

New Hampshire State Board of Education
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Thursday, June 11, 2020



AGENDA

- I. **CALL TO ORDER – 9:00 AM**
- II. **PLEDGE OF ALLEGIANCE**
- III. **PUBLIC COMMENT** ~ Please submit written commentary to Angela.Adams@doe.nh.gov to be published with the monthly meeting materials.
- IV. **LEGISLATIVE UPDATES** ~ AMANDA PHELPS, NHDOE, Administrative Rules Coordinator
 - A. **CONDITIONAL APPROVAL RESPONSE** ~ School Building Construction (Ed 321)
 - B. **Update on public hearing date for Remote Instruction – Basic Instructional Standards and School Year (Ed 306.14 and Ed 306.18(a)(7)).**
 - C. **ADOPT** ~ School Building Construction (Ed 321)
- V. **PUBLIC HEARINGS** ~ Please contact Amanda Phelps at Amanda.Phelps@doe.nh.gov or by calling (603) 931-9133 for testimony options.
 - A. **10-00 – 10:30 AM** ~ Vocational Rehabilitation Programs (Ed 1000)
 - B. **10:30-11:00 AM** ~ Robotics Education Fund (Ed 1307)
- VI. **COUNCIL for TEACHER EDUCATION (CTE)** ~ LAURA STONEKING, NHDOE, Administrator, Bureau of Educator Preparation and Higher Education
 - A. **Southern New Hampshire University (SNHU) Amendment to Recent Substantive Change (REMOVE from TABLE)**
 - B. **Plymouth State University (PSU):**
 - 1) **Option 4 review and approval of 11 programs (through CAEP)**
 - 2) **Science (New) 5 Programs extension request**
 - 3) **Advanced level 4 Programs extension request**
- VII. **NONPUBLIC SCHOOL APPROVAL** ~ SHIREEN MESKOOB, NHDOE, Division of Education Analytics & Resources
 - A. **Commissioner's Nonpublic School Approval Designation Renewal Report**

VIII. CHARTER SCHOOL REPORTS/UPDATES ~ JANE WATERHOUSE, NHDOE, Charter School Administrator

A. Heartwood Public Charter School Startup Extension Request and Update

B. Annual Public Charter School Progress Report Updates

IX. COMMISSIONER'S UPDATE

X. OPEN BOARD DISCUSSIONS

XI. OLD BUSINESS

XII. TABLED ITEMS

A. Southern New Hampshire University (SNHU) Amendment to Recent Substantive Change

B. Capital City Public Charter School Status Change Request and Progress Report

XIII. CONSENT AGENDA

A. Meeting Minutes of May 14, 2020

B. Revised Tuition Agreement between Pinkerton Academy and Chester School District

XIV. NONPUBLIC SESSION

XV. ADJOURNMENT – 2:00 PM



Kate Cassady
Littleton

Ann Lane
Dover

Phil Nazzaro
Newmarket

Drew Cline, Chairman
Bedford

Helen G. Honorow
Nashua

Cindy C. Chagnon
Bedford

Celina Griffin
Gilford

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EXECUTIVE SUMMARY
Conditional Approval Response:
Ed 321 – School Building Construction
Expire: 6-15-2023

Submitted to the State Board of Education, June 11, 2020:

A. ACTION NEEDED

A vote is needed by the State Board of Education to approve the conditional approval response for Ed 321, School Building Construction.

B. RATIONALE FOR ACTION

This rule has been amended based on comment from the Office of Legislative Services (OLS) and as required by the Joint Legislative Committee on Administrative Rules (JLCAR) as follows:

- Fixed all rule number references due to renumbering
- Page 5: Per OLS, removed “for good cause” info and simply pointed to the waiver rule (here and all other references)
- Other editorial amendments as suggested by OLS

C. EFFECTS OF THIS ACTION

If the board votes to approve this conditional approval response, the department will submit the rule to the Office of Legislative Services (OLS) for approval and ask the Board to vote to adopt today.

D. POSSIBLE MOTION

I move that the State Board of Education approve the conditional approval response for Ed 321, School Building Construction.

Readopt with amendment Ed 321.01 through Ed 321.13, effective 6-15-13 (Document #10363), to read as follows:

PART Ed 321 SCHOOL BUILDING CONSTRUCTION

Ed 321.01 Purpose. The purpose of Ed 321 is to provide requirements and standards for the construction of any facility to be used for the purpose of providing education to pupils in grades kindergarten through grade 12, and to provide requirements for how school building aid will be paid for that construction.

Ed 321.02 Definitions. Except where the context makes another meaning clear, the following words have the meaning indicated when used in Ed 321:

(a) "Buildable land" means land upon which a school building, parking lot, on-site traffic circulation and drop-off locations, playgrounds or school playing field can be built. The term includes usable land;

(b) "Construction cost" means the total cost of labor and materials for the construction of the foundation, erection of the structure, finish work, and the installation of equipment integral to the operation of building systems. The cost of site development is not included;

(c) "Department" means the New Hampshire department of education;

(d) "Design capacity" means the maximum total number of students intended to be educated in a school building following completion of a construction project;

(e) "Educational capacity of a school building" means the sum of the maximum number of students that can be simultaneously instructed in every educational space of the building using the minimum space allocations specified in Ed 321.10(g)-(i);

(f) "Educational space" means those parts of a school building to which pupils are assigned for instructional purposes. Educational space includes, but is not limited to, classrooms, laboratories, gymnasiums, and libraries;

(g) "General purpose classroom" means an educational space intended for the instruction of a group of students that is suitable for teaching a variety of subjects and that requires no special permanently installed equipment or unusually large spaces;

(h) "Laboratory" means an educational space intended for instruction involving hands-on student participation in a particular subject that requires specialized equipment, furnishings, or materials;

(i) "Multi-purpose space" means areas within a school building that are used at different times for educational purposes and for support purposes;

(j) "New construction" means construction work that results in the creation of a new building or additional space in an existing building;

(k) "Renovation" means work involving upgrades to existing space in a building or conversion of the use of existing space in a building;

(l) "School building aid" means the state grants for the payment of a share of the cost for school construction under RSA 198:15-a;

(m) "Site development" is the work required to prepare the land for construction. It includes removal of trees and other vegetation, removal of existing structures, removal of rock, cutting and filling of earth, construction of access roads, driveways, and parking lots, installation of surface water drainage systems, and landscaping;

(n) "Substantial renovation" means:

(1) Construction done for the purpose of renewing a building that is valued at an amount greater than 25 percent of the cost to replace the building;

(2) To repair and bring the building back to new or good condition; or

(3) To prepare space for a new or different use;

(o) "Sufficient" means an amount of space, time, or material that will enable a particular function to proceed as intended without restriction or impediment from the size or condition of the physical facility, according to variations in enrollment, staffing, program, or level of instruction from one school to another. The term includes adequate;

(p) "Support space" means those parts of a school building that are generally used for purposes other than instruction. Support space includes offices, storage rooms, wash rooms, kitchens, cafeterias, and similar spaces;

(q) "Total cost" means the cost of all related land, labor, and materials authorized by RSA 198:15-b,II for construction costs; and

(r) "Utilization rate" means the extent to which school buildings are used by comparing design capacity to the educational capacity of the school expressed in a percentage figure. A 100 percent utilization rate means that every seat in every educational space is occupied for the majority of time throughout the school day.

Ed 321.03 Minimum Standards for School Sites.

(a) A school site shall have safe access, parking, drainage, security, and sufficient buildable area to accommodate a school facility that complies with the minimum gross site sizes as described in Ed 321.03 (f).

(b) There shall be access for emergency vehicles from at least 2 directions unless waived by the local fire chief having jurisdiction for enforcement of the state fire code.

(c) The first occupied floor of school buildings located within a 100-year flood plain shall be constructed at an elevation at least 10 feet higher than the base flood elevation for a 100-year flood at that location.

(d) Prior to acquisition of a site, the school district shall have surveys conducted to ascertain, as much as practicable, that past use of the site has not resulted in conditions hazardous to public health, public safety, or to the environment, or matters of interest for historical preservation under RSA 227-C that cannot be adequately removed, abated, or mitigated.

(e) The following shall not be considered buildable land for the purpose of comparing a given site to the minimum site sizes in Ed 321.03 or to the maximum site sizes in Ed 321.04:

- (1) Wetlands, including required setbacks from wetlands;
- (2) Areas with slopes in excess of 60 percent;
- (3) Areas with extensive amounts of bedrock within 6 feet of the surface; and
- (4) Sites known to be contaminated with hazardous materials.

(f) The minimum site size approvable for school building aid for new construction, including additions to existing buildings, for elementary schools, middle schools, and high schools shall be as follows:

- (1) For an elementary school the minimum site size shall be 3 acres of contiguous buildable land for schools with a design capacity of less than 150 students and 5 acres of contiguous buildable land for schools with a design capacity of 150 students or higher;
- (2) For a middle school the minimum site size shall be 10 acres of contiguous buildable land. For middle schools with a design capacity greater than 1000 students there shall be one additional acre for each 300 students or fraction thereof above 1000 students; and
- (3) For a high school the minimum site size shall be 15 contiguous acres of buildable land, plus one additional acre for each 300 students or fraction thereof for the design capacity of the school building.

(g) Whenever a district has a school site that does not meet the site size requirements in Ed 321.03(f) for a new building or an addition to an existing building, the school board may request a waiver for the minimum site size under Ed 321.3028.

(h) Renovations and substantial renovations shall apply only to buildings and specifically shall not include site improvements or modifications.

(i) Charter schools shall be exempt from the minimum site sizes in this section.

Ed 321.04 Maximum Standards for School Building Aid for Land Acquisition.

