

CHAPTER ED 1400 LEARN EVERYWHERE PROGRAM FOR HIGH SCHOOL GRADUATION CREDIT

PART ED 1401 PURPOSE AND SCOPE

Ed 1401.01 Purpose. Parts Ed 1401 through 1406 provide rules of practice and procedure to ensure uniform application of RSA 193-E:2-a, V(b) relative to the approval of alternative programs for granting credit leading to graduation. The commissioner shall develop and implement this program in conjunction with the state board of education.

Ed 1401.02 Scope. These rules shall apply to any for-profit or non-profit entity or any individual(s) that offers an educational program that meets the minimum standards for approval to grant credit leading to graduation.

PART ED 1402 DEFINITIONS

Ed 1402.01 Definitions.

- (a) “Commissioner” means the commissioner of the department of education.
- (b) “Department” means the department of education.
- (c) “Program” means a sequence of instruction over a period of time, which meets the requirements of a subject or subjects listed in Ed 306.27(t) resulting in a granting of credit leading to high school graduation.

PART ED 1403 PROGRAM APPROVAL

Ed 1403.01 Initial Application Requirements.

(a) An applicant seeking state board approval for an alternative program shall complete and file the “Application for Establishing an Alternative Program for High School Graduation Credit” form, June 2018, to the department for review, and include:

- (1) The sponsoring organization’s purpose, mission statement, or both;
- (2) The name and contact information of the individual responsible for oversight and administration of the program for which approval is sought;
- (3) A description of demonstrated qualifications to instruct and a statement assuring that the instructor meets those requirements, which shall not be construed to imply that instructors require a New Hampshire educator license;
- (4) A criminal history records check policy that includes a statement affirming that the sponsoring entity shall not allow instruction by a person who has been charged pending disposition for, or convicted of any violation or attempted violation of any of the offenses as outlined in RSA 189:13-a, V pursuant to a criminal history records check conducted by the department of safety as outlined in Saf-C 5703.06 through Saf-C 5703.11; and

(b) In addition to the application requirements outlined in 1403.01(b), an applicant shall also submit:

(1) In the area of instructional program:

- a. Identification of the program from Ed 306.31 through Ed 306.48 for which students completing the course subject will receive high school credit(s);
- b. An outline of each program for which approval is sought, which includes goals and a description of expected student outcomes;
- c. A plan for recording student progress in meeting expected student outcomes; and
- d. A description of how students will be assessed to determine that they have met the program requirements; and
- e. A description of the system for awarding grades to students, including, but not limited to:
 - i. Pass or fail;
 - ii. Letter grade system; and
 - iii. Competency-based number system 4-1;

(2) In the area of admission:

- a. A description of methods for admission which shall not be designed, intended, or used to discriminate or violate individual civil rights in any manner prohibited by law; and
- b. A policy that describes how the program will coordinate with the local education agency (LEA) for students with an education plan pursuant to section 504 of the rehabilitation act, an individual education plan (IEP), or both, for matters pertaining to any required special education programs, support services, or both, including methods of compliance with all federal and state laws pertaining to children with disabilities;

(3) In the area of minimum standards:

- a. A description of how the program meets the minimum standards for graduation credit for the program as referenced in Ed 306.31 through Ed 306.48; and
- b. Number of credits the program will fulfill; and

(4) In the area of facilities:

- a. A description of facilities to be used for educational instruction and a description of how the facilities will meet the priorities of the program; and
- b. If applicable, a statement affirming that the facilities shall comply with all federal and state health and safety laws, rules, and regulations, including, but not limited to the follow, noting that the participation in this program shall not construe additional facility requirements not otherwise required by state or federal law:
 - i. Fire safety; and
 - ii. Barrier-free access under Abfd 300 and the Americans with Disabilities Act of 1990(ADA), as amended by the ADA Amendments Act of 2008.

Ed 1403.02 Review by Department of Application for State Board Approval.

