competencies" was previously "student learning targets that represent key content-specific concepts, skills, and knowledge applied within or across content domains. Specific and required types of competencies include district competencies and graduation competencies." The change in the definition here shifts the idea of competency from what the student must be taught to what the student must learn. Unclear: Competencies usually mean an array or knowledge, skills and abilities that are required to achieve proficiency in particular subjects. It is unclear why it is not being defined that way. The new definition makes other definitions and sections of the rule unclear. (e) says "measured by the student's ability to demonstrate proficiency in required competencies" but th definition says it is knowledge and skill the student "will be able to apply". These two don't seem to make sense together. Why is this not being defined as it is commonly used in education?

Unclear: "Equity" and "equitable" have commonly used definitions and do not need to be defined. By defining them here, it changes the word in the rule text to mean the definition here. However, when used in Ed 306.06(a)(1), (b)(2), and (c) the terms are used in a context that suggests the common definition is being used and not this one. Consider changing the definition to conform to the substantive rules, or change the substantive rules to conform to the definition. Also, this definition is very narrow ("based on their identified needs"), unclear if there are unintended impacts.

(l) "Equity" means the practice of designing programming, distributing resources, and implementing policies to individuals based on their identified needs in order to adjust for nonachievement of competencies or other barriers to success. The term also includes "equitable";

Edit. "a".

(m) "Extended learning opportunities (ELOs)" means the personalized learning process that allows for achievement of competencies through means outside of the classroom;

(n) "Individualization" means adjustments made to learning opportunities based on specific needs of individual learners;

(o) "Instruction" means the act or practice of teaching;

(p) "Instructional time" means the period of time during which instruction is offered;

(q) "Learning level" means a student's identified readiness to receive instruction in a competency;

(r) "Learning opportunities" means educational experiences, including but not limited to online, blended, and self-guided classes, ELOs, work-based learning, and alternative learning plans that lead to achievement of competencies;

(s) "Local school board" means the local school board of a district under RSA 189:1-2;

(t) "Personalized learning" means crafting learning opportunities responsive to learner's interests, talents, passions, and aspirations. The term also includes "personalization";

Unclear: These seem to be in conflict with the new definition of "competency"

(u) "Proficiency" means the minimum student performance required to satisfy the achievement of a competency. The term also includes "proficient";

(v) "Rigor" means the depth with which students are expected to demonstrate, communicate, and apply knowledge and skills aligned to competencies;

(w) "State board" means the state board of education established in RSA 21-N:10; and

(x) "Work study practices" means collaboration, creativity, and applied learning, logic, and rhetoric as defined by RSA 193-E:2-a, VI(d)-(f).

Readopt with amendment Ed 306.03, effective 3-27-14 (Document #10556), to read as follows:

Ed 306.03 Statutory and Policy Requirements.

Unclear. The section doesn't talk about policy requirements.

Edit: Consider defining these three terms separately using their statutory definitions.

~~(a) The local school board shall be responsible for obtaining an up-to-date copy of state education laws, one copy of which shall be distributed free of charge to each school administrative unit by the department, and maintaining an up-to-date copy of the rules of the board in the New Hampshire Code of Administrative Rules.~~

~~(b) In order for a school to be an approved school under these rules, the school board shall comply with all applicable state laws and rules set forth in the publications enumerated in (a) above.~~

Readopt with amendment Ed 306.04, effective 3-27-14 (Document #10556), as amended effective 8-9-19 (Document #12845), to read as follows:

Ed 306.04 Policy Development.

Unclear/Edit. are there federal laws that apply?

(a) The individual(s) responsible for superintendent services or their designee shall keep students, parents, educators, and all other personnel informed about school policy. Such information shall be readily available, including on the school website.

Unclear. It is unclear why this verb is being used. With this verb, the definition basically says that personalized learning is the development of these learning opportunities. Is the intent to restrict it to only crafting learning opportunities?

(b*) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures, which shall be available on each school’s website, relative to:

(1) Absenteeism and attendance, which shall:

- a. Include procedures for the accountability and supervision of students;
- b. Not penalize students who miss class or a required school event because of a school scheduling conflict; and
- c. Implement a cooperative approach that clearly explains the parents’ or guardians’ responsibilities for notification when a student is tardy, absent, or dismissed, as well as the school’s responsibility;

(2) Promoting school safety:

- a. On school property;
- b. During authorized school activities, including online and hybrid learning;
- c. Relative to bullying, cyberbullying, and the use of social media platforms;
- d. In managing the behavior of students;
- e. Relative to the use of restraint and seclusion pursuant to RSA 126-U;
- f. Relative to emergency care consistent with RSA 200:40;
- g. By including safety instruction in all applicable programs offered by the school; and
- h. By requiring educators to know and implement safety practices and procedures relative to their area of responsibility;

(3) Discipline, including behavior management and intervention for students. Such policy shall:

- a. Include provisions regarding student rights and responsibilities, rules of conduct, and penalties for misbehavior;
- b. Include provisions regarding suspension and expulsion of pupils pursuant to RSA 193:13 and Ed 317;
- c. Be written in age-appropriate language;
- d. Be disseminated to parents and guardians; and
- e. Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever necessary;

(4) Records retention, including electronic files, requiring:

- a. Complete and accurate records of students’ attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe;
- b. A schedule for the retention and disposition of original records and information be established in accordance with RSA 189:29-a; and

Unclear. Does this include school buses? The section that was deleted on page 7 had more detail. Some of that detail is missing here.

Unclear. Does this include field trips? Might be good to include that as was in the rule previously and the current examples are only focused on computer based learning

Unclear. This is basically saying that the school can have an oral unwritten discipline policy that impacts ESL persons and this conflicts with the introduction which requires written policies. Also, unclear what is meant by "whenever necessary".

Edit. "which shall be"

Edit. "which shall be"

Legis. Intent. It is unclear why this section of the NH Constitution is being cited here. This portion of the Constitution does not talk about "humanity, benevolence, truth, and honesty with self and others" and it appears to a general purpose clause for legislation. Unclear what the purpose of this rule is or what exactly the school board is suppose to develop here.

Unclear. This appears to be saying that if the educator is a good citizen (in their opinion or someone else's) that's enough and no instruction is needed. Is the intent to say that the school develop elements that educators are expected to conform to that will instill character and citizenship by example? Unclear what exactly the requirement is.

c. Access to all student records and information be controlled by written procedures designed to protect individual rights and to preserve the confidential nature of the various types of records in compliance with applicable federal and state laws;

(5) Character and citizenship, which shall;

Edit. "which shall be".

a. Include the elements to be incorporated in courses of study or instilled by example in a caring educational environment, not limited to the following:

1. Self-discipline, self-respect, and self-control;

2. Humanity, benevolence, and truth and honesty with self and others, pursuant to Part 2, Article 83 of the New Hampshire Constitution;

3. Fairness, integrity, and justice;

4. Civility, respect, courtesy, and human worth;

5. Responsibility to oneself and others;

6. Community service; and

7. The rights and responsibilities of citizenship; and

b. Be developed in consultation with school staff, administration, parents, and other representatives of the community;

Unclear. The local school board must develop these character and citizenship policies in consultation with "other representatives of the community"? Who does this mean? And what will qualify as "consultation"? Is it good enough to receive feedback and not act on that feedback? Who decides whether to incorporate the feedback into the program?

~~(6)~~ Meeting the instructional needs of each individual student;

~~(67)~~ Student hazing;

~~(78)~~ Student harassment, including bullying and cyberbullying, as required by RSA 193-F:4, II;

~~(89)~~ Sexual harassment, as detailed in Ed 303.01(j) ~~and (k)~~;

~~(940)~~ Reporting of suspected abuse or neglect;

~~(1044)~~ Promotion of a school environment that is conducive to learning and supports strong family and community partnerships, including;

a. Engagement opportunities for parents and family members of students of all ages and learning levels;

b. Parent activities throughout the school year to help parents support their children's learning;

c. Curricular and learning materials made available to parents, consistent with copyright licensure of such materials;

d. Frequent communication of school performance, student progress, and learning plans, using both print and online formats;

e. Initiating community-based developmental activities that prepare students for school and promote ongoing achievement;

f. Promoting collaboration among parents, schools, and community on school improvement and student achievement projects;

Legis. Intent. The local school board no longer needs to develop a policy around meeting the instructional needs of students?

g. Development of a sustained plan to harness relevant community resources, including but not limited to organizations, businesses, talented individuals, natural resources, and technology, to engage each student in achieving necessary skills and knowledge; and

h. Development of business partnerships to assist students in the successful transition to employment or further education;

~~(11)2) Remote learning~~Distance education, if the district chooses to offer distance education as provided in Ed 306.1822;

~~(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;~~

~~(12)4) Providing alternative means of demonstrating proficiency~~achievement of identified graduation competencies toward resulting in 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);~~

~~(17) Recommending developmentally appropriate daily physical activity and exercise;~~

~~(18) Behavior management and intervention for students;~~

~~(13)9) Homeless students;~~

~~(20) Wellness as required by Section 204 of the federal Child Nutrition and WIC 42 USC 1751;~~

~~(21) Providing immediate and adequate emergency care for students and school personnel who sustain injury or illness during school hours or during scheduled school activities;~~

~~(14)22) Supporting~~Meeting the special physical and emotional health needs of students and providing appropriate interventions;

~~(15)23) Supporting the availability and distribution of healthy foods and beverages that create a healthy environment in all schools, including standards for nutrient dense foods and beverages as identified and defined by 7 CFR Part 210.10 throughout all school buildings during the school day;~~

~~(16)24) Air quality in school buildings as required by RSA 200:48;~~

~~(17) Promoting students from one learning level to another based on achievement of competencies in alignment with RSA 193-C:3;~~

~~(18) How high school credit is awarded to students based upon demonstrated proficiency of competencies:~~

~~a. Regardless of age or enrollment status; and~~

~~b. Pursuant to the requirements enumerated in Ed 306.21;~~

~~(19) How students can graduate early, which outlines:~~

Unclear. Isn't this still law? Unclear why it has been deleted.

Unclear. The current definition of "competencies" makes these unclear. Consider rewriting the definition. Also, (17) uses "achievement" and (18) uses "demonstrated proficiency" what is the difference? Are these the same?

- a. The requirement of parental or guardian involvement for students under the age of 18;
- b. The approval process by the high school principal if it is determined that all state and local graduation requirements will be met; and
- c. How, upon meeting local graduation requirements, the student is awarded a high school diploma;

(20) Basic learning standards, including:

- a. Homework, including how it is accessed and assessed;
- b. Promoting students from one learning level or grade to another based on achievement of competencies;
- c. Digital literacy;
- d. How students can pursue learning opportunities, including:

1. Advanced placement (AP) courses;

2. Career-related credentials and certifications;

3. Dual and concurrent enrollment in college courses; and

4. VLACS and Learn Everywhere programs; and

e. How students can pursue ELOs and career readiness activities, addressing:

1. The administration and supervision of the program;

2. How certified school personnel oversee an individual student's curriculum;

3. The requirement that each ELO aligns to competencies;

4. Access to ELOs by middle school students;

5. How high school credit is awarded through ELOs; and

6. How students can include summer activities;

(21) Exploration of career pathways in a developmentally appropriate manner; and

~~(25) Graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation in content areas as follows;~~

~~a. Arts education;~~

~~-~~

~~b. Digital literacy;~~

~~-~~

~~c. English;~~

~~-~~

~~d. Mathematics that encompasses algebra, mathematical modeling, statistics and probability, complex applications of measurement, applied geometry, graphical presentation and interpretation, statistics and data analysis;~~

~~-~~

~~e. Physical sciences;~~

Edit: Need to write out acronym the first time it is used.

Edit: lowercase

Edit: "programs"

- ~~f. Biological sciences;~~
- ~~g. US and NH History;~~
- ~~h. US and NH government/civics;~~
- ~~i. Economics, including personal finance;~~
- ~~j. World history, global studies, or geography;~~
- ~~k. Health education; and~~
- ~~l. Physical education; and~~
-

~~(26) Graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation no later than July 1, 2015, that encompass multiple content areas outlining the knowledge, skills and work study practices necessary for success in colleges and careers.~~

~~—(b) The policies and procedures required by (a) above shall apply to each school except that (13) (16), (25) and (26) shall not apply to elementary or middle schools.~~

~~—(c) The policy relative to absenteeism and attendance shall specify procedures for the accountability and supervision of students. The policy relative to absenteeism shall not penalize students who miss class or a required school event because of a school scheduling conflict. Districts shall implement a cooperative approach which places responsibility for notification when a student is tardy, absent, or dismissed on both the parents/guardians and the school.~~

~~—(d) The policy relative to promoting school safety shall require school administrators to implement procedures which relate to safe practices:~~

- ~~(1) On school buses and on the school grounds, including playgrounds;~~
- ~~(2) During authorized school activities, such as field trips;~~
- ~~(3) Within the school building, including classrooms and laboratories;~~
- ~~(4) Off school grounds during school sanctioned activities, including, but not limited to, work-based learning and internships;~~
- ~~(5) In the use of online resources; and~~
- ~~(6) In managing the behavior of children including, describing how and under what circumstances restraint shall be used pursuant to RSA 126-U.~~

see the unclear comment on page 3. This is where details are being removed.