(a) In accordance with RSA 198:15-b,IV(b)(2) school building aid for land acquisition shall be limited to the cost of:

- (1) Twenty acres of buildable land plus one acre for every 100 students or fraction thereof for elementary schools;
- (2) Twenty-five acres of buildable land plus one acre for every 100 students or fraction thereof for middle schools; and
- (3) Thirty acres of buildable land plus one acre for every 100 students or fraction thereof for high schools.

(b) Wetlands, including required setbacks, areas with slopes in excess of 60 percent, areas with extensive amounts of bedrock within 6 feet of the surface, or sites known to be contaminated with hazardous materials shall not be considered buildable land for the purpose of comparing a given site to the minimum or maximum site sizes in Ed 321.03 or Ed 321.04.

(c) For the purposes of Ed 321.04, design capacity shall be based upon reasonable enrollment projections developed through a statistically valid process. In approved situations, educational space may be built to one design capacity while core space is built to a larger capacity in anticipation of future expansion.

(d) Renovations and substantial renovations shall apply only to buildings and specifically shall not include site improvements or modifications.

(e) A school board or board of directors of a charter school may request a waiver under Ed 321.3028 for the maximum amount of school building aid to which its district is entitled for land acquisition.

(f) For purposes of this section, every acre of land in a contiguous building site shall be assumed to have equal value which shall be determined by dividing the total cost of the land by the number of acres.

Ed 321.05 Building Aid for School Sites and School Site Development.

(a) Aid payments on the purchase price or development costs of a school site shall not begin prior to the authorization of a building project for that site by the legislative body of the school district or board of directors of a charter school and approval for funding by the department.

(b) Aid payments shall be made on land acquisitions financed only by the actual expenditure of funds appropriated from taxation. Development costs on these parcels and those acquired by other means and incurred as a consequence of a school building project shall be eligible for aid, however.

(c) Aid payments on school sites or school site development shall, upon approval by the department, follow the same protocol as aid payments for building projects.

Ed 321.06 Maximum Sizes for School Buildings. School building aid for new school buildings or additions to existing school buildings shall be limited to the following under RSA 198:15-b,IV, (b)(1) for:

(a) Elementary schools, 120 square feet/pupil;

(b) Middle schools, 140 square feet/pupil;

(c) High schools, not including space in regional vocational centers, 160 square feet/pupil;

(d) School buildings with a design capacity of less than 250 students shall be allowed 144 square feet/pupil for an elementary school, 168 square feet/pupil for a middle school, and 192 square feet/pupil for a high school;

(e) Individual buildings that house combinations of 2 or more levels shall be subject to the limits for the highest level to be housed in the building;

(f) All spaces constructed using building aid in the past 35 years shall be included in the square footage when calculating the limits above. Conditions in the existing building that cause the total project

to exceed the maximum size limits shall constitute sufficient justification for a waiver of the limits as authorized by RSA 198:15-b,IV,(d), provided that the size of the newly constructed space is consistent with similar spaces in an entirely new building that meets the limits, there is a financial benefit to the public, or both; and

(g) The above limits shall be waived by the commissioner of the department or the commissioner's designee upon a written request for a waiver from the school district under Ed 321.3028, ~~and after making a finding of good cause. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.~~

Ed 321.07 Design Standards. For the purposes of standards for school sites and construction projects for school buildings, design capacity shall be based upon reasonable enrollment projections developed through a statistically valid process.

Ed 321.08 Standards for Educational Capacity of a School Building.

(a) Spaces currently used as educational space, but not designed as such, shall not be included in determining the educational capacity of a school building. Space in temporary or relocatable facilities shall not be included in determining the educational capacity of a school building.

(b) The educational capacity of a school building shall be based upon the physical dimensions of the educational spaces and the space allowances in Ed 321.10(g)-(i). Educational capacity shall not be reduced by applying a limit to the number of students in a class below the maximum class size found in Ed 306.17 even though local policy may establish lower maximum class sizes.

(c) The definition of educational capacity in Ed 321.02(e) and the provisions of Ed 321.08 shall not preclude districts from establishing local policies concerning the maximum number of students in a particular class provided, however, that such policies shall not be taken into account when determining the educational capacity of a school building.

Ed 321.09 Calculating Utilization Rate. The utilization rate of a school building shall be calculated by dividing the design capacity by the educational capacity and expressing the figure as a percentage. A 100 percent utilization rate shall not be required. For a proposed new building or addition to an existing building, the educational capacity **is shall be** calculated by dividing the design capacity by the planned utilization rate. For purposes of determining eligibility for school building aid, planned utilization rates shall not be less than 85% for high schools, 90% for middle schools, and 95% for elementary schools. The minimum utilization rate shall not apply when only one general purpose classroom is assigned per grade.

Ed 321.10 Standards for Educational Space.

(a) Educational space shall include, but not be limited to, classrooms, laboratories, gymnasiums, and libraries.

(b) School facilities shall provide educational space sufficient to meet the requirements identified in the educational specifications in Ed 321 and the New Hampshire minimum standards for public school approval as specified in Ed 306.

(c) Approval of the size of classrooms or instructional spaces shall be determined by the acceptable number of square feet per student established in Ed 321.10(g)-(k), multiplied by the total projected number of the class or group or the minimum size specified in Ed 321.10 whichever is larger.

(d) ~~The commissioner of the department or the commissioner's designee shall waive the requirements of Ed 321.10 when a finding of good cause has been provided by~~ ***shall be waived by the commissioner of the department or the commissioner's designee upon a written request for a waiver from*** the requesting school district under Ed 321.3028. ~~A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.~~

(e) Every educational space, except gymnasiums and music rooms, shall contain a seat and work surface for each student, teacher, and teacher's aide, appropriate for the normal activity conducted in that space.

(f) Every general purpose classroom shall:

(1) Contain an erasable surface of at least 32 square feet and a surface suitable for projection purposes; and

(2) Be furnished with:

a. Desks for students and teachers;

b. Bookshelves; and

c. Other common furniture and equipment.

(g) A kindergarten classroom shall provide at least 1,000 square feet, including storage, or 50 square feet per child, whichever is greater.

(h) For the elementary and middle schools, a general purpose classroom shall provide a minimum of 900 square feet, including storage, or 36 square feet per child, whichever is greater.

(i) For high schools, a general purpose classroom shall contain a minimum of 800 square feet, including storage, or 32 square feet per student, whichever is greater.

(j) Science laboratories and combination lab-classrooms shall be sized according to the joint recommendation of the National Association of Science Teachers and the Laboratory Safety Institute at 45 square feet per pupil for separate labs and 60 square feet per pupil for combination lab-classrooms or a minimum of 900 square feet for separate labs and 1200 square feet for combination lab-classrooms. There shall be a maximum of 24 laboratory work stations, at least one of which shall be suitable for students with disabilities and in compliance with RSA 275-C.

(k) Library-media centers shall be sized at 40 square feet per student times the design capacity or a minimum of 1800 square feet.

(l) When an area in a school building is used as multi-purpose space, standards for educational space shall take precedence over standards for support space. Multi-purpose space includes, but is not limited to, an area used for physical education that becomes the dining area at meal time.

(m) Required educational space shall not be reduced or eliminated in order to provide additional support space or space for extracurricular activities.

(n) Charter schools shall be exempt from the minimum space sizes in this section.

Ed 321.11 Special Education Space.

(a) In addition to the requirements of Ed 321.10, space shall be provided in every school to meet the unique requirements of special education students, and to meet the requirements of Ed 1119.06.

(b) Exclusive use space shall be provided for speech therapy, physical therapy, occupational therapy, and private counseling. Physical and occupational therapy may be co-located.

(c) The minimum total amount of exclusive use space for special education shall be 600 square feet. An area for private meetings with parents and staff shall be available, although it need not be used exclusively for special education use.

(d) Locked, fire proof containers shall be provided for record storage.

(e) A private office shall be provided for the special education coordinator if there is a position on the school staff.

(f) Charter schools shall be exempt from the minimum space sizes in this section.

Ed 321.12 Standards for Support Space.

(a) Support space shall include, but ~~is not~~ **shall not be** limited to, offices, the nurse suite, kitchens, cafeterias, teacher preparation areas, gym locker rooms, team rooms, weight training rooms, storage areas, parking, and restrooms.

(b) The following standards shall apply to offices:

(1) The school principal, each assistant principal, and each guidance counselor shall be provided a private office;

(2) The chief building maintenance individual, chief food service individual, and each administrative staff person shall be provided with administrative space exclusive of storage space and waiting areas;

(3) All offices and administrative areas shall be provided with sufficient furniture appropriate to the work performed at that location; and

(4) The minimum total amount of administrative office space in a school building shall be 1200 square feet. The minimum size shall be based on an administrative staff of 6 individuals. For schools with more than 6 staff members who require office space, the minimum total amount of administrative office space shall be increased by 120 square feet for each additional person requiring a private office and by 60 square feet for each additional person in an open office arrangement.

(c) The following standards shall apply in schools that have a school nurse:

(1) The nurse shall be provided with:

- a. Exclusive administrative space;
- b. A waiting area;
- c. Space for examining patients that includes a sink with hot and cold water;
- d. Secure dry and refrigerated storage for medications; and
- e. A patient isolation area which includes one cot for every 200 pupils in the design capacity;

(2) A separate restroom shall be provided which meets current accessibility requirements; and

(3) The minimum size of the nurse suite shall be 625 square feet for schools with a design capacity greater than 750 pupils. The minimum size of the nurse suite for schools with a design capacity of 750 pupils or less shall be 300 square feet.

(d) The following standards shall apply to kitchens and cafeterias:

(1) The kitchen and cafeteria shall be sized so as to allow each student a minimum of 10 minutes, not including serving time, to sit at a table and consume his or her meal during a specified lunch period;

(2) The cafeteria shall be sized based upon 12-15 square feet per student for the maximum number of diners in any given lunch period. The throughput of the serving line or lines shall ensure that all students can be served in the allotted time and that no student has to wait for a seat to become vacant before eating; and

(3) The kitchen shall be of sufficient size to allow the proper installation of all necessary equipment with the necessary spacing between appliances to meet the applicable safety requirements as specified by the manufacturer, the state building code under RSA 155-A, and the New Hampshire department of labor.