- (a) Pursuant to RSA 541-A:29 the department shall review the application submitted for state board approval within 30 business days of receiving the application to verify completeness and:
 - (1) If the application is incomplete, shall notify the applicant by email of the requirements for completion; and
 - (2) If the application is complete, shall notify the applicant by email that the application is received and complete.
- (b) The department shall provide support to the program where available and needed;
- (c) The department shall evaluate the completed application for review by the board using the following criteria:
 - (1) The purpose or mission statements express a clear and focused purpose for the program that supports student learning;
 - (2) The description of the facilities includes sufficient detail to indicate that priorities will focus on a facility that is appropriate for the activities and students to be served;
 - (3) The program outline being proposed aligns with the selected Ed 306.27(t) program area outlined in Ed 306.31 through Ed 306.48;
 - (4) There are educational goals and methods for assessment that will be used to measure student progress toward meeting program goals;
 - (5) An adequate description is provided for staff member qualifications;
 - (7) Verification of a criminal background check policy and an assurance that it will be disclosed to parents upon enrollment; and
 - (6) A policy is in place to meet individual student needs and to ensure that the program meets the requirements of Ed 1403.01(b)(2)b.

(d) Pursuant to RSA 541-A:29, within 60 days of the notification of a completed application, the department shall notify the applicant in writing of the date and time of the meeting where the application will be discussed and voted on by the state board.

(e) The department shall submit an evaluation report to the state board along with the application materials for review.

Ed 1403.03 State Board Approval.

(a) The review of applications shall be an item on the agenda of a regularly-scheduled state board meeting.

(b) The state board shall approve, conditionally approve, or deny the application and notify the applicant in writing of its decision.

(c) The state board shall approve the application, after reviewing the application and the department's evaluation under Ed 1403.02, if it determines the application is in compliance with Ed 1403.01.

(d) If the application is not in compliance with the standards referenced in (c), the application shall be conditionally approved if the state board determines that the remaining issues can be readily addressed within timeframe specified by the state board, not longer than 90 days from notification, or it shall be denied.

(e) If the state board:

(1) Conditionally approves an application, the state board shall include in the notification:

- a. A written explanation of the reasons for conditional approval;
- b. The conditions the applicant shall meet for final approval; and
- c. The deadline for submission of the conditions that shall be met for final approval.

(2) Denies an application, the state board shall include in the notification:

- a. A written explanation of the reasons for the denial;
- b. The areas deemed deficient by the state board; and
- c. An explanation that the applicant may reapply for approval at any time.

(f) When the state board receives the conditional approval response from the applicant, the state board shall review the response at the next regularly scheduled state board meeting for discussion and vote and shall notify the applicant in writing of either a final approval, conditional approval, or a denial of the application.

(g) The applicant may appeal a denial or conditional approval by the state board in accordance with Ed 213.

Ed 1403.04 Renewal of an Alternative Program for High School Graduation Credit.

(a) 90 days prior to the expiration of a provisional license or a full license, an applicant seeking license renewal of a program for high school graduation credit shall complete and submit the “Renewal Application for an Alternative Program for High School Graduation Credit” form, August 2018, as specified in Appendix II, along with:

- (1) A statement signed by the sponsor entity or individual(s) stating that there have been no changes to any of the programs or documentation required, as outlined in Ed 1403.01, since the previous application period; or
- (2) A statement signed by the sponsor entity or individual(s) stating there have been changes to one or more approved programs, a list of the changes, and supporting documentation as outlined in Ed 1403.01.

(b) Upon receipt of a renewal application, the department shall follow the review procedures as outlined in Ed 1403.02.

(c) The state board shall consider renewal applications following the procedures outlined in Ed 1403.03.

Ed 1403.04 Changes to Application Information. Any changes to any of the information enumerated in Ed 1403.01 shall be submitted in writing to the department for review and shall be submitted to the state board following the procedures enumerated in Ed 1403.03.

PART 1404 ISSUANCE OF LICENSES, REVOCATION, AND WITHDRAWAL

Ed 1404.01 Issuance of Licenses.