~~—(e) Educators shall be required to know and implement the appropriate safety practices and procedures applicable to their assigned areas of responsibility and to include safety instruction in all applicable programs offered by the school.~~

~~—(f) The policy relative to student discipline shall:~~

- ~~(1) Include provisions regarding:~~
 - ~~a. Student rights and responsibilities;~~
 - ~~b. Rules of conduct; and~~

~~e. Penalties for misbehavior;~~

~~(2) Be written in age-appropriate language;~~

~~(3) Be disseminated to parents and guardians; and~~

~~(4) Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever practical.~~

~~—(g) The local school board shall review with the superintendent or chief administering officer the conditions and methods for suspension and expulsion of students developed and implemented by the superintendent or chief administering officer and the local school board in accordance with RSA 193:13. The superintendent, chief administering officer, or designee shall keep students, parents, educators, and all other school personnel informed about school rules. Such information shall be readily available.~~

~~—(h) The policy relative to records retention, including electronic files, disposition, and access shall require that complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. A schedule for the retention and disposition of original records and information shall be established in accordance with RSA 189:29 a. Access to all student records and information shall be controlled by written procedures designed to protect individual rights and to preserve the confidential nature of the various types of records in compliance with the federal "Family Educational Rights and Privacy Act," 20 U.S.C. § 1232g, and RSA 91-A, Access to Public Records.~~

~~—(i) The policy relative to character and citizenship development shall:~~

~~(1) Include those elements of character and citizenship to be incorporated in courses of study or instilled, by example, in a caring educational environment, including but not limited to:~~

~~a. Self-discipline, self-respect, and self-control;~~

~~b. Pursuant to Part 2, Article 83 of the New Hampshire Constitution, humanity, benevolence, and truth and honesty with self and others;~~

~~c. Fairness, integrity, and justice;~~

~~d. Respect, courtesy, and human worth;~~

~~e. Responsibility to oneself and others;~~

~~f. Community service; and~~

~~g. Pursuant to RSA 186:13, the rights and responsibilities of citizenship; and~~

~~(2) Be developed in consultation with school staff, administration, parents, and other representatives of the community.~~

~~—(j) The policy relative to meeting the instructional needs of each student shall require administrators and educators to consider students' differing talents, interests, and development when planning the educational programs specified in Ed 306.~~

~~—(k) The policy relative to partnerships among schools, families, and communities shall comply with the following standards:~~

~~(1) Schools shall strive to involve parents and family members of students of all ages and learning levels;~~

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- ~~(2) Schools shall provide parent educational activities throughout the school year to help parents support their children's learning;~~
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- ~~(3) Schools shall frequently communicate school performance, student progress, personalized learning strategies as adopted by the local school board and in accordance with district and graduation competencies, and academic opportunities, using both print and online formats;~~
-
- ~~(4) Schools shall work with agencies and businesses to support community-based developmental activities that prepare young children for school and promote ongoing achievement;~~
-
- ~~(5) Schools shall promote collaboration among parents, schools, and community on school improvement and student achievement projects;~~
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- ~~(6) Schools shall strive to harness all available community resources, including but not limited to organizations, businesses, talented individuals, natural resources, and technology, to engage each student in achieving necessary skills and knowledge; and~~
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- ~~(7) Schools shall encourage business partnerships to assist students in the successful transition to employment or further education.~~
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~~(22f) The policy relative to developmentally appropriate daily physical activity pursuant to Ed 310.01 shall recommend that all pupils participate in developmentally appropriate daily physical activity, exercise, or physical education as a way to minimize the health risks created by chronic inactivity, childhood obesity, and other related health problems. The developmentally appropriate daily physical activity policy shall be in addition to and shall not replace the physical education program requirement in Ed 306.41.~~

Edit/Unclear. Need a citation.

Readopt with amendment Ed 306.05 through Ed 306.08, effective 3-27-14 (Document #10556), to read as follows:

Ed 306.05 School Philosophy, Goals, and Objectives. The local school board shall direct each school in its district to adopt a written philosophy and a statement of goals and objectives consistent with the rules of the state board of education. Provisions shall be made for the review of the philosophy, goals, and objectives at least every 5 years.

Ed 306.06 Culture and Climate.

See the unclear comment to the definition of "equity". The definition makes this rule unclear.

- (a) The local school board shall adopt policies ~~adopted by the local school board shall reflect~~ that address:
 - (1) ~~The acknowledgement of diversity and~~ Respect for differences, and affording all students equitable opportunities;
 - (2) Shared ~~ownership and~~ responsibility for the ~~success of the~~ school culture and climate among students, their families, school administration and staff, and the community;
 - (3) Student leadership through involvement in decision-making; and
 - (4) Civil, nondiscriminatory, and ~~Respectful~~ use of language and behavior ~~by all school members that is void of ethnic, racial, and sexual stereotypes and biases.~~
- (b) The school administration and staff shall:
 - (1) Review ways in which equity gaps ~~in achievement~~ can be reduced, and develop and implement a plan to address academic under-performance of individual students to eliminate barriers to learning ~~can be eliminated~~; and

Unclear. RSA 189:1-c and RSA 193:23-f has been cited for this section, but this section doesn't talk about having a student sit on the school board. Is that what (a) (3) is supposed to be addressing? If so, (a) (3) needs to be rewritten to include this. It is also unclear why RSA 189:74 and RSA 194-C:4, II(c)-(f) have been cited as authority for this section. Please be sure to review the Appendix to make sure the correct statutes are cited.

See the unclear comment to the definition.

(2) ~~Work together to e~~ Establish a fair and equitable code of discipline that is fairly and consistently implemented and which supports students' understanding of the importance of norms, rules, and expectations for behavior.

(c) The school administration shall provide professional development opportunities directed at understanding the policies and reporting requirements that support an equitable, safe, and healthy school environment.

Ed 306.07 School Facilities. The local school board shall require that the facilities operated by the school district for K-12 educational purposes are approved to operate or are conditionally approved to operate in accordance with Ed 320. ÷

~~(a) Require that the facilities for each school provide the following:~~

- ~~(1) Consistent with RSA 189:24, a clean, healthy, and safe learning environment for all areas of the school building, grounds, and school related activities;~~
- ~~(2) Lighting in compliance with the state building code as provided in RSA 155-A;~~
- ~~(3) Exhaust and outdoor air ventilation, proper temperature and humidity conditions in compliance with the state building code as provided in RSA 155-A; and~~
- ~~(4) Policy and procedures to comply with RSA 200:48 to minimize pollution caused by idling motor vehicles and an annual evaluation of potential causes of poor indoor air quality utilizing a checklist provided by the department; and~~

~~(b) With regard to school facilities:~~

- ~~(1) Customize classrooms and other school related environments to the needs of different content areas. Any lack of specialized spaces for arts, science, technology education and similar requirements shall be addressed as part of the next construction project at the school that receives school building aid under RSA 198:15-a;~~
- ~~(2) Provide for accessibility for students with disabilities;~~
- ~~(3) Demonstrate compliance with Saf C 6000 through completion of a life safety inspection by the local fire department or other authority having jurisdiction as required by RSA 153:14;~~
- ~~(4) Document compliance with regulations relating to school building, sanitation, sewage disposal, water supply, and other matter affecting public health through inspection by the local health officer, other authority having jurisdiction, or an individual, if no municipal officer is available who has received a master's degree in public health; and~~
- ~~(5) Demonstrate compliance for all furniture and electrical appliances approved by the school administration and comply with requirements of the state fire code, Saf C 6000.~~

Ed 306.08 Instructional Learning Resources.

~~(a) The local school board shall require that each school:~~

~~(a) Provides a developmentally appropriate collection of instructional resources aligned to all learning levels, including online and print materials, equipment, and instructional technologies; that shall be current, comprehensive, and necessary to support the curriculum as well as the instructional-learning needs of all students ~~the total school population;~~~~

Unclear. This is not a defined term and it is unclear what it means. It needs to be defined. Who determines whether the materials met this standard?

Unclear/Legis. Intent. The rules define "instruction" but does not define "learning resources". What are "learning resources" and how are they different from "instructional" resources? This appears to water down requirements on the schools to make instructional materials available.

Unclear. Is this a federal or state law requirement? it is unclear how school libraries will meet this. What is the expectation?

~~(b2)~~ Provides that ~~learning instructional~~ resources are, as appropriate:

Unclear. Do materials in libraries no longer need to meet this standard?

~~a. Catalogued and classified according to practices accepted by the American Library Association as specified in the Anglo-American Cataloguing Rules, Second Edition (AACR2), 2005 update as referenced in Appendix II;~~

~~(1)b.~~ Organized ~~and to make them~~ accessible to students, ~~and staff,~~ and parents; and

~~(2)e.~~ Managed through circulation policies and procedures that are designed to maximize the use of the resources; and

~~d.~~ Utilize community resources;

Edit. Fix formatting.

~~(c3)~~ Provides Integrates the following learning opportunities across curricular areas when appropriate: instructional resources to all students and staff from designated space(s) in each school, including:

~~a.~~ Ready access to instructional resources, including those available online or through interlibrary loan;

~~b.~~ Instruction in:

~~(1).~~ Accessing information efficiently and effectively;

~~(2).~~ Evaluating information and sources critically and competently;

~~(3).~~ Citing sources and not plagiarizing;

~~(4).~~ Using information accurately and creatively;

~~(5).~~ Pursuing information related to personal interests;

~~(6).~~ Appreciating literature and other creative expressions of information;

~~(7).~~ Striving for excellence in information-seeking and knowledge generation;

~~(8).~~ Recognizing the importance of information to a democratic society;

~~(9).~~ Practicing ethical behavior in regard to information and information technology; and

~~(10).~~ Participating effectively in groups to pursue and generate information; and

~~(11)e.~~ Activities to promote the development of reading, viewing, and listening skills; and

~~(d4)~~ Implements a written plan approved by district administration for ~~the~~ ongoing development, organization, acquisition, maintenance, replacement, and updating of instructional curriculum and learning resources necessary to support the needs of ~~the user population and the curriculum students.~~

~~(b)~~ At a minimum, the plan implemented under (a)(4) above shall:

~~(1)~~ Provide an analysis and assessment of the present instructional resources based on:

~~a.~~ The needs of the user population and the curriculum;

~~b.~~ Accessibility of instructional resources to all students and staff;

~~c.~~ Strengths and weaknesses of the present instructional resources; and

~~d.~~ Resources available within the district, the local community, and beyond;

Unclear. How will everyone be on notice what the policies are if they are unwritten? This would allow for the development of or an amendment to existing policy without anyone's knowledge or input except the "district administration". With the remaining paragraphs being deleted, it is unclear how the establishment of the policy will take place and how materials will be or won't be selected. Materials could be added or removed without any explanation given.

~~(2) Reflect developing instructional technologies; and~~

~~(3) Establish priorities, criteria, timelines, and procedures for the selection, acquisition, maintenance, and replacement of instructional resources which shall include but not be limited to:~~

~~a. Online materials;~~

~~b. Print materials;~~

~~c. Equipment; and~~

~~d. Instructional technologies.~~

Repeal Ed 306.09, effective 3-27-14 (Document #10556), as follows:

Unclear. Have these requirements been moved elsewhere? Are they no longer required?

Ed 306.09 Custodial and Maintenance Services.

~~(a) The local school board shall provide for each school such custodial services as are necessary to ensure a clean, sanitary, and safe physical plant and grounds. The school plant shall be cleaned on a daily basis when school is in session. School repairs and maintenance shall be performed on a regular basis.~~

~~(b) All school staff, including custodians, maintenance workers, food service workers, educators, support staff, and administrators shall receive training on their roles in maintaining clean, healthy school facilities and the importance of quality indoor air; and~~

~~(c) Schools shall minimize the use of toxic chemicals for cleaning and pest control. Staff shall not be permitted to bring cleaning products or pesticides into a school without approval from the school administration.~~

Readopt with amendment and renumber Ed 306.10 and Ed 306.11, effective 3-27-14 (Document #10556), as Ed 306.09 and Ed 306.10 to read as follows:

Edit/Unclear. "shall be"

Ed 306.~~0910~~ Administrative Support Services. The local school board shall ~~ensure that provide for each school staff to maintain~~ all school records are maintained in accordance with local policy, state laws and rules, and federal laws and regulations.

Ed 306.~~1011~~ Food and Nutrition Services.

(a) The local school board shall:

(1) Require that each school makes a meal available during school hours to every student under its jurisdiction, in accordance with RSA 189:11-a, I-II;

(2) Provide a qualified individual(s), ~~such as, but not limited to, a school nutrition/food service director,~~ to:

~~a. Oversee the operation of school meals;~~ a. Oversee the operation of school meals;

~~b. Maintain proper resources that meet state and federal regulations;~~ b. Maintain proper resources that meet state and federal regulations; and

~~c. Maintain state health requirements for each school site within the district; and~~

(3) Require that each newly ~~constructed~~ school or renovated kitchen or cafeteria provide space for the preparation and consumption of meals in compliance with Ed 321.12(d).

(b) All food service employees shall, within their first year of employment, obtain a certificate of completion for an approved sanitation course.

~~— (c) If a school nutrition/food service director is employed, each food service director shall, whenever feasible, obtain certification or credentials from an approved program, including but not limited to School Nutrition Association (SNA) certification, within the first 5 years of employment.~~

(cd) Students shall be provided with an adequate time to consume meals in each elementary, middle, and high school in accordance with the federal Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).

~~— (e) Students shall be provided with an adequate time to consume meals in each middle and high school in accordance with the federal Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).~~

(df) If a waiver is granted pursuant to (a)(1) above due to inadequate space, the school district shall make provisions in the next school physical plant expansion provisions to house a food service preparation and consumption area that is in compliance with Ed 321.12(d).

~~— (g) The policy relative to distribution of healthy foods and beverages that create a healthy environment required by Ed 306.04(a)(21) shall include:~~

Unclear. were these requirements moved somewhere else? Are they no longer required?