(e) Each teacher shall be provided with at least 64 square feet of shared administrative space to be used for lesson preparation and grading student work during periods when that teacher is not conducting classroom instruction. Shared administrative space shall include a desk or other work surface, a seat, and task lighting. This requirement may be fulfilled within educational space if that space is exclusively assigned to one teacher.

(f) Sufficient lockers, changing areas, and showers shall be provided for the maximum number of students in any scheduled physical education class for grades 7-12.

(g) One team room may be provided for each athletic team in season.

(h) One weight training room may be provided for grades 9-12.

(i) The following standards shall apply to storage space:

- (1) Each student and staff member shall be provided with adequate space to store outer garments, books, and other personal items for the duration of the school day. Food service workers, custodians, and other staff who require special clothing shall be provided sufficient storage as required;
 - (2) Sufficient storage space shall be provided for general office supplies, text books, classroom equipment and similar items as required for administrative purposes;
 - (3) Sufficient space shall be provided to properly store athletic equipment, musical instruments, uniforms and other items of school property used by students or activities;
 - (4) Sufficient storage shall be provided to properly store cleaning supplies, tools, spare parts, unused furniture, equipment not in use, and other like items required for custodial and maintenance activities;
 - (5) Adequate dry and cold storage shall be provided to meet the requirements of the food service program for food storage and shall be sufficient to allow foodstuffs and paper products to be purchased in bulk; and
 - (6) Sufficient dumpsters or other type containers shall be provided to adequately handle refuse based upon the refuse collection schedule.
- (j) The following standards shall apply to parking space:
- (1) Outside vehicle parking space shall be provided for at least 100 percent of the staff and 75 percent of the students eligible to drive a vehicle; and
 - (2) Additional parking areas shall be provided for visitors, parents, and school buses as required;
 - (3) A waiver of these requirements may be requested by the school district under Ed 321.3028. The waiver request shall include detailed information and statistics which shall demonstrate that a lesser amount of parking will meet the needs of the facility in question.
- (k) Charter schools shall be exempt from the minimum space sizes in this section.

Ed 321.13 Fire Safety Requirements.

- (a) All construction of school facilities shall meet the requirements of the state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control. The drawings and specifications of public school construction shall be evaluated by the state fire marshal according to the state fire code. Pursuant to RSA 153, the state fire marshal shall judge the drawings and specifications according to other related parts and standards of the Life Safety Code under NFPA Doc. No. 101, and the state building code under RSA 155-A.
- (b) The certificate of substantial completion shall not be issued to the construction contractor prior to receipt of a letter of approval of the design from the state fire marshal.
- (c) Variances for the provisions of Ed 321.13 may be granted by the state fire marshal in accordance with the provisions of Saf-C 6005 as adopted by the commissioner of the department of safety

under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

Readopt with amendment and renumber Ed 321.15 through Ed 321.31, effective 6-15-13 (Document #10363), and renumber all subsequent parts so that Ed 321.16 becomes 321.15 and so on, to read as follows:

Ed 321.14 Construction Costs.

(a) For a new building or addition to an existing building, construction cost shall include the cost of labor and materials to erect the building and foundation. The cost of site development shall not be included in construction cost.

(b) Equipment that is normally fastened to the structure shall be included in construction costs. Components of heating, ventilating, and air conditioning (HVAC) systems, electrical wiring and equipment, plumbing fixtures, components of fire protection systems, and door hardware shall be included in construction costs, as defined in Ed 321.02(b).

(c) In renovation projects, construction costs shall include the cost of labor and materials for repairing, replacing, remodeling, or altering the existing structure or building systems.

Ed 321.15 Total Cost of School Building Construction.

(a) For purposes of calculating school building aid, total eligible costs include:

(1) The costs for acquisition of land and site development;

(2) Construction costs;

(3) Planning and design costs, including:

a. Architectural fees;

b. Engineering fees; and

c. Project manager fees if required by RSA 198:15-c IV;

(4) Purchase of furniture, fixtures, and equipment necessary for the completion of a building, including commissioning fees, computers and software necessary to operate the security, HVAC, or other building system components, fire retardant window treatments, seating, lockers, clock systems, sound systems, and other equipment that is integral to the building and educational services; and

(5) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in buildings.

(b) Costs related to financing such as bonding charges and interest shall not be included in the total cost of school building construction and shall not be eligible for inclusion in the calculation of school building aid.

(c) Costs for construction work that is not located on school property shall not be eligible for inclusion in the calculation of school building aid. This *shall* includes, but not be limited to, costs for construction of municipally owned sidewalks, costs for improvements to municipally owned roadways, costs for installation of traffic control devices, and costs to construct or improve utility plant to bring service to the school.

Ed 321.16 Construction Standards.

(a) All school construction shall comply with the requirements of the state building code under RSA 155-A. School design drawings and specifications shall bear the stamp and signature of individuals licensed to perform architecture or engineering in the appropriate disciplines in the state of New Hampshire. The stamp and signature of the design professionals shall be understood to certify that the project has been designed in compliance with all applicable building codes and standards.

(b) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.17 Heating, Ventilating, and Air Conditioning (HVAC) Requirements.

(a) Schools shall be designed, constructed, and maintained to provide:

- (1) Code compliant outside air ventilation and exhaust systems to aid in the maintenance of indoor air quality; and
- (2) Code compliant heating temperatures throughout occupied building areas.

(b) In cases where air conditioning is provided, schools shall be designed, constructed, and maintained to provide code compliant cooling temperatures throughout all air conditioned spaces.

(c) The design and installation of all HVAC systems shall comply with:

- (1) The state building code under RSA 155-A;
- (2) The code for energy conservation in new building construction under RSA 155-D; and
- (3) The state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

(d) A school district may use energy recovery ventilation equipment in its school buildings for transfer of sensible and latent or sensible or latent energy from exhaust air to outside air. For the purposes of this paragraph, the transfer of sensible and latent or sensible or latent energy from exhaust air to outside air means the practice of extracting heat from exhaust air to limit the amount of new energy that is used to heat additional air from outside.

(e) Project construction documents shall require the HVAC contractor to provide the school maintenance personnel with record drawings, appropriate training, operating and maintenance manuals, and any other relevant information concerning the HVAC systems and components thereof.

(f) Project construction documents shall require a formal commissioning process for HVAC systems start-up and initial operation. At a minimum, the construction documents shall identify the requirement for the development of a written commissioning plan specific to the project. The commissioning plan shall identify a process of ensuring that prior to completion of a construction project, new and/or modified HVAC systems perform in accordance with the design intent and the construction documents. The commissioning process shall include, but shall not be limited to, verification and functional performance testing on all HVAC equipment and controls, in all operating modes.

(g) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.18 Plumbing Requirements.

(a) Schools shall be designed, constructed, and maintained to provide code compliant plumbing systems, including potable water, sanitary sewer and vent, storm drain, and other specialty plumbing systems.

(b) The design and installation of all plumbing systems shall comply with:

- (1) The state building code under RSA 155-A;
- (2) The code for energy conservation in new building construction under RSA 155-D;
- (3) The state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control; and
- (4) The state code for barrier-free design, Abdf 300.

(c) At a minimum, the following plumbing fixture ratios shall be provided for in each school building unless a higher number is required by the state building code under RSA 155-A:

- (1) The ratio of water closets to the number of students shall be one water closet per 30 students or fraction thereof;
- (2) For boys and girls in all grade levels, the ratio of lavatories to the number of students shall be 1-40. Wash fountain sinks may be substituted for lavatories as permitted by the state building code under RSA 155-A;
- (3) If the state plumbing code requires a larger number of fixtures, the number required by the code shall be provided, unless a written waiver is received from an appropriate authority empowered to grant such waivers; and
- (4) Whenever a school building is designed to allow restricted access to parts of the building such as the gymnasium or the auditorium, a sufficient number of restrooms and water closets or urinals shall be included within the restricted area to accommodate the maximum occupancy of the restricted area in accordance with the state building code under RSA 155-A.

(d) For the purposes of Ed 321.198(c)(1):

- (1) Fifty percent of the enrollment will be assumed to be girls and 50 percent boys unless there is strong information to indicate that a different ratio is appropriate; and
 - (2) Urinals may be used in lieu of water closets as permitted by the state building code under RSA 155-A.
- (e) Sinks and wash fountain sinks shall be provided in laboratories and other instructional spaces as required. Corrosion-resistant fixtures, special waste systems, and waste interceptors shall be provided as required by the project program demands and the state building code under RSA 155-A.
- (f) A minimum of one custodial sink shall be provided in each school building.
- (g) A minimum of one school nurse sink compliant with the accessibility requirements under Abdf 300 shall be provided in each school building where a school nurse is assigned.
- (h) Where integral to hand washing sinks, receptors for drinking fountains shall be directed to a receptor basin separate from the hand washing sink. One drinking fountain or water cooler shall be provided for every 40 students or fraction thereof, unless a larger number is required by the state building code under RSA 155-A, in which case the code requirement shall be met.
- (i) Emergency shower and eye wash stations shall be provided in all science labs, automotive shops, and other places where hazardous liquids or open flames are frequently used and shall comply with the American National Standards Institute Z-358.1 ~~2014~~ Eyewash standards **2014** as referenced in Appendix II.
- (j) Project construction documents shall require the plumbing contractor to provide the school maintenance personnel with record drawings, appropriate training, operating and maintenance manuals, and any other relevant information concerning the plumbing systems and components thereof.
- (k) Project construction documents shall require a formal commissioning process for plumbing systems start-up and initial operation. At a minimum, the construction documents shall identify the requirement for the development of a written commissioning plan specific to the project. The commissioning plan shall identify a process of ensuring that new and modified or new or modified plumbing systems perform in accordance with the design intent and the construction documents. The process shall include, but shall not be limited to, verification and functional performance testing on all plumbing equipment and controls, in all operating modes.
- (l) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.19 Electrical Requirements.