(a) If the state board approves:

- (1) An initial application or a conditional approval of an initial application for establishing an alternative program for high school graduation credit, the state board shall issue a 1-year provisional license, which can be renewed following the procedures outlined in Ed 1403.04; and
- (2) A renewal application or a conditional approval of a renewal application for an alternative program for high school graduation credit, the state board shall issue a 5-year license, which can be renewed every 5 years following the procedures outlined in Ed 1403.04.

(b) If the state board conditionally approves an initial or renewal application for establishing an alternative program for high school graduation credit, the state board shall issue a conditional license, not to exceed 180 days, with a specific deadline for conditions to be met.

(c) A list of approved alternative programs for high school graduation credit shall be maintained on the department's website.

PART 1405 REPORTING REQUIREMENTS

Ed 1405.01 Alternative Program for High School Graduation Credit Report Requirements.

(a) Each approved program shall annually, in September, submit to the state board an annual report which shall include, at a minimum, the following:

- (1) A brief statement explaining how the program is meeting the goals of its mission statement; and
- (2) Number of students enrolled in the program and the number of students awarded certificates leading to high school credits for the previous school year.

PART 1406 PROGRAM COMPLETION CERTIFICATES AND ISSUING CREDIT

Ed 1406.01 Program Completion Certificates.

(a) Within 30 days of a student's successful completion of a program, a completion certificate shall be issued to the student.

(b) Certificates shall be signed by the person designated in Ed 1403.01(b)(2) and the instructor(s) of the program.

(c) Certificates shall contain course identification and credit information, including, but not limited to:

- (1) Course title;
- (2) Course minimum standard alignment as indicated in Ed 1403.01(b)(3);
- (3) Number of credits awarded and the grade attained.

Ed 1406.02 Issuing Credit for Graduation.

(a) Certificates shall be used to grant credit for graduation.

(b) The student shall submit the completion certificate to the high school where they wish to be granted credit, or they shall not receive credit.

(c) Approved New Hampshire schools shall grant students with valid completion certificates high school credit leading to graduation in the area enumerated.

PART 1407 COMPLAINTS, REVOCATION, AND WITHDRAWAL

Ed 1407.01 Complaints and Investigations.

(a) Complaints shall be submitted in writing to the department under one or more of the following circumstances:

- (1) The program commits a material violation of any of the conditions, standards, or procedures set forth in its application;
- (2) The program or sponsor organization knowingly employs a person in violation of Ed 1403.01(b)(6);
- (3) The program or sponsor organization fails to disclose or violates its disclosed criminal history records check policy;
- (4) The program or sponsor organization makes a material misrepresentation in its application;
- (5) The program or sponsor organization becomes insolvent; or
- (6) The program is found to be in violation of any law that undermines the purpose of the program.

(b) All complaints shall be investigated and upon receipt of the complaint, the department shall notify the program and sponsor organization within 15 days of receipt of the complaint that an investigation has been opened.

(d) After completion of an investigation, the department shall present its findings to the state board of education at the next regularly scheduled state board meeting.

(e) If the board determines that the program or sponsor organization has not met one or more of the circumstances enumerated in 1407.01(a) the program or sponsor organization shall be notified in writing within 10 days of the board's finding.

Ed 1407.02 Suspension, Revocation, and Withdrawal.

(a) The department may immediately suspend a license if the department finds that public health, safety, or welfare requires emergency action and incorporates a finding to that effect, pursuant to RSA 541-A:30, III.

(b) The state board shall revoke a program license prior to the expiration of its term if the board determines that the program meets any of the circumstances outlined in Ed 1407.01(a), and shall notify the program or sponsor organization in writing within 10 days of the board's determination.

(c) The state board may place a program on probationary status for up to one year if the board determines that the complaint can be addressed with the implementation of a remedial plan, after which, if the plan is unsuccessful, the license shall be revoked.

(d) A program or sponsor organization may appeal the board's decision pursuant to Ed 213.