~~(1) Standards for nutrient dense foods and beverages for learning level middle and high school as identified and defined by 7CFR Part 210.10;~~

~~(2) Portion size for nutrient dense foods and beverages in schools which support the framework for healthier food choices in all school environments;~~

~~(3) Nutrition targets for foods and beverages made available outside the federally regulated school meals program. The targets shall follow those developed by a nationally recognized research based organization, such as but not limited to USDA, or as determined by the department to have standards equivalent to the USDA;~~

~~(4) Developmentally appropriate opportunities to learn food preparation skills that support nationally recognized research based nutrition standards; and~~

~~(5) Annual communication information about the policy and procedure and related curricula to the school community, including, but not limited to school staff, school board, parents and students.~~

(ch) Any school ~~in (g)(3)~~ choosing a standard for foods available at school which is not consistent with the USDA standard for Child Nutrition Programs, shall request a waiver from the ~~bureau of nutrition programs and services department~~. The ~~department~~bureau shall evaluate the alternative standards and shall grant the waiver if the alternative standards are determined to be equivalent to the nutrition standards of 7 CFR Part 210.

Readopt with amendment and renumber Ed 306.12, effective 11-14-17 (Document #12418), as Ed 306.11 to read as follows:

Ed 306.11 School Health Services.

(a) In accordance with federal and state law, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), Section 504 of the Rehabilitation Act of 1973, RSA 141-C, RSA 169-C, RSA 200:26-41, and RSA 326-B, the local school board shall require that each school provides qualified personnel to carry out appropriate school health-related activities.

(b) ~~Each school nurse employed by a school district shall hold a current license as a registered nurse under RSA 326-B and a current school nurse certificate under Ed 504.07, Ed 504.08 or Ed 504.09.~~ Each registered nurse, licensed practical nurse, or licensed nursing assistant employed by a school district shall hold such current license under RSA 326-B.

(c) If a school nurse or licensed practical nurse is not available to a school for any reason, at least one other person who has a current first aid and cardiopulmonary resuscitation certification (CPR) certification shall be available.

Repeal Ed 306.14, effective 8-9-19 (Document #12845), as follows:

Edit: Delete

Ed 306.13 RESERVED

~~Ed 306.14 Basic Instructional Standards.~~

Edit: The repeal of this section is not listed in the Appendix.

~~(a) The local school board shall require that each school has an instructional program which includes the following:~~

- ~~(1) A policy on homework, including its relationship to the grading system;~~
- ~~(2) An organized plan for recording student progress in meeting district and graduation competencies in alignment with RSA 193-C:3;~~
- ~~(3) A policy for promoting students from one learning level to another based on achievement of district competencies in alignment with RSA 193-C:3;~~
- ~~(4) Instructional materials and resources matched to the appropriate skill levels of students;~~
- ~~(5) A policy that outlines how digital literacy will be integrated in a developmentally appropriate manner across grades 1-12 instruction, and how the district or graduation competencies associated with digital literacy will be assessed either alone or in combination with other district or graduation competencies and assessments;~~
- ~~(6) A policy outlining how students will demonstrate achievement of district and graduation competencies including the awarding of credit for required subjects and open electives;~~
- ~~(7) A policy encouraging students to pursue and demonstrate advanced course work, including advanced placement courses in high school, dual enrollment in college courses; and~~
- ~~(8) A policy encouraging students to have a plan for summer activities that support student learning.~~

~~(b) The instructional program shall enable students to demonstrate achievement of graduation competencies in alignment with RSA 193-C:3.~~

Readopt with amendment and renumber Ed 306.15, effective 3-27-14 (Document #10556), as amended effective 8-9-19 (Document #12845), as Ed 306.12 to read as follows:

Ed 306.12 ~~1215~~ Provision of Staff and Staff Qualifications.

(a) To carry out the educational program established by these rules and local school board policy, the local school board shall require that each school provides:

- (1) The services of a licensedeertified principal, a licensedeertified library media specialist, and a licensedeertified-guidancee school counselor(s);
- (2) For the hiring and training of educators eertified-licensed under Ed 500 to teach classes and-or coursesfacilitate learning in their credentialedeertified content area;

(3) In each elementary school, the services of a licensed reading specialist and library media specialist to facilitate the delivery of ~~the~~ language arts and reading curriculum program established in Ed 306.37(a);

(4) In each middle and high school, a library media specialist to support the management of instructional learning resources program and facility requirements of Ed 306.08; and

(5) Educators, ~~including art, music, health, and physical education teachers~~, in accordance with class size requirements in Ed 306.147

Edit/Unclear. There aren't class size requirements now.

(b) ~~The local school board shall require that i~~n carrying out the school counseling program ~~established by Ed 306.39, the local school board shall require that:~~

(1) The counseling load in each elementary school shall not exceed the equivalent of one full-time licensedcertified school counselor per 500 students enrolled;

(2) The counseling load in each middle school and each high school shall not exceed the equivalent of one full-time licensedcertified school counselor per 300 students enrolled;

~~(23)~~ High schools with more than 4 school counselors shall provide a high school level licensedcertified director of school counseling to coordinate the implementation of the school counseling program plan and policy, unless ~~(4) below applies; and~~

Edit: "(3)"

~~(34)~~ District level ~~certified-licensed~~ directors of school counseling to coordinate K-12 implementation of the school counseling program plan and policy shall be provided in districts where the number of school counselors across all schools exceeds 10.

(c) The local school board shall require that each school with an enrollment of 500 or more students provides the services of an ~~assistantassociate~~ principal or 2 or more persons with administrative ~~certification licensure~~ under Ed 506 who together act as a full-time equivalent to carry out administrative duties assigned by the superintendent in accordance with local school board policy.

(d) The local school board may provide for each school the services of additional staff to facilitate the use of the ~~learninginstructional~~ resources described in Ed 306.08 and the technological resources needed to facilitate the digital literacy program ~~described in Ed 306.42~~.

(e) Pursuant to RSA 189:24, and in accordance with Ed 500 and Ed 600, the local school board shall require that each professional staff member is licensedcertified for assignment by the department.

~~— (f) In accordance with Ed 509, the local school board shall require that each professional staff member shall improve the content knowledge and teaching skills through participation in a local professional development plan.~~

~~— (g) An educator with sufficient content knowledge as determined by the school principal may be given a minor assignment to teach in a program area in which he or she is not certified. A minor assignment shall be less than fifty percent of the individual's weekly work time and be reviewed on an annual basis to insure that the individual has the appropriate level of content knowledge.~~

Readopt with amendment and renumber Ed 306.16 and Ed 306.17, effective 3-27-14 (Document #10556), as Ed 306.13 and Ed 306.14 to read as follows:

Ed 306.13 ~~RESERVED~~ Ed 306.16 Professional Development. ~~In accordance with Ed 512:~~

~~— (a) The local school board shall require that schools shall comply with the professional development requirements enumerated in Ed 513.:~~

~~(1) That each professional and paraeducator staff member improves the content knowledge and teaching skills through participation in professional development activities as described in the district professional development master plan;~~

~~(2) That the goals in the professional development master plan align with the district/school improvement goals;~~

~~(3) That the professional development master plan guides each professional staff member's individual professional development plan in its design, implementation, and evaluation; and~~

~~(4) The regular assessment and evaluation of the needs, design, implementation, and impact on student learning of professional development activities and programs; and~~

~~(b) The school administration shall require that:~~

~~(1) Each certified educator's individual professional development plan required under Ed 512.03 is aligned with the professional development master plan;~~

~~(2) The professional development activities included in the professional development master plan are designed to improve professional knowledge, as measured in its success in meeting students' needs and improving students' learning; and~~

~~(3) The professional development activities included in the local professional development master plan under Ed 512.02(c)(7):~~

~~a. Are:~~

~~1. Student focused;~~

~~2. Data driven;~~

~~3. Research based;~~

~~4. Intensive; and~~

~~5. Sustained; and~~

~~b. Include:~~

~~1. Job embedded activities;~~

~~2. Research;~~

~~3. Collaboration;~~

~~4. Practice; and~~

~~5. Reflection.~~

Ed 306.1417 Student-Educator Ratios~~Class Size~~.

(a) The local school board shall establish student-educator ratios that promote student learning as appropriate for each learning opportunity and learning level.~~Class size for instructional purposes, in each school shall be:~~

Unclear/Inadequate FIS: Who determines that the student-educator ratio is appropriate? How is this determination made? The rules that specified ratios are being deleted and this seems very broad. Also, this allows different school boards to have different ratios of students-educators. How does this effect the calculation of the annual per-pupil cost and budgeting? This may effect the fiscal impact of the rule. This was not mentioned in the Agency's FIS. Without a standard for student-educator ratios it is unclear what would allow for an adequate education and when a ratio creates an inadequate education environment. One school could have a 10-1 ratio and another 30-1 or 50-1, what is appropriate?
Contrary to Public Interest: The proposed rule cannot be uniformly applied once it is adopted because it cannot be uniformly enforced.

~~(1) Kindergarten—grade 2, 25 students or fewer per educator, provided that each school shall strive to achieve the class size of 20 students or fewer per educator;~~

~~(2) Grades 3—5, 30 students or fewer per educator, provided that each school shall strive to achieve the class size of 25 students or fewer per educator; and~~

~~(3) Middle and senior high school, 30 students or fewer per educator.~~

~~— (b) These class size requirements may be exceeded for study halls, band and chorus, and other types of large group instruction, including but not limited to, lectures, combined group instruction, and showing of educational television and films.~~

~~(be) In the interest of safety, the maximum number of students in laboratory classes in such areas as science and career and technical education CTE shall be determined by the number of work-stations and the size and design of the area. In no case shall the number of students in laboratory classes exceed 24.~~

Readopt with amendment and renumber Ed 306.18, effective 2-19-22 (Document #13356), as Ed 306.15 to read as follows:

Ed 306.1518 School Year.

Unclear. The current definition of "competencies" makes this sentence unclear.

~~(a) Each school shall maintain a school calendar which provides for 180 days of instruction or the required number of instructional hours, which may result in fewer than 180 days.~~

~~(ba) Pursuant to RSA 189:1 and RSA 189:24, eEach school district shall maintain a school year as provided below, which shall identify the total instructional hours offered and recognize that students advance upon achievement of competencies, not based on seat time, pursuant to Ed 306.21(j):~~

~~(1) The school district shall maintain in each elementary school, a school year of~~

~~(1) at least 945 hours of instructional time and in each kindergarten aAt least 450 hours of instructional time in kindergarten;~~

~~(2) At least 945 hours of instructional time in elementary school; and~~

~~(32) The school district shall maintain in each middle and high school, a school year of aAt least 990 hours of instructional time in each year grades 7-12. Districts shall provide at least 990 hours of instructional time for grades 7 and 8 in elementary schools that include grades 7, or 8, or both;~~

~~(c3) The instructional school day of an individual student shall not exceed 5.75 hours of instructional time in elementary schools and 6 hours of instructional time in middle and high schools;~~

~~(d4) The school shall have in its school year an additional 60 hours in duration to provide for instructional time lost due to inclement weather or unexpected circumstances, staff development, and parent-teacher conferences. At least 30 of the 60 additional hours shall be available for rescheduling hours lost due to inclement weather or other emergencies. Schools shall use these additional hours to reschedule lost instructional time before requesting a waiver of the amount of instructional time under RSA 189:2, unless extraordinary circumstances exist that would place an unreasonable burden on the school or students such as, but not limited to, substantial building damage;~~

~~(5) A school may have a shortened day when an emergency condition exists which might adversely affect the health and safety of students, provided that the number of hours of instructional time originally planned for the day shall be credited to the number of hours of instructional time in the school year, if:~~

~~a. On that day, the school would normally have had at least 5.25 hours of instructional time; and~~

~~b. The school remained open for at least 3.5 hours of instructional time;~~

~~(e6) There shall be no requirement to reschedule instructional time for kindergarten if morning or afternoon kindergarten sessions are cancelled due to delayed opening or early release for students in grade 1 or higher; and~~

~~(f7) Remote learning Distance education~~ conducted in accordance with Ed 306.1822(c) shall count toward the required amount of instructional time.

(g) Advisory periods in middle and high schools shall be counted as instructional time.

~~(hb) Lunch time, home room periods, passing time, and breaks shall not be counted toward the required amount of instructional time. Elementary schools may count up to 30 minutes of recess per day as instructional time for pupils in kindergarten through grade 6. Advisory periods in middle and high schools shall be counted as instructional time.~~

~~(ie) The high school graduation date shall be set no more than 5 school days or 30 instructional hours before the end of the scheduled school year without consideration of making up lost time pursuant to Ed 306.18 (a)(4) earlier than the completion of the required 990 hours of instructional time.~~

Repeal Ed 306.19, effective 3-27-14 (Document #10556), as follows:

~~Ed 306.19 School Calendar. Each school shall maintain a school calendar.~~

Readopt with amendment and renumber Ed 306.20 and Ed 306.21, effective 3-27-14 (Document #10556), as Ed 306.16 and Ed 306.17 to read as follows:

Ed 306.1620 CTE career and Technical Education Programs.

(a) ~~CTE career and technical education~~ programs ~~(CTE)~~, as defined in Ed 306.02(cb), shall be available to meet specific educational, district, and graduation requirements, as outlined below:

(1) Every public high school shall be identified within a CTE region as established in accordance with RSA 188-E and Ed 13021402; and ~~shall~~ be included in the regional agreement established pursuant to Ed 1304.021402.01; and

(2) Every public high school shall make all students aware of programs available at the regional CTE center.

(b) Receiving districts shall ~~strive to make every effort to offer opportunities space available~~ to every qualified student in the region who desires to participate in a program at the CTE center, in accordance with the formula for participation prescribed in, ~~or as a result of~~, the respective regional agreement.

(c) CTE cooperative agreements shall require sending and receiving school districts to coordinate calendars and schedules to maximize students access to CTE programming pursuant to Ed 1304.02.

~~(de) Every public high school student shall have access to programs at the regional CTE center subject to attainment of prerequisites and space availability within the program in a CTE center; and sending school budget restrictions.~~

~~(ed) Prerequisites shall include requirements to ensure be directly related to a student's ability to:~~

Edit: Consider inserting "the". This sentence is slightly unclear the way it is written.