- (a) Schools shall be designed, constructed, and maintained to provide code compliant electrical systems that include:
- (1) Power distribution;
 - (2) Lighting;

(3) Fire alarms;

(4) Telecommunications systems that include but are not limited to the following specialty electrical systems:

- a. Data;
- b. Phone and intercom;
- c. Community access television (CATV); and
- d. Closed-circuit television; and

(5) Security.

(b) The design and installation of all electrical systems shall comply with:

- (1) The state building code under RSA 155-A;
- (2) The code for energy conservation in new building construction under RSA 155-D; and
- (3) The state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

(c) In addition to being in compliance with the state code for energy conservation in new building construction under RSA 155-D, the design and installation of all lighting systems shall comply with the Illuminating Engineering Society of North America (IESNA) *Lighting Handbook* 10th edition – 2011 as referenced in Appendix II. Multiple use school spaces such as cafeterias and auditoriums shall have illumination for the highest level required by any planned use.

(d) In addition to complying with the state building code under RSA 155-A, the design and installation of all telecommunication systems shall also comply with the Building Industries Consulting Services International (BICSI) standards, the American National Standards Institute (ANSI), and the National Electrical Contractors Association (NECA) standards as follows:

- (1) The BICSI *Telecommunications Distribution Methods Manual* 13th edition 2014 as referenced in Appendix II;
- (2) The BICSI *Outside Plant Design Reference Manual* 6th edition 2018 as referenced in Appendix II;
- (3) ANSI/BICSI 001-2017, *Information and Communication Technology Systems Design and Implementation Best Practices for Educational Institutions and Facilities* as referenced in Appendix II;
- (4) ANSI/NECA/BICSI N1-2019, *Installation Practices for Telecommunications and ICT Cabling and Related Cabling Infrastructure*, June 2019 edition, as referenced in Appendix II;

(5) *BICSI Information Technology Systems Installation Methods Manual*, 7th edition - 2017 as referenced in Appendix II; and

(6) *NECA/BICSI 607-2011, Standard for Telecommunications Bonding and Grounding Planning and Installation Methods for Commercial Buildings* as referenced in Appendix II.

(e) Project construction documents shall require the electrical contractor to provide the school maintenance personnel with record drawings, appropriate training, operating and maintenance manuals, and any other relevant information concerning the electrical systems and components thereof.

(f) Project construction documents shall require a formal commissioning process for electrical systems start-up and initial operation. At a minimum, the construction documents shall identify the requirement for the development of a written commissioning plan specific to the project. The commissioning plan shall identify a process of ensuring that new and modified or new or modified electrical systems perform in accordance with the design intent and the construction documents. The process shall include, but shall not be limited to, verification and performance testing on all electrical equipment and controls, in all operating modes.

(g) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.20 Acoustics.

(a) Educational spaces shall be constructed so as to meet or exceed the requirements of the ANSI S12.60 American National Standard Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools part 1, 2010 edition and part 2, 2009 edition, as referenced in Appendix II.

(b) The school district may request a waiver under Ed 321.3028 for meeting or exceeding the requirements in Ed 321.21(a) for educational spaces.

(c) Compliance with the acoustics standard shall be certified in writing by the lead architect or engineer.

Ed 321.21 Steps in the Procedure for Approval of School Building Aid.

(a) Approval for a school site by the department shall not be given until the requirements in Ed 321.23(b)-(w) are completed.

(b) A letter of intent shall consist of:

(1) Project information on the name, location, contact person, description, anticipated district approval date, estimated total cost, and anticipated commencement and completion dates for the project;

(2) Description of the deficiencies in the existing building; and

(3) A statement to be signed by the superintendent of schools of the district making application which indicates that the school board has reviewed the requirements of RSA

198:15-a, 15-b, and 15-c and Ed 321, and that a copy of Ed 321 has been provided to the lead architect or engineer responsible for design of the project.

(c) The letter of intent shall be received no later than 18 months prior to the beginning of the biennium in which school building aid grants are to be dispersed. *If requested, The commissioner may shall* waive the letter of intent or its submittal deadline ~~under~~ *pursuant to the waiver provisions under* Ed 321.3028 ~~for good cause.~~

(d) An application for school building aid shall consist of:

(1) School building aid application for each building where eligible construction work is to be accomplished, which shall include the following information from the school district:

- a. Project information including the location, contact person, estimated cost of the project, school approval level, project type, and project delivery method;
- b. Identification of architect and project manager, if required by RSA 198:15-c;
- c. Identification of the total number of students, staff, and student drivers, the design capacity, educational capacity, and utilization rate;
- d. A brief description of the project;
- e. Description of the project alternatives considered and rational for selecting the alternative chosen;
- f. Description of the current and proposed energy use of the facility;
- g. A list of the deficiencies and, if applicable, a statement of how the proposed project will correct the deficiencies;
- h. A description of the maintenance requirements identified in RSA 198:15-b, I-a;
- i. Square footage of the building before and after construction;
- j. Anticipated project costs and unit costs;
- k. Anticipated funding sources and anticipated amounts from each source; and
- l. Amount of district debt, total assessed valuation, and percent debt to valuation;

(2) The school building application shall include the following attachments:

- a. A completed and signed “Condition Evaluation Form” dated February 5, 2020;
- b. A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer’s instructions;
- c. A copy of the school or district’s 20-year maintenance plan in accordance with RSA 198:15 I-a. (l);

- d. Minutes of the meeting to put forth the project for voter consideration and funding;
- e. Most recent fire and health inspection reports;
- f. Copy of completed request for project review from the department of cultural resource, division of historical resources;
- g. Acknowledgement that plans ~~will~~ **shall** be submitted to the state fire marshal's office for a plan review prior to construction;
- h. Acknowledgement that the applicant ~~will~~ **shall** submit for energy efficiency reimbursement from their regulated utility under RSA 374-F, as required by RSA 198:15-c;
- i. Copy of engineering reports, space utilization studies, or other appropriate documents that confirm the need to remediate the existing conditions;
- j. Life cycle cost analysis, in accordance with RSA 198:15-b I.(b)(2);
- k. Documentation on the selected design capacity;
- l. Educational capacity calculations;
- m. An aerial view of the existing building(s) with the total square footage and the year of construction labeled for the original building and any additions;
- n. Site plan which indicates the boundaries of school owned property to be developed, location of proposed construction, location of wetlands and bodies of water, and location of existing structures;
- o. Preliminary architectural drawings including outside elevations, and dimensioned floor plans that are labeled as to the use of each space;
- p. Outline of technical specifications;
- q. The completion of the data collection survey or the general description of major building systems, including but not limited to heating, ventilation, electrical, plumbing, and fire protection;
- r. If the project includes the purchase of land, attach site information such as the total buildable area, descriptions of the restrictions the site might have, the status of any necessary testing and permitting, and the proposed grading plan; and
- s. A digital copy of the application and attachments.

(e) To be considered for building aid in the following biennium, complete applications shall be filed with the department no later than July 1 of the year prior to the biennium in which school building aid grants are to be dispersed in accordance with RSA 198:15-c.

(f) The department shall notify the applicant within 30 days of receipt of an application-that either:

- (1) The application is complete and approved for project ranking; or
- (2) The application is incomplete and is not approved for project ranking.

(g) The department shall award a score to each application using the “Condition Evaluation Form” dated February 5, 2020. The department shall conduct a site visit to the location of each application subject to the availability of time and funds for making such visits. The department shall present the applications including the completed condition evaluation to the school building authority.

(h) Projects shall be scored according to the following criteria.

- (1) Correcting unsafe conditions, 250 points possible;
- (2) Updating obsolete, inefficient, and unsuitable facilities, including correcting deficiencies with the Americans with Disabilities Act, 100 points possible;
- (3) Correcting overcrowding conditions and addressing increased enrollment projections, 50 points possible;
- (4) Having an active maintenance program that tracks scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to achieve the design life expectancy of building systems and components, 125 points possible;
- (5) Percent of student enrollment eligible for free or reduced cost meals, 200 points possible;
- (6) Adding and integrating school security systems, 100 points possible;
- (7) Contributing to operational cost efficiencies, consolidation, or reduced property taxes, 50 points possible;
- (8) Designing a high performance facility that provides an environment that is energy and resource efficient, 100 points possible; and
- (6) Preserving historical elements of the facility, as requested by the New Hampshire department of natural and cultural resources, division of historical resources, 25 points possible.

