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FOR IMMEDIATE RELEASE

An Initial Review of NHED Minimum Standards Overhaul Finds Multiple Concerns

CONCORD, NH -- This week, an attorney with the New Hampshire Office of Legislative Services (OLS) released an analysis of the NH Department of Education's (NHED) proposed overhaul of the Minimum Standards for Public School Approval, also known as the ED 306s, that was approved as an initial proposal by the State Board of Education on February 14, 2024.

The state attorney flagged multiple concerns where the initial proposal was in conflict with existing laws, was contrary to legislative intent, was not in the best interest of the public, and was unclear.

One of the most powerful findings was related to school funding and the state's responsibility to define and set requirements for an adequate education, which it then must fund. This concern has been raised by Reaching Higher NH, education leaders, and the public numerous times, and was dismissed.

The NHED's proposed overhaul would remove required courses, curriculum, and program elements, would remove class size requirements, and would expand the definition of "alternative courses of study," which would then be the financial responsibility of the district if a student opted into one.

The attorney stated that the minimum standards exist so that the state can ensure that all students, regardless of the school they attend, receive a constitutionally adequate education, but that the NHED's proposed overhaul guts these requirements:

"Throughout this proposal substantive requirements have been amended to be options as opposed to requirements. By changing the language requirements to "may" it has created ambiguity in these rules..."

"This means every local school board can decide what out of the options they wish to include in their curriculum and the language would allow them to choose not to include any of the curriculum suggested. This begs the question, what curriculum would be sufficient if it is not listed in these rules. This also appears to violate the NH Constitution Part II Article 83 as described by Claremont School District v. Governor 142 N.H. 462."

"It is unclear how every educable child in the public schools of the state will get a constitutionally adequate education if each school board may or may not choose the curriculum suggested in this rule."

“There may be a fiscal impact not recognized in the fiscal impact statement because once each district becomes the arbiter of what is adequate, some will presumably choose the cheaper alternative among the options.” (page 33 of PDF 2)

The state attorney also raised concerns with other sections of the initial proposal, which paralleled the themes that Reaching Higher NH noted in [March 2024](#). These included the hollowing out of instructional requirements, redefining the purpose and structure of school, and lawmaking through rules.

Commissioner Frank Edelblut [released a draft document](#) that outlines his recommended changes to the February 2024 initial proposal; however, an analysis from Reaching Higher NH found that the changes appear to be superficial and would not address the significant concerns raised by the state’s attorney, Reaching Higher NH, or the public. That analysis can be found here: [Analysis Finds NHED’s Recommendations Continue to Overlook Significant Concerns with Minimum Standards Overhaul](#)

“OLS’s feedback to the Department and State Board affirms the concerns that have been raised by Reaching Higher NH, education professionals, and the public -- concerns that have been dismissed by Commissioner Frank Edelblut and Board Chair Drew Cline,” said Christina Pretorius, Policy Director at Reaching Higher NH.

“We hope that the State Board and Department will look at addressing the grave concerns raised by this review, and work to craft minimum standards that advance a high-quality public education for all students in New Hampshire,” she continued.

MORE INFORMATION:

- Itemized breakdown of OLS feedback:
<https://reachinghighernh.org/wp-content/uploads/2024/05/Reaching-Higher-NH-Analysis-of-Office-of-Legislative-Services-OLS-Feedback-on-ED-306-Initial-Proposal-Dated-February-15-2024.pdf>
- OLS Feedback on ED 306.01 through 306.25:
<https://reachinghighernh.org/wp-content/uploads/2024/05/2024-41-IP-Rule-Ed-306.01-Ed-306-CM-w-M-M-comments-2-KR-v3-FINAL.pdf>
- OLS Feedback on ED 306.31 through ED 306.46:
<https://reachinghighernh.org/wp-content/uploads/2024/05/2024-42-IP-Rule-Ed-306.31-Ed-306-CM-w-M-M-KR-MM-v2-FINAL.pdf>

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