Unclear: What does "personalization and differentiated methods" mean in practice? The deletion of "the majority of ... instruction" implies that all learning opportunities may now be an alternative course of study. "Personalized and differentiated appears to be an industry term so it may need to be defined. Also, the first half of the definition applies to "a student's learning opportunities" but the rest to "individual students or groups of students". This definition is unclear as written.

~~(1) Successful successfully~~ completion of the CTE program of core technical competencies vetted by business and industry and postsecondary institutions;

~~(2) Seamless transition into postsecondary institutions; and~~

~~(3) Employment preparedness;~~

~~(e) Prerequisites shall have a direct and necessary relationship to the CTE program.~~

Ed 306.1724 Alternative Course of Study Programs.

(a) "Alternative course of study program" means the regular delivery of ~~the majority of~~ a student's learning opportunities instruction through personalization and differentiated methods classroom or other methods designed to address the needs of individual students or particular groups of students that might be different from the methods of instruction learning opportunities used by the standard schools of the district for the student population.

(b) An alternative course of study program may be housed in the same facility as a standard school or at a different location.

(c) An alternative course of study program shall be:

(1) Designed to address the personalized and differentiated needs of students, ~~including, but not limited to, dropout prevention~~; and

(2) Approved by the local school board in a plan that:

a. States the goals of the program course of study and curriculum to be provided;

b. Enables students to opt into the program at the request of the students' parent or guardian;

~~cb.~~ Specifies the procedures for assessing and implementing ~~its program plan~~ the course of study consistent with RSA 193-C:3, III;

~~de.~~ Specifies when the course of study program would be offered, which may be at a time other than during the regular school day;

~~ed.~~ Demonstrates how the alternative course of study program will enable the participating students to achieve the same district and graduation competencies outlined for all students and consistent with RSA 193-C:3; and

~~fe.~~ ~~Explicitly d~~Details how extended learning opportunities ELOs, remote learning pursuant to Ed 306.18, and other learning opportunities will be incorporated as a learning option for all students.

Unclear. Unclear whether this is the correct citation as there doesn't appear to be competencies outlined in the cited statute.

(d) Alternative courses of study programs for students with disabilities shall meet the requirements of Ed

1119.

Question for Agency: Is this citation correct? Part Ed 1119 is on confidentiality of information.

(e) ~~Prior to implementing an alternative program~~ Annually, a school administrative unit (SAU) that implements an alternative course of study shall report the program submit to the department. ~~the following:~~

~~(1) A copy of the local school board's approval, including the plan submitted;~~

~~(2) The location of the alternative program; and~~

Unclear. There's no requirement for anything specific other than to report the program to the dept. because the requirements have been deleted. What has to be submitted now? Just that the program exists?

~~(3) Copies of inspection reports from the municipal health officer and fire department if the alternative program is to be housed in a building other than an approved school.~~

(f) Each student participating in an alternative ~~program~~ course of study shall participate in the state assessment exam, when applicable.

(g) Assignment of students to an alternative ~~programs~~ course of study shall be voluntary and ~~shall~~ require written approval from the parent or guardian.

(h) Staff assigned to an alternative ~~course of study~~ programs shall meet the same ~~certification-licensure~~ requirements as staff assigned to ~~standard~~ schools in accordance with Ed 306.1245.

(i) Students in an alternative ~~course of study~~ programs shall be provided student services equivalent to those provided in ~~standard~~ schools including, but not limited to:

~~(1) Food and nutrition services under Ed 306.1041;~~

~~(2) Health services under Ed 306.1142;~~ and

~~(3) guidance and eCounseling services under Ed 306.39~~

← Edit. Need to insert the citation.

(j) The school year for alternative ~~courses of study~~ programs shall meet the requirements of Ed 306.1548.

(k) Alternative ~~programs~~ courses of study which result in the awarding of a high school diploma shall meet the requirements of Ed 306.2227(cq).

(l) Alternative ~~programs~~ course of study which are supervised by the principal of a ~~standard~~ school shall be considered part of that ~~standard~~ school for reporting and assessment purposes ~~under Ed 306.23, for assessment under Ed 306.24,~~ and for school approval under Ed 306.2328.

(m) Alternative ~~programs~~ courses of study which are supervised by a district level administrator shall be considered a separate school of the district for reporting and assessment purposes ~~under Ed 306.23, for assessment under Ed 306.24,~~ and for school approval under Ed 306.2328.

Readopt with amendment and renumber Ed 306.22, effective 2-19-22 (Document #13356), as Ed 306.18 to read as follows:

Ed 306.1822 Remote Learning~~Distance Education~~.

(a) All students shall have access to full-year, full-day instruction, in-person as required in RSA 189:1 and RSA 189:24. ~~Distance education~~Remote learning, as defined in Ed 306.22(b), shall ~~not~~ satisfy the requirement for in-person instruction ~~when~~except as conducted in accordance with ~~306.22(c)~~ below.

(b) ~~In this section, "distance education" means any instructional mode that is not in-person instruction including~~Remote learning opportunities may include, but not be limited to, ~~correspondence, video-based~~blended or hybrid online and in-person, completely online, video-based, internet-based courses of study, internet-based, online courses, remote instruction, or any combination thereof. ~~The term distance education also includes hybrid instructional models that utilize elements of distance education and traditional instruction in any combination.~~

(c) ~~Distance education may be offered only~~Remote learning shall satisfy the requirements of RSA 189:1 and RSA 189:24 under the following conditions:

(1) When inclement weather makes it unsafe to safely transport students to or from in-person instruction;~~or~~

(2) As an option for a parent or guardian making a request for remote learning; distance education~~or~~

(3) As articulated in a parent-approved alternative course of study approved by the local school board pursuant to Ed 306.17(c).

(d) When the district offers remote learning~~distance education~~, the school board shall be responsible for the development of a policy for the governance and administration of remote learning~~distance education~~.

(e) If a student participating in remote learning~~distance education~~ is not making educational progress, as determined by the district’s educational assessments, the option to participate in remote learning~~distance education~~ may be rescinded by the district.

(f) A parent or guardian may appeal a district determination that a student is not making educational progress pursuant to the district’s educational assessments to the state board~~of education~~ under Ed 200.

(g) A student shall remain in remote learning~~distance education~~ until the conclusion of the appeal in (f) above. If the state board~~of education~~ upholds the district’s conclusion that the student is not making educational progress pursuant to the district’s educational assessments, the student shall immediately be disqualified from continued participation in the district’s remote learning opportunity~~distance education instruction~~.

(h) School districts may cooperate to share delivery of remote learning opportunities~~distance education~~.

Repeal Ed 306.23 and Ed 306.24, effective 3-27-14 (Document #10556), as follows:

~~Ed 306.23 Statistical Reports; Accountability.~~

~~(a) Each school district shall establish a local education accountability system in order to collect data needed for evaluation of the district’s compliance with state and federal laws on school accountability. The department shall integrate its accountability system with local accountability systems so as to allow for comparison and analysis of such data.~~

~~(b) Each district shall file statistical reports with the department as required under RSA 189:28. A request from a district to the department for statistical data needed by a district for filing a statistical report shall be submitted to the department at least 60 days before the district’s report is due.~~

~~(c) Each school district required under RSA 193-H:4 to create a local education improvement plan shall file such a plan with the department with 193-H:3. The plan shall be aligned to m~~

~~Ed 306.24 Assessment.~~

~~(a) The local school board shall r~~

~~(1) Provides for the ongoing of local assessments that are provided in (b) below;~~

Legis. Intent. The notice says that these rules were being repealed "due to being statutory requirements." In other words, the school districts will have to rely just on the RSAs, which will lead to oral rulemaking in violation of RSA 541-A:22, I. Repealed Ed 306.23(b) has a 60-day deadline for a district to request statistical data from the Department before the reported required by RSA 189:28 is due. That is not in the RSA. RSA 189:28, II(a) requires submission by the school district of information required to comply with RSA 193-E:3 "in a timely manner as determined by the department of education." There are no rules on this determination, and it is unclear whether the "timely manner" is determined case-by-case by the Commissioner for each school district, the rules are missing criteria and procedure for the determination. RSA 189:28, IV allows the Commissioner to grant up to a 30-day extension of a reporting deadline for statistical reports but there are no rules on how to request an extension or what the criteria are to grant it. The details in the repealed Ed 306.24(b) on evidence of district compliance with assessment of competencies and the repealed (c) on evidence of participation in state-wide education improvement and assessment under RSA 193-C do not seem to be replicated in RSA 193-C. RSA 193-E:3-b, I(b) on accountability for the opportunity for an adequate education requires "narrative explanations" from the districts on how they comply. There are no rules on what format or details is required in these explanations, just the subject areas that the RSA says the explanations must address.

~~(2) Participates in the state-wide education improvement and assessment program as provided in (e) below;~~

~~(3) Participates in the New Hampshire performance assessments;~~

~~(4) When selected by the United States Department of Education, National Center for Education Statistics participates in the National Assessment of Education Progress (NAEP); and~~

~~(5) Supports student development of individual student digital portfolios.~~

~~— (b) The following elements shall be used as evidence by the department in determining whether a school complies with the requirements of (a) above:~~

~~(1) The school has a process for the selection, use, and interpretation of local assessment instruments;~~

~~(2) The school supports the authentic assessment of student learning outcomes through multiple formative and summative assessment instruments, including, but not limited to:~~

~~a. Educator observation of project-based learning, including off-site learning projects;~~

~~b. Competency-based or performance-based assessments;~~

~~c. Educator observations of student performance; and~~

~~d. Project evaluation rubrics used to evaluate program proficiencies applied to integrated curriculum assignments, extended learning opportunities, career and technical education opportunities, and out of school learning environments;~~

~~(3) The school provides professional development for educators in the use of diagnostic tools to adjust instruction to meet personalized needs of students and to monitor progress; and~~

~~(4) The school has a systematic process for collecting and analyzing assessment data to:~~

~~a. Identify needs for improvement; and~~

~~b. Determine the effectiveness of educational programs in meeting student performance goals.~~

~~— (c) Each school shall maintain the following as evidence of participation in the state-wide education improvement and assessment program established under RSA 193-C:~~

~~(1) Written guidelines for the inclusion of and accommodations for student participation, including, but not limited to, inclusion of and accommodations for:~~

~~a. Students in major racial and ethnic groups;~~

~~b. Students with disabilities;~~

~~c. Economically disadvantaged students; and~~

~~d. Students with limited English proficiency;~~

~~(2) Procedures for test security and the accurate inclusion of student data; and~~

~~(3) Procedures by which assessment results are communicated to:~~

~~a. Parents;~~

~~b. Faculty; and~~

~~e. The community.~~

~~(d) For programs at all K-12 levels, schools shall report the academic performance of all students on a regular basis by providing the following:~~

~~(1) A summary of individual student performance to parents at least 3 times each year; and~~

~~(2) The opportunity for parents to meet individually with each of their students' teachers about their students' performance at least once during each school year.~~

Readopt with amendment and renumber Ed 306.25, effective 3-27-14 (Document #10556), as Ed 306.19 to read as follows:

Ed 306.1925 Comprehensive School Psychological Services.

(a) If a district employs a school psychologist as an optional service pursuant to RSA 189:49, IV, the standards in (b)-(e), in addition to the requirements below, shall apply:

(1) Nothing in this section shall prevent a school district from contracting services with a qualified school psychologist;

Edit: "shall"

(2) All such psychological services must comply with federal Every Student Succeeds Act (ESSA) requirements, including informed written consent; and

Edit: "shall"

(3) All such services must comply with state and federal student privacy laws and rules, including parental notification and consent requirements.

(b) Employing school districts shall require that school psychological services are provided by certified school psychologists in a coordinated, organized fashion, and are deployed in a manner that results in the provision of a comprehensive continuum of services. ~~Comprehensive school psychological services shall be based on this section and The National Association of School Psychologists (NASP) Model for Comprehensive and Integrated School Psychological Services, published by NASP in 2010 as referenced in Appendix II.~~

~~(c) The school psychologist shall provide comprehensive psychological services throughout various learning environments to help children and youth develop academic, social, behavioral, and emotional competence through:~~

~~(1) Data-based decision making and accountability methods that use psycho-educational assessment results, data collection strategies, and technology resources to design and implement services and programs and to evaluate outcomes;~~

~~(2) Consultation, collaboration, and communication with educators, families, health care professionals including mental health, social services and other systems to promote effective and coordinated implementation of services;~~

~~(3) Interventions and instructional supports to develop academic skills, incorporating available research and assessment data to develop and implement evidence based instructional strategies designed to support students' cognitive and academic skills;~~

~~(4) Interventions and mental health services to develop social and life skills in collaboration with others, using assessment and data collection methods to implement and evaluate developmentally appropriate services that support socialization, learning, and mental health;~~

~~(5) School wide practices to promote learning, developing and implementing evidence based practices and strategies to create and maintain effective and supportive learning environments for children and others, including multi-tiered systems, to support students' academic, social, emotional, and behavioral goals;~~

~~(6) Preventative and responsive services employing theories and research related to resilience, risk factors, and multi-tiered prevention, to support evidence based strategies for effective counseling, crisis response, and behavioral intervention;~~

~~(7) Family school collaboration services to facilitate and provide effective collaborative partnerships between families and schools that support children's learning and mental health utilizing a strength based, culturally sensitive approach;~~

~~(8) Diversity in development and learning to provide professional services that promote effective functioning for individuals, families and schools with diverse characteristics, cultures and backgrounds, across multiple contexts;~~

~~(9) Research and program evaluation to support educational decision making and evaluate programs; and~~

~~(10) Legal, ethical, and professional practice consistent with legal requirements and ethical and professional standards including the NASP Principles of Professional Ethics (2010) as referenced in Appendix II.~~

(cd) School psychologists shall useutilize assessment findings to diagnose educational and behavioral disorders and to facilitate educational treatment planning.