(i) Projects shall be ranked in descending order with the project receiving the highest score ranked first with the following exceptions:

- (1) No application which receives at least half of the possible points for unsafe conditions in (h)(1) above shall be ranked below any application that receives fewer than half of the possible points for unsafe conditions;
- (2) Except as allowed by (i)(1) above an application that was on the prioritized list in the previous biennium and approved by the district’s legislative body, but did not receive a grant due to insufficient funds in the previous biennium, shall be ranked ahead of any application that was not on the list in the previous biennium; and

- (3) In the event that 2 or more applications receive the same number of points, they shall be ranked according to the number of points scored in the unsafe conditions category. If a tie score remains after ranking for unsafe conditions, the school building authority shall determine the ranking of those applications.
- (j) Points for unsafe conditions shall be awarded only for conditions caused by normal wear and tear, code changes since construction of the building, or a natural event. Conditions that result from insufficient maintenance or neglect as described in Ed 321.275(g) or Ed 321.275(h) shall not be considered for points.
- (k) In accordance with RSA 198:15-c II(a), by December 1 of each year prior to the biennium in which school building aid grants are to be dispersed, the school building authority shall verify the ranking submitted by the commissioner and submit a list in descending rank order to the state board of education for approval. If the submitted list differs from the preliminary ranking from the department of education, the school building authority shall justify the new ranking list using the same criteria identified in (h) and (i) above.
- (l) The prioritized list of applications shall be approved by majority vote of the school building authority.
- (o) In accordance with RSA 198:15-c, II.(a), the state board shall approve and publish the descending rank ordered list of applications by January 15 of the year prior to the biennium in which school building aid grants are to be dispersed. If the state board determines that the school building authority or the department failed to comply with the requirements of Ed 321 or RSA 198:15-c in developing the prioritized list, the list shall be returned for appropriate corrective actions.
- (p) School districts and charter schools shall have 15 business days following the publication of the prioritized list of applications to appeal the prioritization of their applications. Appeals shall be submitted in writing to the state board and signed by the chair of the local school board or chair of the board of directors of a charter school.
- (q) Final drawings and technical specifications shall be provided to the department for review and approval as soon as they become available.
- (r) The department shall approve final drawings and technical specifications upon receiving the following information:
- (1) Drawings and technical specifications signed and stamped by individuals licensed in the appropriate disciplines to practice architecture or engineering in the state of New Hampshire;
 - (2) A signed letter of certification provided by the designers indicating that the design meets the state building code under RSA 155-A, the code for energy conservation in new building construction under RSA 155-D, the New Hampshire code for barrier-free design under Abfd 300, the requirements of Ed 321, and that no asbestos containing materials have been specified; and
 - (3) Certification that reference any properly approved code or permit variances or waivers.
- (s) Certification that the design meets the state energy code shall be provided to the public utilities commission as required by Puc 1803.03.

(t) The department shall provide review comments in writing. Corrections shall be made if the review comments indicate that the design fails to meet one or more state requirements. Documentation of the corrections shall be provided to the department.

(u) Drawings and specifications shall be provided to the office of the state fire marshal. A letter of approval by the state fire marshal shall be issued and distributed upon the fire marshal's approval of drawings and specifications. A copy of the letter of approval shall be provided to the department.

(v) If the project involves construction or extensive renovations of food service facilities, drawings and specifications shall be reviewed and approved by the bureau of food protection in the department of health and human services as required by He-P 2304. A copy of the letter of approval shall be provided to the department.

(w) If the project includes a well or septic system, approval shall be obtained from the department of environmental services as required by RSA 485 and Env-Dws 406 and RSA 485-A and Env-Wq 1000, respectively. A copy of the approval(s) shall be provided by the applicant to the department.

(x) If the project includes an addition to a building using an existing well or septic system, but does not expand the capacity of the system, certification that the existing system is adequate shall be provided by an individual properly licensed in New Hampshire to give such certification.

(y) Upon receipt and approval of all required documents, the department shall approve a project for a school building aid grant and disburse funds to a school district or charter school as described in Ed 321.242.

(z) Following completion of all construction work and final actual costs have been determined, the school district or charter school shall submit a request for final payment with the following information:

(1) Project information including the name of the project, contact person, the contracted date for project completion, and overall cost of the project;

(2) Final space information;

(3) Actual project costs;

(4) Final unit costs;

(5) Actual project funding sources and documentation of each source;

(6) Explanation of all deviations from the approved design and cost;

(7) A summary of invoices with date of invoice, vendor, description of item, amount of invoice, and category of item type such as a site acquisition or development cost, a construction cost, a planning and design cost, or a furniture, fixtures and equipment cost;

(8) A signed statement from the school administrator, the person in charge of finances, and school board members or board of trustees, that the project is complete, the summary of invoices submitted are accurate, and that the project was built in accordance with all applicable building aid rules and law to the best of their knowledge;

(9) Other information on code compliance, income sources, and required approval from other state agencies, not previously submitted; and

(10) A digital copy of the information in (1) through (9) above.

(aa) After review and verification of the information submitted in Ed 321.231(z), the department shall issue a project completion letter stating that all necessary requirements have been met and that all payments are final.

Ed 321.22 School Building Aid Payments.

(a) School building aid shall be provided by the department from funds appropriated by the legislature to eligible local school districts and charter schools in accordance with RSA 198:15-a and Ed 321. School building aid shall be paid for construction as authorized by RSA 198:15-b,II on property owned by a school district or , city in cities with school departments, or a charter school.

(b) By April 30 of each year, the department shall verify with each district the anticipated amount of school building aid to be provided in the following fiscal year.

(c) For applications approved prior to July 1, 2013 school building aid payments shall be made semi-annually in October and April of each fiscal year. Semi-annual payments shall be in approximately equal amounts. In the event that payments are prorated in accordance with RSA 198:15-e, the October payment shall be 50 percent of the annual total with the full prorated reduction occurring in the April payment.

(d) For applications approved after July 1, 2013, school building aid payments shall be made in 2 increments. The department shall encumber the full eligible amount of the grant in the fiscal year in which construction is expected to begin. Eighty percent of the estimated eligible grant shall be paid upon approval for payment by the department. The balance of the total grant shall be paid upon completion of construction and verification by the department. The amount of the total grant shall be calculated based on the actual cost of construction financed from eligible sources. Payment for actual costs that exceed the amount estimated at the time of approval for payment shall be subject to the availability of funds.

(e) Approval for payment by the department shall be given upon completion of all of the following:

(1) Vote of the legislative body of the district or the board of directors of a charter school approving the construction project and appropriating the local share of funds necessary to complete the project;

(2) Approval of the project by the state board;

(3) Receipt of all project documentation required by the department;

(4) Approval of the project design, technical specifications, and cost estimate by the department;

(5) Availability of funds in the state budget according to the priorities established by the state board pursuant to RSA 198:15-c; and

(6) Receipt by the department of a copy of a signed construction contract between the school district or charter school and a contractor authorized to conduct construction business in New Hampshire by the secretary of state.

(f) The department shall disburse 80% of the estimated school building aid grant to the school district or charter school. The remainder of the grant shall be encumbered until the completion of the project.

(g) School districts shall submit quarterly project status updates to the department until the project is completed.

(h) The department shall disperse the final grant payment based on actual costs of the project after review and verification of the information submitted with the request for final payment identified in Ed 321.23(z).

Ed 321.23 Building Aid for Planning and Design of School Facilities. Building aid for architectural, engineering, and other services associated with the planning and design of new school facilities or modifications to existing facilities as authorized by RSA 198:15-b,II(b) and (d) shall not be paid until construction has been approved by the legislative body of the school district or board of directors of a charter school and the project has been approved for funding by the department.

Ed 321.24 Maximum Allowable Construction Cost.

(a) School building aid grants shall be subject to the maximum allowable construction cost under RSA 198:15-b,IV(a).

(b) School building aid shall be calculated based upon the actual construction cost or the maximum allowable construction cost, whichever is lower. The department shall publish the maximum allowable construction cost no later than November 1 of each year. The annually published maximum allowable construction cost shall apply to construction which begins after March 31 of the following year.

(c) The department shall use construction cost and inflation indices developed by the R.S. Means Company of Kingston, Massachusetts as the basis for setting the annual maximum allowable construction cost. The department shall compare the R.S. Means data to actual construction costs for the previous 3 years, and shall adjust the maximum allowable cost upward if the R.S. Means data is lower than the average cost for the previous 3 years after adjusting the actual costs for inflation.

(d) The school district may request a waiver under Ed 321.~~3028~~ for the maximum construction cost allowed under Ed 321.~~264~~.

Ed 321.25 Substantial Renovation. Eligibility for school building aid for substantial renovations as authorized by RSA 198:15-b, II(f) shall be determined as follows:

(a) The construction cost of the renovation project shall be compared to the construction cost of a complete new building equal in size to the building to be renovated using the maximum allowable construction cost as set by Ed 321.~~264~~.

(b) The construction cost of the renovation project shall exceed 25 percent of the construction cost of a new building or \$5 million, whichever is lower.

(c) In order to allow school districts to complete large renovation projects without borrowing, school districts may propose projects to be funded over several years through direct appropriations. A complete building aid application identified in Ed 321.231(e), including design drawings and technical specifications for all phases of the project shall be submitted in the fiscal year prior to the start of construction. The scope of work and estimated cost of each phase shall be attached to the building aid application. The total cost of all phases shall be used to determine the eligibility of projects which are scheduled to be phased over 2 or more consecutive years, subject to the approval of funding for subsequent phases by the legislative body of the school district. In the event the district fails to fund subsequent phases of the project, school building aid payments shall cease and the district shall return all state funds received for the project. A lapse of one year shall be approved upon request of the district. Multi-year projects shall be evaluated for prioritization under Ed 321.231(g)-(n) in the first year in which funding is requested. Grants shall be calculated each year based on the amount appropriated by the district in that year.

(d) If the construction cost of the renovation project exceeds 60 percent of the cost of new construction, the following additional criteria shall be met:

- (1) The school district shall provide documentation that new construction was considered in lieu of renovation and explain why the renovation alternative was chosen; and
- (2) The scope of the renovation project shall provide that all building systems shall be upgraded to the most current codes and standards and that the building shall be fully accessible to individuals with disabilities.

(e) Renovation work done in conjunction with additions to existing buildings shall not be subject to paragraphs (a) through (c) above, but shall be subject to paragraphs (f) through (j) below.

(f) School districts shall maintain adequate property insurance to pay for damages resulting from weather and other natural events. School building aid shall not be provided for work that is covered by insurance or that should reasonably be expected to be covered by insurance.

(g) School building aid shall not be paid for repairs to equipment or structures that are covered by a valid warranty or guarantee. If a warranty has been invalidated by the actions of a school district or its staff, school building aid shall not be paid for damages incurred during the warranty period.