(de) Employing school districts shall ensure that an effective program of supervision and evaluation of school psychological services exists.

(e) School psychologists in cooperation with their employing districts or agencies shall be responsible for the overall development, implementation, and professional supervision of school psychological service programs.

~~— (f) Professional supervision shall be available to all school psychologists to an extent sufficient to ensure the provision of effective and accountable services.—~~

~~Beginning school psychologists in their first year of employment as a school psychologist shall receive a minimum of one hour of face to face supervision contact per week.~~

~~Supervisors shall meet Ed 500 requirements for certification as a school psychologist and have at least 3 years of professional experience as a school psychologist in a school system.~~

(fg) Employing school districts shall ensureinsure that parental consent and student information are protected as required under applicable state and federal law.

Readopt with amendment and renumber Ed 306.26, effective 6-10-22 (Document #13394), as Ed 306.20 to read as follows:

Ed 306.~~2026~~ Kindergarten Through Grade 8 School Curriculum.

(a) The local school board shall require that in each school there is: an

~~(1) A broad and well-balanced elementary school curriculum~~ aligned to state academic standards that outlines ~~district~~ competencies for the grades 1-8, ~~program in compliance with RSA 193-C:3, III;~~ and includes:

Unclear: What are the "state academic standards"?



Edit. These are education industry used terms and they need to be defined in this proposal.

~~(2) An instructional program that includes:~~

~~(1)a. Procedures for diagnosing identifying personalized learner needs, learning styles, and interests;~~

~~(2)b. Methods and strategies for facilitating learning teaching students, including but not limited to personalization, individualization, and differentiation;~~

~~e. Research based learning opportunities;~~

~~(3)d. Techniques for the evaluation of student outcomes, including performance assessment of district competencies; and~~

~~(4)e. Provision of differentiated instruction for students based on learning styles, needs, and interests. Opportunities for students to receive timely, personalized, and differentiated support based on their individual learning needs.~~

(b) The local school board shall adopt where applicable, for each school, a ~~broad and well balanced~~ kindergarten ~~school~~ curriculum ~~that outlines a play based kindergarten program~~ in compliance with RSA 193-E:2-a, II-a that supports:

(1) Unstructured time built into the school day for the discovery of, and methods and strategies for the fostering of, each child's individual talents, abilities, and needs;

(2) Child development and learning in all domains, including, but not limited to:

- a. Physical;
- b. Social;
- c. Cognitive; and
- d. Language;

Edit/Unclear. if what is meant is "if" there's a kindergarten program, then the insertion is not needed. Unclear as to why "where" is being used.

(3) Child-directed experiences based ~~upon the district's identified early childhood best teaching practices and~~ play-based learning that comprise:

- a. Movement;
- b. Creative expression;
- c. Exploration;
- d. Socialization; and
- e. Music; and

Unclear. The new definition of "competencies" makes this unclear.

~~(4) A reading curriculum that includes, but is not limited to, phonemic awareness, phonics, vocabulary, fluency, and comprehensionguided reading literacy program.~~

(c) The local school board shall ~~adopt, for each school, a local time schedule which specifies the distribute ion of~~ instructional time ~~to allow each student to make progression towards competency proficiency in the among the following learning areas to be taught in grades 1-8 at all learning levels in the school~~ following areas:

(1) For the elementary grades 1-8, where no middle school has been established by vote of the local school board:

- a. ~~Ed 306.31, relative to an a~~Arts education;
- b. ~~Ed 306.37, relative to an~~ English_/language arts and reading ~~program~~;
- c. ~~Ed 306.40, relative to a h~~Health education ~~program~~;
- d. ~~Ed 306.41, relative to a p~~Physical education ~~program~~;
- e. ~~Ed 306.42, relative to d~~Digital literacy ~~program~~;
- f. ~~Ed 306.43, relative to a m~~Mathematics ~~program~~;
- g. ~~Ed 306.45, relative to a s~~Science ~~education~~;
- h. ~~Ed 306.46, relative to a s~~Social studies ~~program~~; and
- i. ~~Ed 306.49, relative to~~ Holocaust and genocide education, as applicable; and
- j. An optional world language, if offered and

Legis. Intent: Is this the same as "computer science" in RSA 193-E:2-a? Below it is used differently from "computer science" What about Engineering and technologies, and personal finance literacy which are also required by the statute?

Legis. Intent. The statute doesn't say "as applicable". What is meant by this?

Unclear/Legis. Intent: RSA 193-E:2-a requires world language for the content of an adequate education.

(2) For middle school:

- a. ~~Ed 306.31, relative to an a~~Arts education;
- b. ~~Ed 306.37, relative to an~~ English_/language arts and reading ~~program~~;
- c. ~~Ed 306.40, relative to a h~~Health education ~~program~~;
- d. ~~Ed 306.41, relative to a p~~Physical education ~~program~~;
- e. ~~Ed 306.38, relative to a f~~Family and consumer science ~~education~~;
- f. ~~Ed 306.42, relative to d~~Digital literacy ~~program~~;
- g. ~~Ed 306.43, relative to a m~~Mathematics ~~program~~;
- h. ~~Ed 306.45, relative to a s~~Science ~~education~~;
- i. ~~Ed 306.46, relative to a s~~Social studies ~~program~~;
- j. ~~Ed 306.47, relative to a t~~Technology and engineering; ~~education~~; and
- k. ~~Ed 306.49 relative to~~ Holocaust and genocide education; and
- l. An optional world language, if offered.

Unclear/Legis. Intent: Is this the same as "personal finance literacy" in RSA 193-E:2-a? There is no "family and consumer science" in the statute.

Unclear/Legis. Intent: Is this the same as "computer science" in RSA 193-E:2-a? Below it is used differently than "computer science"

Unclear/Legis. Intent: RSA 193-E:2-a requires world language for the content of an adequate education.

Unclear/Legis. Intent: Logic and rhetoric are missing.

~~— (d) If the local school board determines that one or more world languages might be offered at a middle school in the district, the local school board shall develop a policy for each middle school relative to providing supplemental instruction in one or more world languages, including the extent of this instruction and the students to whom it is offered.~~

(de) If ~~a~~ co-curricular programs ~~are~~is offered, ~~they~~it shall consist of those activities that are designed to supplement and enrich regular academic instruction, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. As outlined in Ed 306.21 (g), achievement of competencies through co-curricular activities shall be counted towards graduation credit.

Unclear. The new definition of "competencies" makes this sentence unclear.

~~— (f) The local school board shall develop a policy that grants acknowledgement of achievement to students taking coursework in the seventh or eighth grade toward high school graduation, if the course demonstrates district or graduation competencies consistent with related high school course(s) and the student achieves satisfactory standards of performance.~~

~~(eg) If a district chooses to offer extended learning opportunities ELOs in a middle school or a student requests an ELO and the district has the available resources, the extended learning opportunities ELOs shall:~~

~~(1) Consist of activities designed to:~~

~~a. Allow a student to provide demonstrate achievement of competencies or supplement learning opportunities; credit or supplement regular academic courses; and~~

← **Edit:** Keep the "and"

~~b. Promote the schools and individual students' educational goals and objectives;~~

~~(2) Be governed by the ELOa policy adopted by the local school board that is outlined in Ed 306.04(b)(20)c.;~~

~~a. Provides for the administration and supervision of the program;~~

~~b. Outlines how certified school personnel oversee an individual student's program;~~

~~c. Requires that each extended learning proposal meet rigorous measurable standards and be approved by the school prior to its beginning;~~

~~d. Specifies whether or not credit can be granted for extended learning activities, including, but not limited to, independent study, private instruction, team sports, performing groups, internships, community service, and work study; and~~

~~e. Requires that acknowledgement of achievement for an extended learning activity be approved by a certified educator;~~

~~(3) Incorporate student participation in selecting, organizing, and carrying out extended learning activities ELOs; and~~

~~(4) Provide opportunities for students to acquire knowledge and skill development comparable to knowledge and skill development in courses offered at the high school; and~~

~~(45) Be available to all students.~~

~~— (h) The local school board shall require, and each district shall establish, and provide instruction in, Holocaust and genocide education as described in Ed 306.49, implemented no later than 8th grade as a component of a course in social studies. Nothing in this paragraph shall be construed to prevent developmentally appropriate instruction in Holocaust and genocide studies prior to 8th grade or as a component of other learning areas.~~

Readopt with amendment and renumber Ed 306.27, effective 6-10-22 (Document #13394), as amended effective 1-15-21 (Document #13159), as Ed 306.21 and Ed 306.22 to read as follows:

Ed 306.2127 High School Curriculum, Credits, ~~Graduation Requirements~~, and Co-curricular Programs.

~~(a) The local school board shall require that the curriculum content and learning opportunities developed for each high school outlines district and graduation competencies and is consistent with RSA 193-C:3, III.~~

↑ **Edit:** "outline"

↑ **Unclear:** Unclear as written. What is being required here? Also the new definition of "competencies" makes this sentence unclear.

Unclear: What are these academic standards/state model competencies. Are they published somewhere? Need to include a citation if they exist. Also, the new definition of "competencies" makes this sentence unclear as written.

(b) School districts shall develop course competencies, based on New Hampshire academic standards where applicable, for all courses of study. School districts may use state model course competencies to develop minimum course competencies.

(c) The required curriculum content shall comply with the following:

(1) The program of studies shall include those courses learning opportunities in which students demonstrate achievement of competencies as ~~well as other educational experiences and instructional activities required outlined by Edin table 306-1;~~

Unclear. Are "learning opportunities" the same as "courses"? if so, why has the word "courses" been kept in some areas of the rule?

(2) Learning opportunities, including ELOs, Courses shall be planned for the achievement attainment of ~~specific educational district and graduation~~ competencies in high school graduation diploma;

(3) The ~~instructional program~~ learning opportunities shall include:

Edit/Unclear. These terms need to be defined.

a. Procedures for ~~identifying diagnosing~~ learner needs and interests;

b. Methods and strategies for ~~teaching that incorporate learner needs~~ facilitating learning, including but not limited to personalization, individualization, and differentiation;

~~c. Resource-based learning opportunities;~~

~~c.d.~~ Techniques for the evaluation of student outcomes, including performance assessment of ~~district~~ competencies; and

~~d.~~ Opportunities for students to receive timely, personalized, and differentiated support based on their individual learning needs; The provision of remedial instruction as needed.

~~(4) Districts shall develop local policies that identify how the district shall engage students in creating and supporting extended learning opportunities that occur outside of the physical school building and outside of the usual school day in which students demonstrate achievement as well as other educational experiences and instructional activities required by Ed 306;~~

(45) The ~~extended learning opportunities in (4) above~~ ELOs shall:

~~a. Consist of activities designed to:~~

~~1. Provide acknowledgement of achievement or supplement regular academic courses; and~~

~~2. Promote the school's and individual students' educational goals and objectives;~~

~~a.b.~~ Be governed by a policy adopted by the local school board as outlined in Ed 306.04(b)(20)e.that;

~~1. Provides for the administration and supervision of the program;~~

~~2. Outlines how certified school personnel will oversee, although not necessarily lead, facilitate, or coordinate, an individual student's program;~~

~~3. Requires that each extended learning proposal be aligned with district and graduation competencies consistent with RSA 193-C:3 that students are expected to demonstrate for graduation, and be approved by the school prior to its beginning;~~

~~4. Specifies that students will be able to attain acknowledgement of achievement through mastery of district or graduation competencies for extended learning activities, including, but not limited to, independent study, private instruction, team sports, performing groups, internships, community service, and work study; and~~

~~5. Requires that acknowledgement of achievement shall be based on a student's demonstration of district or graduation competencies, as approved by a certified educator;~~

~~be. Incorporate student participation in selecting, organizing, and carrying out extended learning activities; and~~

~~cd. Be available to all students; and~~

~~(56) A e "Co-curricular program" shall be offered means an opportunity for students to participate in activities designed to meet their needs and interests, that provides opportunities for all students to participate in activities designed to meet their needs and interests, including activities that, but not limited to:~~

Unclear: This does not flow from the introduction language of this paragraph. It is also a definition. This should be its own paragraph or in the definition section above.

~~a. Intramural and interscholastic athletics;~~

~~b. Performing groups;~~

~~c. Academic clubs and societies;~~

~~d. Student government;~~

~~e. Activities and services that afford students with disabilities an equal opportunity to participate; and~~

~~f. Any other activities that:~~

Unclear: "Reasonable" is a subjective term. What would be a reasonable accommodation for cocurricular activities? Examples? Who decides what is reasonable? What happens if there's disagreement?

~~a1. Supplement, and enrich, and make regular academic courses accessible;~~

~~b2. Provide opportunities for social development;~~

~~c3. Encourage participation in the arts, athletics, and other cooperative groups; and~~

~~d4. Encourage service to school and community; and~~

~~e. Earn credit leading to graduation through achievement of competencies.~~

Unclear: This would be clearer if "disabilities" was defined.

~~(d) Each local high school shall provide reasonable accommodations for cocurricular activities as appropriate in order to allow for full access and participation by students with disabilities.~~

~~(ee) The local school board shall require that a program of studies shall be offered for each high school that enables each high school students to engage in and demonstrate achievement proficiency of competencies in the following outlined for graduation as well as other educational experiences and instructional activities as follows:~~

~~(1) Ed 306.31, relative to an aA arts education;~~

~~(2) Ed 306.33, relative to a bB business education;~~

~~(3) Ed 306.34, relative to a career and technical education CTE;~~

Unclear. The new definition of "competencies" makes this sentence unclear.

Legis. Intent. The rule no longer requires local school boards to have these as program of studies, rather it requires that the school board make the student demonstrate proficiency in these areas. That is different from requiring the subject matters be taught and this probably does not adhere to legislative intent.