(h) School building aid shall not be paid for repairs to buildings, systems, or components that result from failure to perform proper maintenance. In making this determination, the department shall compare the age of the damaged materials or equipment to the expected useful life of the materials or equipment based on commonly accepted industry standards. School districts shall provide maintenance records and other documentation concerning their maintenance program if necessary for the department to clearly understand the cause of equipment or system damage.

(i) School building aid shall not be paid for work that results from failure to follow building codes or previous guidance from the department.

(j) School building aid shall not be paid for repairs for which the school district makes a legal claim for damages until the legal proceeding has been resolved. In such cases, any portion of the claim that is not satisfied by the legal proceeding shall be eligible for school building aid subject to the limitations in Ed 321.275(a) to (i).

(k) A school district may request a waiver under Ed 321.~~3028~~ for how eligibility for school building aid for substantial renovations is determined under Ed 321.275.

Ed 321.26 Community Use.

(a) Selected areas within a school facility may be constructed in a size large enough to accommodate use of the facility for community purposes other than education. School building aid, however, shall be limited to the maximum allowable size and maximum allowable construction cost limits as described in Ed 321.04, Ed 321.06, and Ed 321.264.

(b) Required educational space shall not be eliminated or reduced in order to provide community use space within the maximum size and cost limits.

(c) A school district may request a waiver under Ed 321.~~3028~~ for the limitation on school building aid and required educational space under Ed 321.286(a) and (b).

Ed 321.27 Ineligibility for School Building Aid.

(a) The following shall be considered ineligible for school building aid under RSA 198:15-c unless a waiver is granted under Ed 321.~~3028~~:

- (1) Swimming pools or natatoriums;
- (2) Field houses;
- (3) Indoor tennis courts;
- (4) Indoor tracks except suspended tracks that do not increase the overall size of the building;
- (5) Ice rinks;
- (6) Artificial turf on athletic fields;
- (7) Auditoriums with a seating capacity including seating capacity for staff greater than 50 percent of the building support space design capacity;
- (8) All auditoriums in elementary schools;
- (9) Resurfacing of tracks, courts, and playing fields;
- (10) Motor vehicles;
- (11) School administrative unit facilities;
- (12) Career and technical centers receiving project funding under RSA 188-E; and
- (13) Text books;
- (14) Computers and software that are not integral to the building systems;
- (15) Portable classrooms; and

(16) Leases.

(b) The following one-time expenses for newly formed schools shall be eligible for school building aid under RSA 198:15-c:

- (1) Library books;
- (2) Computer software; and
- (3) Outdoor athletic facilities.

(c) School districts may submit a written request to the commissioner for inclusion of such items in their school building aid grant. The request shall include an explanation of how approval of the request will support the educational needs of the school district. The written request shall be submitted according to the waiver provisions in Ed 321.3028.

(d) Appeals of decisions concerning eligibility may be made to the state board of education under Ed 200. Nothing in this section shall preclude a school district from constructing such facilities or purchasing items with local funds.

Ed 321.28 Waiver Provisions.

(a) The commissioner of the department or the commissioner's designee may grant waivers for the standards required in Ed 321.03, Ed 321.04, Ed 321.06, Ed 321.10, Ed 321.12, Ed 321.2420, Ed 321.2321(bc), Ed 321.264, Ed 321.2725, Ed 321.286, and Ed 321.297.

(b) ~~All~~ ~~Waiver~~ requests shall:

- (1) Be submitted in writing;
- (2) Be signed by the superintendent of schools of the district requesting the waiver;
- (3) Include:
 - a. Reference to the specific section of Ed 321 for which a waiver is requested;
 - b. A detailed explanation of the standard to be waived and the degree to which the standard will be met if the request for waiver is approved;
 - c. A detailed explanation of the conditions that prevent compliance with the standards of Ed 321, or an explanation of how the waiver is in the best interest of education or is the most effective use of resources;
 - d. An explanation of the district's attempts to achieve compliance with the standard;
 - e. Maps, drawings, or diagrams as appropriate to illustrate and clarify the waiver request;
 - f. An explanation of the impact of a denial of the request for a waiver; and

g. Other information to support the request that the district would like to have considered.

(c) Waivers requests for Ed 321.03(f) shall also include the following information:

(1) A site utilization plan showing all pertinent features for meeting the requirements of the educational specifications that includes:

- a. The location for parking;
- b. Outdoor play areas;
- c. Other municipal playing fields; and
- d. Any other spaces available for student use;

(2) A long-range plan for any planned expansion of future spaces, such as additions, playing fields, parking lots and any other spaces available for student use; and

(3) Any pertinent data relative to land values and the availability of other property, contiguous or not, that can be acquired to enlarge a school site.

(d) The commissioner or the commissioner's designee shall request additional information *as* necessary for a ruling on the request for a waiver.

(e) A written ruling shall be provided to the district by the department within 60 days of receipt of the request for a waiver or following receipt of any additional information requested by the department. A waiver shall be approved if in the determination of the commissioner of the department or the commissioner's designee, approval of the request for a waiver will not compromise the quality of education required in Ed 306 and is the best use of available resources.

(f) Any part of construction work that is dependent upon or otherwise affected by the results of the request for waiver shall not proceed until a ruling on the request has been received from the department.

(g) School districts may appeal the decision of the commissioner or the commissioner's designee to the state board as provided in Ed 200.

Ed 321.29 Air Quality and Energy Efficiency Projects. Projects intended to improve air quality or energy efficiency shall be eligible to receive school building aid in accordance with RSA 198:15-b,II,(g) and shall not be subject to the requirements of Ed 321.275. Air quality or energy efficiency projects may be financed through a lease-purchase agreement with a vendor. A copy of the lease-purchase agreement shall be submitted to the bureau of school approval and facility management, with the final application for school building aid. The agreement shall clearly indicate the costs of labor and equipment separate from rental costs, utility costs, maintenance service costs, interest, or any other charges that are not eligible for school building aid under RSA 198:15-b,II.

Appendix I

Ed 321.01	RSA 21-N:9; RSA 198:15-a
Ed 321.02	RSA 21-N:9, II(c)

Ed 321.03	RSA 21-N:9, II(c)
Ed 321.04	RSA 198:15-b,VII(b)(2)
Ed 321.05	RSA 198:15-b
Ed 321.06	RSA 198:15-b,VII(b)(1)
Ed 321.07 - 321.12	RSA 21-N:9, II(c)
Ed 321.13	RSA 155-A
Ed 321.15 - 321.16	RSA 21-N:9, II(c)
Ed 321.17	RSA 155-A
Ed 321.18 - 321.19	RSA 155-A; RSA 155-D
Ed 321.20	RSA 155-D
Ed 321.21	RSA 21-N:9,II(c)
Ed 321.23	RSA 198:15-a, RSA 198:15-b, RSA 198:15-c; RSA 155-A; RSA 155-D
Ed 321.24	RSA 198:15-a; RSA 198:15-b, IV; RSA 198:15-hh
Ed 321.25	RSA 198:15-b, IV(b)
Ed 321.26	RSA 21-N:9, II(c)
Ed 321.27	RSA 198:15-b, II(f)
Ed 321.28	RSA 21-N:9, II(c)
Ed 321.29	RSA 198:15-c
Ed 321.30	RSA 21-N:9, II(c)
Ed 321.31	RSA 198:15-c
Ed 322	RSA 198:15-hh

Appendix II

Ed 321.19(i)	American National Standards Institute Z-358.1 Eyewash standards 2014	http://www.eyewashdirect.com/ANSI-Eyewash-Z358-Eyewash-Standard-Guide-s/31.htm Pdf file. No cost.
Ed 321.20(c)	Illuminating Engineering Society of North America(IESNA) Lighting Handbook 10 th edition - 2011	http://www.iesna.org/store/ Cost varies with Printed or PDF version
Ed 321.20(d)(1)	BICSI Telecommunications Distribution Methods Manual 13 th edition, 2014	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed materials for members 235.00, nonmember \$395.00, also available online.
Ed 321.20(d)(2)	The BICSI Outside Plant Design Reference manual 6 th edition 2018	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed materials for members \$159.00, nonmember \$249.00, also available online.

Ed 321.20(d)(3)	ANSI/BICSI 001-2017, Information and Communication Technology Systems Design and Implementation Best Practices for Educational Institutions and Facilities	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, FL 33637 Or call: Toll free #800242-7405 Printed materials for members 75.00, nonmember \$95.00, also available online.
Ed 321.20(d)(4)	ANSI/NECA/BICSI N1-2019, Installation Practices for Telecommunications and ICT Cabling and Related Cabling Infrastructure, June 2019 edition	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, FL 33637 Or call: Toll free #800242-7405 Printed material for members \$25.00, nonmember \$35.00, also available online.
Ed 321.20(d)(5)	BICSI Information Technology Systems Installation Methods Manual, 7 th Edition - 2017	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, FL 33637 Or call: Toll free #800242-7405 Printed material for members \$159.00, nonmember \$169.00, also available online.
Ed 321.20(d)(6)	NECA/BICSI 607-2011, Standard for Telecommunication Bonding and Grounding Planning and Installation Methods for Commercial Buildings	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, FL 33637 Or call: Toll free #800242-7405 Printed material for members \$25.00, nonmember \$35.00, also available
Ed 321.21	NSI S12.60 American National Standard Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools- Part 1, 2019 edition and Part 2, 2009 edition	Standards Secretariat, Acoustical Society of America 35 Pinelawn Road, Suite 114E, Melville, NY 11747-3177 Available on-line at no cost.
http://www.caslpa.ca/PDF/noise%20in%20classroom/ASA%20Acoustic%20requirements%20for%20schools.pdf		



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EXECUTIVE SUMMARY
Adopt:
Ed 321 – School Building Construction
Expire: 6-15-2023

Submitted to the State Board of Education, June 11, 2020:

- A. ACTION NEEDED**
A vote is needed by the State Board of Education to adopt Ed 321, School Building Construction.
- B. RATIONALE FOR ACTION**
Upon approval of the conditional approval response by the Office of Legislative Services (OLS) this rule is ready for adoption by the Board.
- C. EFFECTS OF THIS ACTION**
Upon adoption, this rule will be submitted to the OLS for publication. The effective date will be June 12, 2020.
- D. POSSIBLE MOTION**
I move that the State Board of Education adopt Ed 321, School Building Construction.

Readopt with amendment Ed 321.01 through Ed 321.13, effective 6-15-13 (Document #10363), to read as follows:

PART Ed 321 SCHOOL BUILDING CONSTRUCTION

Ed 321.01 Purpose. The purpose of Ed 321 is to provide requirements and standards for the construction of any facility to be used for the purpose of providing education to pupils in grades kindergarten through grade 12, and to provide requirements for how school building aid will be paid for that construction.

Ed 321.02 Definitions. Except where the context makes another meaning clear, the following words have the meaning indicated when used in Ed 321:

(a) "Buildable land" means land upon which a school building, parking lot, on-site traffic circulation and drop-off locations, playgrounds or school playing field can be built. The term includes usable land;

(b) "Construction cost" means the total cost of labor and materials for the construction of the foundation, erection of the structure, finish work, and the installation of equipment integral to the operation of building systems. The cost of site development is not included;

(c) "Department" means the New Hampshire department of education;

(d) "Design capacity" means the maximum total number of students intended to be educated in a school building following completion of a construction project;

(e) "Educational capacity of a school building" means the sum of the maximum number of students that can be simultaneously instructed in every educational space of the building using the minimum space allocations specified in Ed 321.10(g)-(i);

(f) "Educational space" means those parts of a school building to which pupils are assigned for instructional purposes. Educational space includes, but is not limited to, classrooms, laboratories, gymnasiums, and libraries;

(g) "General purpose classroom" means an educational space intended for the instruction of a group of students that is suitable for teaching a variety of subjects and that requires no special permanently installed equipment or unusually large spaces;

(h) "Laboratory" means an educational space intended for instruction involving hands-on student participation in a particular subject that requires specialized equipment, furnishings, or materials;

(i) "Multi-purpose space" means areas within a school building that are used at different times for educational purposes and for support purposes;

(j) "New construction" means construction work that results in the creation of a new building or additional space in an existing building;

(k) "Renovation" means work involving upgrades to existing space in a building or conversion of the use of existing space in a building;

(l) "School building aid" means the state grants for the payment of a share of the cost for school construction under RSA 198:15-a;

(m) "Site development" is the work required to prepare the land for construction. It includes removal of trees and other vegetation, removal of existing structures, removal of rock, cutting and filling of earth, construction of access roads, driveways, and parking lots, installation of surface water drainage systems, and landscaping;

(n) "Substantial renovation" means:

(1) Construction done for the purpose of renewing a building that is valued at an amount greater than 25 percent of the cost to replace the building;

(2) To repair and bring the building back to new or good condition; or

(3) To prepare space for a new or different use;

(o) "Sufficient" means an amount of space, time, or material that will enable a particular function to proceed as intended without restriction or impediment from the size or condition of the physical facility, according to variations in enrollment, staffing, program, or level of instruction from one school to another. The term includes adequate;

(p) "Support space" means those parts of a school building that are generally used for purposes other than instruction. Support space includes offices, storage rooms, wash rooms, kitchens, cafeterias, and similar spaces;

(q) "Total cost" means the cost of all related land, labor, and materials authorized by RSA 198:15-b,II for construction costs; and

(r) "Utilization rate" means the extent to which school buildings are used by comparing design capacity to the educational capacity of the school expressed in a percentage figure. A 100 percent utilization rate means that every seat in every educational space is occupied for the majority of time throughout the school day.

Ed 321.03 Minimum Standards for School Sites.

(a) A school site shall have safe access, parking, drainage, security, and sufficient buildable area to accommodate a school facility that complies with the minimum gross site sizes as described in Ed 321.03 (f).

(b) There shall be access for emergency vehicles from at least 2 directions unless waived by the local fire chief having jurisdiction for enforcement of the state fire code.

(c) The first occupied floor of school buildings located within a 100-year flood plain shall be constructed at an elevation at least 10 feet higher than the base flood elevation for a 100-year flood at that location.

(d) Prior to acquisition of a site, the school district shall have surveys conducted to ascertain, as much as practicable, that past use of the site has not resulted in conditions hazardous to public health, public safety, or to the environment, or matters of interest for historical preservation under RSA 227-C that cannot be adequately removed, abated, or mitigated.

(e) The following shall not be considered buildable land for the purpose of comparing a given site to the minimum site sizes in Ed 321.03 or to the maximum site sizes in Ed 321.04:

- (1) Wetlands, including required setbacks from wetlands;
- (2) Areas with slopes in excess of 60 percent;
- (3) Areas with extensive amounts of bedrock within 6 feet of the surface; and
- (4) Sites known to be contaminated with hazardous materials.

(f) The minimum site size approvable for school building aid for new construction, including additions to existing buildings, for elementary schools, middle schools, and high schools shall be as follows:

- (1) For an elementary school the minimum site size shall be 3 acres of contiguous buildable land for schools with a design capacity of less than 150 students and 5 acres of contiguous buildable land for schools with a design capacity of 150 students or higher;
- (2) For a middle school the minimum site size shall be 10 acres of contiguous buildable land. For middle schools with a design capacity greater than 1000 students there shall be one additional acre for each 300 students or fraction thereof above 1000 students; and
- (3) For a high school the minimum site size shall be 15 contiguous acres of buildable land, plus one additional acre for each 300 students or fraction thereof for the design capacity of the school building.

(g) Whenever a district has a school site that does not meet the site size requirements in Ed 321.03(f) for a new building or an addition to an existing building, the school board may request a waiver for the minimum site size under Ed 321.28.

(h) Renovations and substantial renovations shall apply only to buildings and specifically shall not include site improvements or modifications.

(i) Charter schools shall be exempt from the minimum site sizes in this section.

Ed 321.04 Maximum Standards for School Building Aid for Land Acquisition.

(a) In accordance with RSA 198:15-b,IV(b)(2) school building aid for land acquisition shall be limited to the cost of:

- (1) Twenty acres of buildable land plus one acre for every 100 students or fraction thereof for elementary schools;
- (2) Twenty-five acres of buildable land plus one acre for every 100 students or fraction thereof for middle schools; and
- (3) Thirty acres of buildable land plus one acre for every 100 students or fraction thereof for high schools.

(b) Wetlands, including required setbacks, areas with slopes in excess of 60 percent, areas with extensive amounts of bedrock within 6 feet of the surface, or sites known to be contaminated with hazardous materials shall not be considered buildable land for the purpose of comparing a given site to the minimum or maximum site sizes in Ed 321.03 or Ed 321.04.

(c) For the purposes of Ed 321.04, design capacity shall be based upon reasonable enrollment projections developed through a statistically valid process. In approved situations, educational space may be built to one design capacity while core space is built to a larger capacity in anticipation of future expansion.

(d) Renovations and substantial renovations shall apply only to buildings and specifically shall not include site improvements or modifications.

(e) A school board or board of directors of a charter school may request a waiver under Ed 321.28 for the maximum amount of school building aid to which its district is entitled for land acquisition.

(f) For purposes of this section, every acre of land in a contiguous building site shall be assumed to have equal value which shall be determined by dividing the total cost of the land by the number of acres.

Ed 321.05 Building Aid for School Sites and School Site Development.

(a) Aid payments on the purchase price or development costs of a school site shall not begin prior to the authorization of a building project for that site by the legislative body of the school district or board of directors of a charter school and approval for funding by the department.

(b) Aid payments shall be made on land acquisitions financed only by the actual expenditure of funds appropriated from taxation. Development costs on these parcels and those acquired by other means and incurred as a consequence of a school building project shall be eligible for aid, however.

(c) Aid payments on school sites or school site development shall, upon approval by the department, follow the same protocol as aid payments for building projects.

Ed 321.06 Maximum Sizes for School Buildings. School building aid for new school buildings or additions to existing school buildings shall be limited to the following under RSA 198:15-b,IV, (b)(1) for:

(a) Elementary schools, 120 square feet/pupil;

(b) Middle schools, 140 square feet/pupil;

(c) High schools, not including space in regional vocational centers, 160 square feet/pupil;

(d) School buildings with a design capacity of less than 250 students shall be allowed 144 square feet/pupil for an elementary school, 168 square feet/pupil for a middle school, and 192 square feet/pupil for a high school;

(e) Individual buildings that house combinations of 2 or more levels shall be subject to the limits for the highest level to be housed in the building;

(f) All spaces constructed using building aid in the past 35 years shall be included in the square footage when calculating the limits above. Conditions in the existing building that cause the total project to exceed the maximum size limits shall constitute sufficient justification for a waiver of the limits as

authorized by RSA 198:15-b,IV,(d), provided that the size of the newly constructed space is consistent with similar spaces in an entirely new building that meets the limits, there is a financial benefit to the public, or both; and

(g) The above limits shall be waived by the commissioner of the department or the commissioner's designee upon a written request for a waiver from the school district under Ed 321.28.

Ed 321.07 Design Standards. For the purposes of standards for school sites and construction projects for school buildings, design capacity shall be based upon reasonable enrollment projections developed through a statistically valid process.

Ed 321.08 Standards for Educational Capacity of a School Building.

(a) Spaces currently used as educational space, but not designed as such, shall not be included in determining the educational capacity of a school building. Space in temporary or relocatable facilities shall not be included in determining the educational capacity of a school building.