- ~~(4) Ed 306.35, relative to a career education;~~
- ~~(45) Ed 306.37, relative to an English, language arts and reading program;~~
- ~~(56) Ed 306.38, relative to a family and consumer science education;~~
- ~~(7) Ed 306.39, relative to a school counseling program;~~
- ~~(68) Ed 306.40, relative to a health education program;~~
- ~~(79) Ed 306.41, relative to a physical education program;~~
- ~~(810) Ed 306.42, relative to a digital literacy program;~~
- ~~(911) Ed 306.43, relative to a mathematics program;~~
- ~~(1012) Ed 306.44, relative to a computer science education;~~
- (11) Logic and rhetoric;
- ~~(1213) Ed 306.45, relative to a science education;~~
- ~~(1314) Ed 306.46, relative to a social studies program;~~
- ~~(1415) Ed 306.47, relative to a technology and engineering education;~~
- ~~(1516) Ed 306.48, relative to a world languages program;~~
- ~~(1617) Ed 306.49, relative to Holocaust and genocide education;~~
- ~~(1718) Ed 306.27(b)(4), relative to ELO extended learning opportunities; and~~
- (18) Personal finance and financial literacy.

Legis. Intent. What is this? There is no such category in RSA 193-E:2-a.

Unclear: What is "a collection of a defensible body of evidence?"

~~(fd)~~ Each high school shall offer maximum student learning opportunities, in and out of the classroom, while at the same time specifying a basic number of courses that each high school shall offer.

~~(ge)~~ Students shall be awarded credit leading to graduation by demonstration of proficiency of competencies by completion of:

- ~~(1) A competency-based assessment that supports a collection of a defensible body of evidence in how students demonstrate proficiency of competencies;~~

~~A student shall receive acknowledgement of achievement of the competencies contained within the course, shall be awarded course credit, and shall be eligible to take another course when the following is met:~~

- ~~(21) The student demonstrates knowledge and skills on an assessment approved by the local school district for a particular course; or~~
- ~~(32) The student demonstrates knowledge and skills on an assessment approved by the department if the local school district has not developed an assessment.~~

~~(f) Department approved assessments shall include assessments that measure achievement of the competencies contained within the course.~~

Unclear. the new definition of "competencies" makes (g) unclear as written.

Unclear: It is unclear what criteria and procedure must be met to receive Department approval.

Unclear: Unclear what a "defensible collection of work" means or a "proficient level." Are these left to the local school district to determine? How would they make that determination?

(hg) The local school board shall require that graduation be based on demonstrated proficiency of mastery of required graduation competencies ~~as demonstrated~~ through the accumulation of credits ~~as~~ outlined in Table 306-13 and ~~by a certified~~ by the school principal or designee educator.

(i) Each high school shall ~~determine how~~ ensure that completion of a classroom course, career and technical education courses, independent study, distance learning course, or extended learning opportunity learning opportunities ~~can~~ support student's achievement ~~and demonstration of district or graduation~~ competencies.

(jh) Credits shall be awarded based on the for demonstration achievement of district and or graduation competencies. ~~Credits shall not be awarded not~~ on time spent achieving these competencies. ~~The credit shall equate to the level of rigor and achievement necessary to master competencies that have been designed to demonstrate the knowledge and skills necessary to progress toward college level and career work.~~

(ki) Students may achieve receive acknowledgement of achievement for graduation competencies and be awarded credit through student demonstration of a defensible collection of work or other assessment evidence at a proficient level gained through prior learning ~~opportunities activities~~.

(lj) The items in (ee) above shall not limit opportunities to develop learning opportunities programs that meet the needs of each student.

(mk) The programs of studies in (ee) above may be offered and coordinated individually or through interdisciplinary studies.

Edit: Delete comma

(n) Competency in a subject area may be earned through interdisciplinary learning.

(ol) Students shall engage with and apply English language arts and mathematics ~~graduation~~ competencies during every year they are enrolled in high school even if ~~graduation all required~~ competencies for English language arts and mathematics have been demonstrated. Such engagement may occur through integration of these ~~graduation~~ competencies in learning opportunities courses focused on content areas other than English language arts or mathematics. ~~Such engagement shall support students to be college and career ready in mathematics and English/language arts.~~ Nothing contained in this section shall preclude a school or district from offering ~~courses and other~~ learning opportunities in addition to the minimum outlined in ~~Ed 306 this~~ chapter.

Unclear. Are learning opportunities the same as courses and is that the same as "course of study"? The rule does not use these terms consistently. the comment applies to the next page too.

(pm) There shall be a minimum of 20 credits for a regular high school diploma, ~~unless the local school board has set a requirement of more than 20 credits for a regular high school diploma, in which case the local credit requirement shall apply.~~ The local school board shall require that each high school offers courses or learning opportunities as specified in (ee) above.

(qn) The following shall apply relative to the required program of studies:

(1) ~~Consistent with Ed 306, t~~ The local school board shall verify in writing to the commissioner that each high school ~~shall~~ offers learning opportunities in each required program a total of at least 43 courses distributed as shown in Table 306 outlined in (5) below when the school seeks approval or renewal of approval under Ed 306.238;

(2) Each high school may use any relevant title to identify a particular course of study;

(3) Local school boards may propose innovative ways to meet or exceed the requirements in Table 306-1(5) below, pursuant to Ed 306.249;

Unclear. the new definition of "competencies" makes these unclear.

(4) Local school boards shall ensure that ~~courses~~ necessary to meet the requirements for ~~achievement of attaining graduation~~ competencies as defined ~~in (5) below~~ ~~Table 306-3~~ are offered to district students enrolled in high school at no additional cost to the students; ~~and does not preclude offering learning opportunities outside of the district resources;~~

(5) The ~~following~~ required ~~courses~~ in program areas ~~– offered by each high school –~~ shall be ~~distributed~~ ~~offered by each high school:~~ ~~as specified in Table 306-1 below:~~

- a. Arts education;
- b. Business education;
- c. Family and consumer science;
- d. Digital literacy;
- e. Personal finance;
- f. World languages;
- g. Health education;
- h. Technology education;
- i. English;
- j. Mathematics;
- k. Science;
- l. Logic and rhetoric;
- m. Social studies; and
- n. Computer science;

See the previous unclear comment about "courses", "program of study" and "learning opportunities"

Legis. Intent. This does not exist in the statute.

Unclear/Legis. Intent: What about "physical education" as required by 193-E:2-a?

Unclear/Legis. Intent: Is "Engineering and technology education" meant here?

Unclear/Inadequate FIS: this eliminates the table containing the minimum number of courses to be offered in each program area listed in (q)(5). Does this mean there will no longer be a state minimum number in each program area buy instead be left to each school district to decide? Based on what? This would seem to create the same potential bases for objection as with the elimination of student-educator ratios in Ed 306.14, including a potential fiscal impact not recognized in the FIS.

Table 306-1 Required Program Areas and Courses

<u>Required Program Areas</u>	<u>Courses</u>
<u>Arts education</u>	<u>3 courses</u>
<u>Business education</u>	<u>3 courses</u>
<u>Family and consumer science</u>	<u>3 courses</u>
<u>Digital literacy</u>	<u>½ course or demonstrated proficiency</u>
<u>World languages</u>	<u>5 courses</u>
<u>Health education</u>	<u>½ course</u>
<u>Physical education</u>	<u>2 courses</u>
<u>Technology education</u>	<u>4 courses</u>
<u>English</u>	<u>6 courses</u>
<u>Mathematics</u>	<u>6 courses</u>
<u>Science</u>	<u>5 courses</u>
<u>Social studies</u>	<u>5 courses</u>
<u>Computer science</u>	<u>2 courses</u>

Unclear. Should this be "learning opportunities"? Are the terms "courses" and "learning opportunities" interchangeable? Now the rule in b. uses another term: "learning opportunity areas" Should consider clarifying the terms in the definitions and use them consistently.

Inadequate FIS: This rule requires the school to provide equipment, software, and internet connectivity to students. The FIS states that there is no cost or benefit from the proposed rules and this was not identified as a potential cost to the schools. Now the rule requires that the school pay for these things when a student takes an alternate course of study. This was not identified as an impact to the schools. Because of this, it is unclear whether this means that, if the school district wants to offer remote learning or an alternative course, it must pay for it and pay for the student's internet access.

(6) Course requirements under ~~Ed 306.27(1)(5)(5)~~ above may be met through school identified and sanctioned ~~distance education programs~~ remote learning under Ed 306.1822 subject to the following:

a. Students shall be provided learning opportunities ~~courses in a classroom setting that will enable them to demonstrate achievement of graduation competencies in courses required for graduation~~:-

b. Students shall not be required to take these ~~courses in order~~ to demonstrate achievement of ~~graduation~~ competencies leading to graduation but may engage in distance education programs to demonstrate achievement. Duplicate, equivalent, or additional ~~courses~~ in those learning opportunity program areas may be offered through remote learning ~~distance education~~, extended learning opportunities ELOs, or other alternative courses of study methods;

~~cb.~~ Remote learning opportunities ~~Distance education courses~~ or other alternative ~~courses~~ or programs to be counted toward the ~~43~~ courses required in (5) above ~~by Ed 306.27(1)(5)~~ shall ~~meet the district or graduation competencies and~~ shall be identified in the school's program of studies;

~~de.~~ The school shall provide, where necessary, all equipment, software, and internet connectivity necessary to participate in remote learning ~~distance or alternative courses of study~~ ~~education or learning opportunities programs~~ that are to be counted toward the ~~43~~ courses required in (5) above ~~by Ed 306.27(1)(5)~~;

~~ed.~~ In the cases where the school has determined that there is no other way to provide a required course, the costs of registration shall be borne by the school district for courses or alternative courses of study programs to be counted toward the ~~43~~ courses required ~~by Ed 306.27(1)(5)~~ in (5) above; and

~~fe.~~ At least one staff member shall be identified and available to assist students having difficulty with remote learning ~~distance education courses~~ and other alternative courses of study programs;

(7) ~~Introductory level e~~ Courses offered at regional ~~career and technical~~ CTE centers and available to all high school students may be counted toward the ~~43~~ courses required by Ed 306.27(1)(5) in (5) above to be offered at each host or sending high school in the region ~~and. Such courses shall be identified in the school's program of studies~~:-

~~(8) Career program level courses, not available to all students, shall not be counted toward the high school requirement, including career level courses offered at a regional career and technical center that is co located with the high school. Graduation e~~ Students demonstrating achievement of competencies acquired and demonstrated through CTE career courses shall may be counted toward a student's requirements for a high school diploma under Ed 306.27(t) awarded credit leading to graduation;

~~(9)~~ Nothing in this section shall prevent a high school from offering classroom ~~courses~~ learning opportunities, remote learning ~~distance education courses~~, independent study programs, ~~career and technical center~~ CTE courses, or ~~extended learning opportunities~~ ELOs in addition to the courses required ~~by Ed 306.27(1)(5) in (5) above, and~~ ~~S~~ schools shall not be required to pay for student registration or similar fees for ~~these~~ additional courses or programs; and

Unclear. The new definition of "competencies" makes this unclear.

Legis. Intent. This conflicts with RSA 193:26-a. Students are to either file for FAFSA or file a waiver. This needs to be rewritten to be in compliance with the statute.

(109) Nothing in this section shall prevent a student from ~~demonstrating~~ demonstrating and demonstrating any number of graduation competencies through classroom ~~courses~~ learning opportunities, career and technical center CTE courses, remote learning distance education, independent study, or extended learning opportunities ELOs to meet the graduation requirements of Ed 306.2227(g) consistent with local district policies.

Ed 306.22 Graduation Requirements.

(a) The local school board of each high school shall award a regular high school diploma to those students who ~~achieve and demonstrate~~ achievement of all graduation competencies as encompassed in at least 20 credits included in table 306-1.

~~(b) Each student, as a prerequisite to receiving a high school diploma from a public school, shall fulfill the requirements of RSA 193:26-a, relative to the Free Application for Federal Student Aid (FAFSA). The local school board shall require that a high school have in place competency assessments for all courses offered through the high school. A model waiver shall be made available to school districts by the state board.~~

(c) The local school board of each high school shall award a regular high school diploma to all students, with and without disabilities, who have achieved and demonstrated their local high school's required graduation competencies ~~aligned to graduation requirements.~~

Unclear. the new definition of "competencies" make (c) and (e) unclear as written.

(d) The local school board of a district which does not operate a high school may award a high school diploma if the following are met:

(1) The district has contracted with a public academy, as defined in RSA 193:23, II, to be the high school for the district, as authorized by RSA 194:2; and

(2) Students have attended a school other than the public academy;

Unclear: RSA 193:23 has been repealed and RSA 194:2 does not appear to be the correct citation for this context.

(e) The awarding of different types of diplomas shall be governed by the following:

(1) A school shall award a regular diploma for achievement and demonstration of the graduation competencies that meet graduation requirements;

(2) A school may award a special diploma that recognizes academic achievement;

(3) Graduation eCompetencies achieved ~~and demonstrated~~ in adult education, including but not limited to night school, may be used to earn a regular diploma; and

(4) Students may earn certificates of completion or equivalency diplomas, but these shall not be equal to a regular high school diploma.

Unclear. What NH academic standards are being referenced?

~~(f) The 20 credits required for graduation district shall be distributed as specified in table 306-1. provide learning opportunities Attainment of 20 credits required for graduation that are based on the New Hampshire academic standards shall ensure that students meet the enable students to achieve the district's graduation requirements outlined in (g) below. competencies. Graduation competencies shall align with the skills, knowledge, and work study practices required for success in college and careers.~~

(g) Graduation expectations shall:

Unclear: Is this the same as "graduation requirements"? Expectations are not equivalent to requirements. Expectations are aspirational. It is unclear why the agency is using this term.

(1) Encompass a complete body of interrelated student accomplishment and be considered as a whole, not as discrete silos; and

(2) Align with appropriate high school academic content standards and require students to demonstrate their ability to apply and transfer their learning in the following areas:

Unclear: What does "appropriate" mean here? How does one determine this is appropriate. This could lead to oral rulemaking. If specific requirements are what is meant, then cite to those.

Unclear. the new definition of "competencies" makes this section unclear.

a. In the arts, the ability to demonstrate competency in:

1. Creating, presenting, and performing artistic works; and
2. Responding and connecting to artistic works;

b. In digital literacy, the ability to use diverse technology tools and media to demonstrate competency in:

1. Building new knowledge by inquiring, thinking critically, identifying, and solving problems;
2. Communicating clearly and creatively;
3. Working effectively with others in ways that are safe, legal, and ethical; and
4. Locating and critically assessing digital content to construct knowledge, produce creative artifacts, and make meaningful learning experiences for themselves and others;

c. In English, the ability to demonstrate competency in:

1. Listening and speaking thoughtfully and purposefully to understand others and convey meaning;
2. Comprehending, analyzing, and critiquing a variety of literary and informational texts;
3. Creating written explanations, narratives, and logical arguments that effectively convey ideas, analyses, and critiques encompassing broad topics suitable for a variety of audiences; and
4. Correctly using the conventions of standard English such as grammar, punctuation, spelling, capitalization, and word usage in all written work;

d. In mathematics, the ability to demonstrate competency in:

1. Understanding number systems and number sense, including computation concepts, strategies, and procedures;
2. Understanding numerical and graphical representations of data and the underlying logical and relational statements represented by those data;
3. Understanding geometric relationships and representations and underlying mathematical principles; and
4. Reasoning mathematically in the development of argument and logic;

e. In science, the ability to demonstrate competency in:

1. Understanding foundational principles of physical and life sciences;
2. Designing and carrying out investigations to explore biological, chemical, and physical phenomena;

3. Analyzing and interpreting data to engage in argument from evidence; and

4. Recognizing, interpreting, modeling, and explaining evidence such as pattern, scale, proportion and quantity, cause and effect, and other cross-cutting concepts related to observable and non-observable phenomena;

Edit. Be consistent. f. uses the abbreviation.

f. In social studies, which includes US and NH history, government and civics, economics, and world history, the ability to demonstrate competency in:

1. Understanding the history of the United States through multiple perspectives, including founding principles and the on-going struggle to realize those principles;

2. Understanding the governance and functioning of local, state, and federal government in a constitutional republic through multiple perspectives;

3. Understanding processes of civic engagement in a democratic society, including tolerance and well-mannered engagement across differences of perspective, philosophy, culture, race, and heritage;

Unclear. Is ethnicity meant? If not, doesn't "heritage" fall under either culture or ethnicity? Unclear on what is meant.

4. Understanding important events marking world history and how those events have shaped cultural, political, and other aspects of civilization through multiple perspectives;

5. Recognizing local, state, national, and global geography, and understanding how geography has influenced humanity through multiple perspectives;

6. Understanding economic systems and their effect on individuals and society;

7. Effective planning and management of personal financial resources; and

8. Researching, inquiring, analyzing, and explaining historical, civic, government, geographic, and economic developments including interaction and interdependence through multiple perspectives;

g. In health and physical education, the ability to demonstrate competency in:

1. Researching and comprehending concepts related to health promotion and disease prevention; and

2. Setting goals, advocating for, and pursuing positive health outcomes for oneself and others;

h. In open electives, an opportunity to demonstrate competency in:

1. Pursuing areas of personal interest that instill a passion for lifelong learning; and

2. Making connections between education and career paths; and

i. In all programs and courses, the ability to demonstrate competency in:

1. Communicating effectively using multiple modalities, interpreting information using multiple senses, and demonstrating ownership of the work;

2. Thinking originally and independently, taking risks, considering alternate perspectives, and incorporating diverse resources;

Unclear: A table must be introduced with the correct use of "shall" or "may". Make a paragraph (h) that introduces the table. Consider: "(h) The following courses of study and their respective credits shall be required for high school graduation:" See section 3.16 of ch. 4 of the *Manual*.

Also underline table number and title.

- 3. Contributing respectfully, listening and sharing resources and ideas, accepting and fulfilling roles, and exercising flexibility and a willingness to compromise in both an academic and a career setting; and
- 4. Persevering in completing complex, challenging tasks, using self-reflection to influence work and goals, and engaging stakeholders to gain support.

~~(u) Students shall demonstrate competence in learning concerning competencies every year they are in high school until graduation. Competencies have been achieved in courses for use English or mathematics competencies are students to be college and career ready in section shall preclude a school or district from the minimum outlined in Ed 306.~~

Unclear/Inadequate FIS: Presuming that "1 credit" means a one-year course. Since the state will no longer require in Ed 306.21 that a minimum number of courses in program areas be offered by the school district, is it the intent of the state to specify only the minimum number of graduation credits required in the program areas listed in Table 306-2, renumbered as Table 306-1? For example, the former Table 306-1 had required 3 courses be offered on arts education, but the new table requires only 1/2 credit in arts education to graduate. So may a school district now offer less arts education so long as the student can earn 1/2 credit? Is there a fiscal benefit to the school district by this apparent reduction in art courses? In paragraph (h), the minimum yearly course load is reduced from 4 credits to "at least 3". Isn't there a potential fiscal benefit to the school district therefore which is not addressed in the FIS?

~~(v) The 20 credits required for graduation shall be distributed as specified in Table 306-2:~~

Table 306-12 Required Courses of Study Subjects and Credits for High School Graduation

Required <u>Courses of Study</u> Subjects	Credit(s)
Arts education	1/2 credit
Digital literacy	1/2 credit
English	4 credits
Mathematics	3.5 credits, including algebra and at least 1/2 credit in statistics or data analysis that can be earned through a sequential, integrated applied program
Physical sciences	1 credit
Biological sciences	1 credit
<u>US History</u>	<u>1 credit</u>
US and NH history	1/2 + credit
<u>Logic and Rhetoric</u>	<u>1/2 credit</u>
<u>Civics</u>	<u>1/2 credit</u>
<u>History, government constitution of US and government/civics</u>	<u>1 1/2 credit</u>
Economics, including personal finance	1/2 credit
<u>Financial literacy</u>	<u>1/2 credit</u>
World history, global studies geography	1/2 1 credit
Health education	1/2 credit
Physical education	1 credit
Open electives	<u>2.56</u> credits
Totals	20 credits

Unclear/Legis. Intent: What about "world languages" and "computer science" as required by RSA 193-E:2-a.

Edit: Either delete or finish

Unclear/Legis. Intent: Also computer use and digital literacy are missing, as well as engineering.

~~— (w) Graduation competencies shall include competencies from the content areas as distributed in Table 306-3 in which students demonstrate proficiency as determined by the local school district:~~

~~Table 306-3 Required Credits for Graduation and Graduation Competencies~~

Required Graduation Competencies by Content Areas	Credit(s)
Arts education	½ credit
Digital literacy	½ credit
English	4 credits
Mathematics that encompasses algebra, mathematical modeling, statistics and probability, complex applications of measurement, applied geometry, graphing, presentation and interpretation, statistics and data analysis	3 credits,
Physical sciences	1 credit
Biological sciences	1 credit
US and NH history	1 credit
US and NH government/civics	½ credit
Economics, including personal finance	½ credit
World history, global studies, or geography	½ credit
Health education	½ credit
Physical education	1 credit
Open electives	6 credits
Totals	20 credits

~~— (x) The rigor and number of graduation competencies shall align with the equivalent of the credits as outlined in Table 306-3.~~

~~— (y) In addition to the graduation competencies aligned with credits as outlined in Table 306-3, students shall also demonstrate achievement of additional competencies through the equivalent of 6 elective courses, career and technical education courses, or extended learning opportunities of their choosing. These additional competencies required for graduation should align with student interests and should prepare the student for successful transitions into careers and college.~~

~~— (z) The graduation competencies in digital literacy education shall be met by either:~~

~~(1) The equivalent of a ½ credit course comprised of the creation by a student of an individual student digital portfolio to demonstrate proficient, ethical, and responsible use of digital tools, including, but not limited to, technology and communication tools, in the context of core subjects; or~~

~~(2) A course in digital literacy education at the high school level through which a student can achieve and demonstrate~~

~~— (aa) The local school board shall adopt a policy relative to counting achievement and demonstration of graduation competencies from course work earned in one content area toward meeting any graduation competencies in another content area.~~

~~— (ab) Any graduation competency in a subject area may be earned through interdisciplinary learning, subject to the following conditions:~~

~~(1) Graduation requirements met by interdisciplinary learning opportunities shall be clearly designated on student transcripts; and~~

~~(2) The high school principal may approve a particular interdisciplinary course if the high school principal determines that:~~

- ~~a. The course has been adopted by a faculty team; and~~
- ~~b. The course addresses equivalent district or graduation competencies for the subject areas which are covered by the course.~~

~~— (ae) Local school board policies relative to the awarding of achievement and demonstration of district or graduation competencies for distance education as described in Ed 306.22, shall require that:~~

- ~~(1) Students may earn achievement and demonstration of the graduation competencies through the successful completion of such courses; and~~
- ~~(2) Achievement and demonstration of district or graduation competencies shall be granted only if the high school principal determines that the distance learning course meets the academic standards required by the high school for students to demonstrate achievement of district or graduation competencies.~~

~~(had)~~ In each high school, the minimum yearly course load for a student shall be at least the equivalent of 34 credits, except that this requirement may be modified for:

- (1) Students with an individualized education program (IEP) that has been developed in accordance with Ed 1109;
- (2) Students for whom early graduation has been approved as provided in ~~(ad)~~ below Ed 306.04(b)(19); or
- (3) Those individuals in special or unusual circumstances as provided by local school board policy.

~~(ae) A local school board shall adopt policies pertaining to early graduation for individual students. Such policies shall require parental involvement for students under the age of 18. Consistent with local policy, the high school principal shall approve such requests if the high school principal determines that all state and local graduation requirements will be met and that early graduation is related to the career or educational plans of the student making the request. Upon demonstration of all graduation competencies, awarding of appropriate credits, and approval by the high school principal, the student shall be awarded a high school diploma.~~

~~(iaf)~~ The principal shall evaluate the transcripts of students who transfer into a secondary school from another educational program, or state, to determine previous educational experiences toward meeting graduation competencies.

~~— (ag) Upon receipt of a written request from the local school board, the commissioner of education shall waive a particular graduation requirement and shall permit the local board to award a high school diploma to a student if the commissioner determines that:~~

- ~~(1) Such action is in the best interests of the student; and~~
- ~~(2) At least one of the following circumstances exists:~~
 - ~~a. The student has a debilitating illness which limits school attendance;~~
 - ~~b. The student has a physical disability which precludes participation in physical education;~~
 - ~~c. The student moved into a New Hampshire school district from out of state during grade 12 and was not able to schedule a particular graduation requirement; or~~

~~d. Another condition exists beyond the control of the student similar to the conditions described in a., b., or c. above.~~

~~(ah) Each local high school shall provide reasonable accommodations for cocurricular activities as appropriate in order to allow for full access and participation by students with disabilities.~~

~~(ai) The local school board shall require, and each district shall establish, and provide instruction in, Holocaust and genocide education as described in Ed 306.49, implemented not earlier than in 8th grade and continuing through grade 12 as a component of a course in social studies, world history, global studies, or US history. Nothing in this paragraph shall be construed to prevent developmentally appropriate instruction in Holocaust and genocide studies prior to 8th grade or as a component of other learning areas.~~

Readopt with amendment and renumber Ed 306.28, effective 3-27-14 (Document #10556), and amended effective 8-9-19 (Document #12845), as Ed 306.23 to read as follows:

Ed 306.23 Approval Process.

(a) Pursuant to RSA 186:8, II, and RSA 21-N:6, V, the department shall administer Ed 306.

(b) The following school approval categories shall apply to the administration of Ed 306:

(1) Approved for a 5--year period provided that a school meets and continues to meet all requirements of Ed 306;

(2) Conditionally approved; and

(3) Unapproved

(c) A school which does not meet all of the applicable requirements of Ed 306 shall be designated as conditionally approved, provided that:

(1) All identified deficiencies and a timetable for their correction shall be incorporated into the approval designation; and

(2) The department shall work with the school officials and the local school board toward correcting all deficiencies.

(d) A conditionally approved school which fails to meet the requirements of an approved school within 3 consecutive school years shall be designated as unapproved unless approved for delay in full compliance under Ed 306.2530.

(e) One year prior to the expiration of a school's approval, the chairperson of the local school board and the superintendent of the respective district shall provide documentation of compliance with all applicable standards. ~~as follows:~~

~~(f1) By October 1, the superintendent of schools shall electronically certify that the schools in the SAUschool administrative unit meet all requirements of Ed 306 through the online Education Statistics System (ESS) school approval checklist; and at <https://my.doe.nh.gov/myNHDOE/Login/Login.aspx>.~~

~~(2) All schools shall annually comply with Ed 306.07, School Facilities, through the online ESS in (1) above and Saf C 6000, State Fire Code, through completion of a life safety inspection by the local fire department and inspection by the local health officer or other authority having jurisdiction as required by RSA 153:14.~~

(g) Pursuant to Ed 306.07, all facilities operated by the school district for K-12 educational purposes shall be approved to operate or conditionally approved to operate in accordance with Ed 320.

(hf) A school not meeting the requirements of (g)(f)(2) above shall be designated as unapproved.

(ig) If compliance with any other requirement of Ed 306 is in question, the school board chairperson and superintendent shall provide the commissioner with an alternative approval proposal as provided in Ed 306.2429. If approved, the alternative approval proposal shall be made publicly available by the school district.

(jh) The ~~commissioner of education department~~ shall designate qualified professionals to visit schools to conduct school ~~audits to verify the information and documentation submitted in (a) and (f) above, in conjunction with visits pursuant to RSA 193-E:3~~ monitoring visits to verify that a school complies with Ed 306.

(ki) Each year the ~~commissioner department~~ shall provide an ~~proposed~~ approval designation, as identified in (b) above, for each public school and public academy with an expiring approval status.

(lj) The ~~department commissioner~~ shall notify in writing the chairperson of the local school board and the superintendent of each school's final approval designation.

(mk) If ~~the local school board officials disagrees with the~~ consider the commissioner's proposed approval designation to be in error, the ~~district superintendent shall prepare written~~ may appeal evidence to justify its modification ~~the approval designation to the state board.~~

(nl) ~~Such evidence~~ An appeal to the state board shall be submitted filed to the commissioner or designee within 30 days ~~of receipt of the commissioner's proposed~~ after delivery of the approval designation.

(om) The ~~commissioner appeal~~ shall ~~review all requests for modification and notify~~ be filed, in writing, by giving notice to the chairperson of the ~~state local school board~~ and the superintendent of his/her final approval designation as identified in (b).

(pn) ~~The district shall provide all evidence rebutting the~~ If a request for modification of a proposed approval designation with the appeal. Evidence presented to the state board shall be limited to evidence available to the department at the time of the department's monitoring of the district pursuant to (j) above. ~~has not been received within 30 days, it shall become the commissioner's final approval designation and the school shall be designated as approved, conditionally approved, or unapproved as identified in (b).~~

(qo) ~~Each year, the state board of education shall hear the district's appeal at the next regularly scheduled state board meeting.~~ direct the commissioner of education to publish a list of all public schools and public academies by approval category. The term of approval for each school shall also be listed.

(rp) ~~Should the district wish to present oral argument to the state board, they shall file a separate request for oral argument at the time of the appeal. If the district requests oral argument, the department may provide oral argument. If the commissioner has designated a school as unapproved, the chairperson of the local school board or designee may appeal the decision of the school's final approval designation and request a state board hearing. Said appeal shall be filed in writing with the office of legislation and hearings within 20 days of the receipt of the final approval designation and shall specify the basis for the appeal. The office of legislation and hearings shall schedule a hearing on the appeal in accordance with timelines and procedures established in Ed 200.~~

(sq) It shall be the responsibility of the superintendent to notify the ~~department commissioner~~ of any change in conditions which affects a school's compliance with these rules.

~~—(r) Pursuant to RSA 21-N:11, III, any person directly affected by said decision may request a state board hearing. A request for a hearing shall be filed in writing with the office of legislation and hearings within 20 days of the decision and shall specify the basis for such hearing. The office of legislation and hearings shall schedule the hearing in accordance with timelines and procedures established in Ed 200.~~

Unclear: The "department may provide" language is unclear. Does the rule mean that the department "may", meaning "might", allow oral argument by the district? Under what criteria shall it be allowed?

Readopt with amendment and renumber Ed 306.29 and Ed 306.30, effective 3-27-14 (Document #10556), as Ed 306.24 and Ed 306.25 to read as follows:

Ed 306.~~2429~~ Alternative Approval.

(a) In order to meet the provisions of these rules and encourage innovation to achieve high standards for students, a local school board may request approval of an alternative method of compliance with the relevant rule or rules.

(b) To apply for alternative approval, the local school board shall submit a written request to the commissioner~~of education~~ that includes:

- (1) The name(s) of school(s), ~~district,~~ or both;
- (2) The SAU number;
- (3) The contact person and telephone number;
- (4) The grades covered by the request;
- (5) The number of students affected;
- (6) Identification of the rule(s) for which the alternative plan is being submitted;
- (7) The local school board chairperson's signature;
- (8) A clear and concise written justification of the request; and
- (9) A plan which describes:
 - ~~a. The~~ a. The alternative and consists of a statement of intent;
 - ~~b. Method~~ b. Method of implementation;
 - ~~c. Evaluation~~ c. Evaluation procedures;
 - ~~d. Timetable~~ d. Timetable for development and implementation; and
 - ~~e. An~~ e. An explanation of how the alternative is consistent with the statement(s) of philosophy, goals, and objectives adopted pursuant to Ed 306.05.

(c) The commissioner shall grant approval of the alternative for that period of time consistent with the school(s) approval designation, issued pursuant to Ed 306.~~2328~~, if the request meets the following criteria:

- (1) The information provided is thorough and complete;
- (2) The school district has demonstrated that it is able to implement the alternative; and
- (3) The alternative is educationally sound and is consistent with the intent of the rule(s).

(d) The commissioner shall notify the local school board chairperson and the superintendent in writing of the decision.

(e) If the commissioner denies the request, the chairperson of the local school board or designee may appeal the decision and request a state board hearing.

~~(f) The appeal shall be filed, in writing, with the state board, office of legislation and hearings within 20 days of the receipt of the decision and shall specify the basis for the appeal. The office of legislation and hearings shall schedule a hearing on the appeal in accordance with timelines and procedures established in Ed 200.~~

~~(g) The state board shall hear the district’s appeal at the next regularly scheduled state board meeting.~~

~~(h) Should the district wish to present oral argument to the state board, the district shall file a separate request for oral argument at the time of the appeal. If the district requests oral argument, the department may provide oral argument.~~

~~(f) Pursuant to RSA 21-N:11, III, any person directly affected by said decision may request a state board hearing. A request for a hearing shall be filed in writing with the office of legislation and hearings within 20 days of the decision and shall specify the basis for the appeal. The office of legislation and hearings shall schedule the hearing in accordance with timelines and procedures established in Ed 200.~~

Unclear: Is this the correct citation? I does not seem to fit the context here.

Ed 306.2530 Delay in Full Compliance.

(a) Notwithstanding any other provision of these rules and in accordance with the provisions of RSA 194:23-b, the state board of education shall approve, for a period of one year, a school, although it does not fully meet the requirements for an approved school, as established in these rules, if any of the conditions listed in (de)(1)-(5) below justify delay in full compliance.

(b) A request for delay in full compliance shall be submitted in writing by the chairperson of the local school board to the commissioner.

(c) Each request shall specify the standard(s) to be delayed and provide written evidence to justify delay in full compliance, including the reason(s) for the request and a local plan and timetable for bringing the school, /district, or both into full compliance.

(de) Upon review of the request, the state board shall grant a delay in full compliance and approve the school for a period of one year if any of the following conditions exists at a level that has a significant and/or material impact:

- (1) Reduction in local tax base;
- (2) Closing of a major industry;
- (3) Sudden influx of school-age population;
- (4) Emergency beyond the control of the school district, such as a fire or natural disaster; or
- (5) The district has made progress toward meeting the standards, but more time is required to implement the district’s plan for corrective action.

Unclear: It is unclear what "significant and material impact" is.

(ed) The commissioner shall notify the local school board chairperson and the superintendent of the state board's decision.

(fe) If the state board denies the request, the chairperson of the local school board or designee may request a reconsideration of the state board's decision. The reconsideration shall be filed in writing with the office of legislation and hearings within 20 days of receipt of the decision.

(g) The office of legislation and hearings shall schedule a reconsideration in accordance with timelines and procedures established in Ed 213.

APPENDIX

Rules	Specific State or Federal Statutes or Federal Regulation Rule Implements
Ed 306.01	RSA 189:1-a, II; RSA 189:24; RSA 189:25; RSA 193-E:2-a, I-III; RSA 194:23
Ed 306.02(a)	RSA 193-E:2-a, VI(b)
Ed 306.02(b)	RSA 193-H:1, II
Ed 306.02(c)	RSA 188-E:2, III
Ed 306.02(d)-(f)	RSA 193-H:1-a
Ed 306.02(g)	RSA 193-E:2-a, II
Ed 306.02(i)	RSA 21-N:2
Ed 306.02(j)	RSA 189:1-a, II
Ed 306.02(k)	RSA 189:39
Ed 306.02(l)	RSA 193-H:1-a, III
Ed 306.02(m)	RSA 193-E:3, VIII
Ed 306.02(n)	RSA 193-H:1-a, III
Ed 306.02(o)	RSA 189:1-a, II
Ed 306.02(p)	RSA 189:1
Ed 306.02(q)	RSA 192-E:2-a, II
Ed 306.02(r)	RSA 189:1-a; RSA 193-E:1, I; RSA 193-E:3-b, I
Ed 306.02(s)	RSA 189:1-a
Ed 306.02(t)	RSA 193-H:1-a, III
Ed 306.02(u)	RSA 193-E:1
Ed 306.02(v)	RSA 189:1-a, II
Ed 306.02(w)	RSA 21-N:10
Ed 306.02(x)	RSA 193-E:2-a, VI(d)-(f)
Ed 306.03	RSA 189:24; RSA 189:25; RSA 194:23-b; RSA 193-E:2-a
Ed 306.04(a)	RSA 194-C:4
Ed 306.04(b)(1)	RSA 189:15; RSA 189:34, II; RSA 193:1, I
Ed 306.04(b)(2)	RSA 189:6-a; RSA 189:64; RSA 189:70, II; RSA 193-F:4, II; RSA 193-F:8;
Ed 306.04(b)(3)	RSA 189:15; RSA 193:13, XI-XII
Ed 306.04(b)(4)	RSA 189:27-b
Ed 306.04(b)(5)	RSA 186:5; RSA 189:15
Ed 306.04(b)(6)	RSA 189:15; RSA 631:7
Ed 306.04(b)(7)	RSA 193-F:4, II
Ed 306.04(b)(8)	RSA 189:13-a; RSA 194-C:4, II(d)
Ed 306.04(b)(9)	RSA 169-C:29
Ed 306.04(b)(10)	34 C.F.R. § 99.5; 20 U.S.C §1232h, (c)(1)(C); Section 1112 (e)(1)(B)(i); RSA 189:66, IV; RSA 193:13; RSA 194-C:4, II(j)
Ed 306.04(b)(11)	RSA 189:1-a, II

Ed 306.04(b)(12)	RSA 193:1, I(h); 193-E:3, VIII
Ed 306.04(b)(13)	RSA 193:12, VIII
Ed 306.04(b)(14)	RSA 193:13, XI(a); RSA 200
Ed 306.04(b)(15)	RSA 189:11-a, VIII
Ed 306.04(b)(17)-(21)	RSA 188-E:28; RSA 189:1-a, II
Ed 306.04(b)(22)	RSA 189:11-a, V
Ed 306.05	RSA 194-C:4, I; RSA 194-C:4, II(c)-(f)
Ed 306.06	RSA 189:1-c; RSA 189:15; RSA 189:74; RSA 194:23-f; RSA 194-C:4, II(c)-(f)
Ed 306.07	RSA 155-A:2; RSA 189:24
Ed 306.08	RSA 189:1-a, II; RSA 189:24; RSA 193-E:2, VII; RSA 194-C:4, II(c)
Ed 306.09 (repeal)	RSA 189:24
Ed 306.09 (formerly Ed 306.10)	RSA 189:27-b; RSA 189:29-a
Ed 306.10 (formerly Ed 306.11)	RSA 189:11-a, I-II
Ed 306.11 (formerly Ed 306.12)	RSA 189:24; RSA 189:49; RSA 200:27-40-c; 20 U.S.C. § 1232g; 29 U.S.C. § 794
Ed 306.12 (formerly Ed 306.15)	RSA 21-N:9; RSA 189:49; RSA 194-C:4, II(b)
Ed 306.13 (formerly Ed 306.16)	RSA 21-N:9, II(z); RSA 186:8, V
Ed 306.14 (formerly Ed 306.17)	RSA 189:1-a, I-II;
Ed 306.15 (formerly Ed 306.18)	RSA 189:1; 189:24
Ed 306.16 (formerly Ed 306.20)	RSA 188-E:5
Ed 306.17 (formerly Ed 306.21)	RSA 189:1-a, II; RSA 193:1, I(h); RSA 193-E:2-a, V(b)
Ed 306.18 (formerly Ed 306.22)	RSA 189:1; RSA 189:1-a, II; RSA 189:24
Ed 306.19 (repeal)	RSA 189:1
Ed 306.19 (formerly Ed 306.25)	RSA 189:49, IV
Ed 306.20 (formerly Ed 306.26)	RSA 189:1-a; RSA 189:25; RSA 193-E:2; RSA 193-E:2-a, II-II-a
Ed 306.21 (formerly Ed 306.27)	RSA 189:1-a; RSA 189:10, II-III; RSA 189:11; RSA 193:1(f); RSA 193-E:2; RSA 193-E:2-a, II; RSA 193-E:2- a, V(a); RSA 194:23

Edit. This appears to be incorrect.

Ed 306.22 (formerly Ed 306.27)	RSA 186-C:9; RSA 189:1-a; RSA 189:10, II-III; RSA 189:11; RSA 193:1(f); RSA 193-E:2; RSA 193-E:2-a, IV(b); RSA 194:23; RSA 194:23-b
Ed 306.23 (repeal)	RSA 189:28; RSA 193-E:3-b; 193-H:2; RSA 193-H:4
Ed 306.23 (formerly Ed 306.28)	RSA 21-N:11, III; RSA 189:24; RSA 189:28, I-II; RSA 193-E:2-a; RSA 193-E:3-b; RSA 194:23; RSA 194-C:4, II(d)
Ed 306.24 (repeal)	RSA 189:28; RSA 193-C:3; RSA 193-C:6
Ed 306.24 (formerly Ed 306.29)	RSA 21-N:1, II; RSA 21-N:6, V; RSA 21-N:11, III; RSA 198:48-a, I-V
Ed 306.25 (formerly Ed 306.30)	RSA 21-N:11, III; RSA 189:3; RSA 194:23-c