(b) The educational capacity of a school building shall be based upon the physical dimensions of the educational spaces and the space allowances in Ed 321.10(g)-(i). Educational capacity shall not be reduced by applying a limit to the number of students in a class below the maximum class size found in Ed 306.17 even though local policy may establish lower maximum class sizes.

(c) The definition of educational capacity in Ed 321.02(e) and the provisions of Ed 321.08 shall not preclude districts from establishing local policies concerning the maximum number of students in a particular class provided, however, that such policies shall not be taken into account when determining the educational capacity of a school building.

Ed 321.09 Calculating Utilization Rate. The utilization rate of a school building shall be calculated by dividing the design capacity by the educational capacity and expressing the figure as a percentage. A 100 percent utilization rate shall not be required. For a proposed new building or addition to an existing building, the educational capacity shall be calculated by dividing the design capacity by the planned utilization rate. For purposes of determining eligibility for school building aid, planned utilization rates shall not be less than 85% for high schools, 90% for middle schools, and 95% for elementary schools. The minimum utilization rate shall not apply when only one general purpose classroom is assigned per grade.

Ed 321.10 Standards for Educational Space.

(a) Educational space shall include, but not be limited to, classrooms, laboratories, gymnasiums, and libraries.

(b) School facilities shall provide educational space sufficient to meet the requirements identified in the educational specifications in Ed 321 and the New Hampshire minimum standards for public school approval as specified in Ed 306.

(c) Approval of the size of classrooms or instructional spaces shall be determined by the acceptable number of square feet per student established in Ed 321.10(g)-(k), multiplied by the total projected number of the class or group or the minimum size specified in Ed 321.10 whichever is larger.

(d) The requirements of Ed 321.10 *shall be waived by the commissioner of the department or the commissioner's designee upon a written request for a waiver from* the requesting school district under Ed 321.28.

(e) Every educational space, except gymnasiums and music rooms, shall contain a seat and work surface for each student, teacher, and teacher's aide, appropriate for the normal activity conducted in that space.

(f) Every general purpose classroom shall:

(1) Contain an erasable surface of at least 32 square feet and a surface suitable for projection purposes; and

(2) Be furnished with:

- a. Desks for students and teachers;
- b. Bookshelves; and
- c. Other common furniture and equipment.

(g) A kindergarten classroom shall provide at least 1,000 square feet, including storage, or 50 square feet per child, whichever is greater.

(h) For the elementary and middle schools, a general purpose classroom shall provide a minimum of 900 square feet, including storage, or 36 square feet per child, whichever is greater.

(i) For high schools, a general purpose classroom shall contain a minimum of 800 square feet, including storage, or 32 square feet per student, whichever is greater.

(j) Science laboratories and combination lab-classrooms shall be sized according to the joint recommendation of the National Association of Science Teachers and the Laboratory Safety Institute at 45 square feet per pupil for separate labs and 60 square feet per pupil for combination lab-classrooms or a minimum of 900 square feet for separate labs and 1200 square feet for combination lab-classrooms. There shall be a maximum of 24 laboratory work stations, at least one of which shall be suitable for students with disabilities and in compliance with RSA 275-C.

(k) Library-media centers shall be sized at 40 square feet per student times the design capacity or a minimum of 1800 square feet.

(l) When an area in a school building is used as multi-purpose space, standards for educational space shall take precedence over standards for support space. Multi-purpose space includes, but is not limited to, an area used for physical education that becomes the dining area at meal time.

(m) Required educational space shall not be reduced or eliminated in order to provide additional support space or space for extracurricular activities.

(n) Charter schools shall be exempt from the minimum space sizes in this section.

Ed 321.11 Special Education Space.

(a) In addition to the requirements of Ed 321.10, space shall be provided in every school to meet the unique requirements of special education students, and to meet the requirements of Ed 1119.06.

(b) Exclusive use space shall be provided for speech therapy, physical therapy, occupational therapy, and private counseling. Physical and occupational therapy may be co-located.

(c) The minimum total amount of exclusive use space for special education shall be 600 square feet. An area for private meetings with parents and staff shall be available, although it need not be used exclusively for special education use.

(d) Locked, fire proof containers shall be provided for record storage.

(e) A private office shall be provided for the special education coordinator if there is a position on the school staff.

(f) Charter schools shall be exempt from the minimum space sizes in this section.

Ed 321.12 Standards for Support Space.

(a) Support space shall include, but shall not be limited to, offices, the nurse suite, kitchens, cafeterias, teacher preparation areas, gym locker rooms, team rooms, weight training rooms, storage areas, parking, and restrooms.

(b) The following standards shall apply to offices:

(1) The school principal, each assistant principal, and each guidance counselor shall be provided a private office;

(2) The chief building maintenance individual, chief food service individual, and each administrative staff person shall be provided with administrative space exclusive of storage space and waiting areas;

(3) All offices and administrative areas shall be provided with sufficient furniture appropriate to the work performed at that location; and

(4) The minimum total amount of administrative office space in a school building shall be 1200 square feet. The minimum size shall be based on an administrative staff of 6 individuals. For schools with more than 6 staff members who require office space, the minimum total amount of administrative office space shall be increased by 120 square feet for each additional person requiring a private office and by 60 square feet for each additional person in an open office arrangement.

(c) The following standards shall apply in schools that have a school nurse:

(1) The nurse shall be provided with:

a. Exclusive administrative space;

b. A waiting area;

c. Space for examining patients that includes a sink with hot and cold water;

d. Secure dry and refrigerated storage for medications; and

e. A patient isolation area which includes one cot for every 200 pupils in the design capacity;

(2) A separate restroom shall be provided which meets current accessibility requirements; and

(3) The minimum size of the nurse suite shall be 625 square feet for schools with a design capacity greater than 750 pupils. The minimum size of the nurse suite for schools with a design capacity of 750 pupils or less shall be 300 square feet.

(d) The following standards shall apply to kitchens and cafeterias:

(1) The kitchen and cafeteria shall be sized so as to allow each student a minimum of 10 minutes, not including serving time, to sit at a table and consume his or her meal during a specified lunch period;

(2) The cafeteria shall be sized based upon 12-15 square feet per student for the maximum number of diners in any given lunch period. The throughput of the serving line or lines shall ensure that all students can be served in the allotted time and that no student has to wait for a seat to become vacant before eating; and

(3) The kitchen shall be of sufficient size to allow the proper installation of all necessary equipment with the necessary spacing between appliances to meet the applicable safety requirements as specified by the manufacturer, the state building code under RSA 155-A, and the New Hampshire department of labor.

(e) Each teacher shall be provided with at least 64 square feet of shared administrative space to be used for lesson preparation and grading student work during periods when that teacher is not conducting classroom instruction. Shared administrative space shall include a desk or other work surface, a seat, and task lighting. This requirement may be fulfilled within educational space if that space is exclusively assigned to one teacher.

(f) Sufficient lockers, changing areas, and showers shall be provided for the maximum number of students in any scheduled physical education class for grades 7-12.

(g) One team room may be provided for each athletic team in season.

(h) One weight training room may be provided for grades 9-12.

(i) The following standards shall apply to storage space:

(1) Each student and staff member shall be provided with adequate space to store outer garments, books, and other personal items for the duration of the school day. Food service workers, custodians, and other staff who require special clothing shall be provided sufficient storage as required;

(2) Sufficient storage space shall be provided for general office supplies, text books, classroom equipment and similar items as required for administrative purposes;

- (3) Sufficient space shall be provided to properly store athletic equipment, musical instruments, uniforms and other items of school property used by students or activities;
 - (4) Sufficient storage shall be provided to properly store cleaning supplies, tools, spare parts, unused furniture, equipment not in use, and other like items required for custodial and maintenance activities;
 - (5) Adequate dry and cold storage shall be provided to meet the requirements of the food service program for food storage and shall be sufficient to allow foodstuffs and paper products to be purchased in bulk; and
 - (6) Sufficient dumpsters or other type containers shall be provided to adequately handle refuse based upon the refuse collection schedule.
- (j) The following standards shall apply to parking space:
- (1) Outside vehicle parking space shall be provided for at least 100 percent of the staff and 75 percent of the students eligible to drive a vehicle; and
 - (2) Additional parking areas shall be provided for visitors, parents, and school buses as required;
 - (3) A waiver of these requirements may be requested by the school district under Ed 321.28. The waiver request shall include detailed information and statistics which shall demonstrate that a lesser amount of parking will meet the needs of the facility in question.
- (k) Charter schools shall be exempt from the minimum space sizes in this section.

Ed 321.13 Fire Safety Requirements.

- (a) All construction of school facilities shall meet the requirements of the state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control. The drawings and specifications of public school construction shall be evaluated by the state fire marshal according to the state fire code. Pursuant to RSA 153, the state fire marshal shall judge the drawings and specifications according to other related parts and standards of the Life Safety Code under NFPA Doc. No. 101, and the state building code under RSA 155-A.
- (b) The certificate of substantial completion shall not be issued to the construction contractor prior to receipt of a letter of approval of the design from the state fire marshal.
- (c) Variances for the provisions of Ed 321.13 may be granted by the state fire marshal in accordance with the provisions of Saf-C 6005 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

Readopt with amendment and renumber Ed 321.15 through Ed 321.31, effective 6-15-13 (Document #10363), and renumber all subsequent parts so that Ed 321.16 becomes 321.15 and so on, to read as follows:

Ed 321.14 Construction Costs.

(a) For a new building or addition to an existing building, construction cost shall include the cost of labor and materials to erect the building and foundation. The cost of site development shall not be included in construction cost.

(b) Equipment that is normally fastened to the structure shall be included in construction costs. Components of heating, ventilating, and air conditioning (HVAC) systems, electrical wiring and equipment, plumbing fixtures, components of fire protection systems, and door hardware shall be included in construction costs, as defined in Ed 321.02(b).

(c) In renovation projects, construction costs shall include the cost of labor and materials for repairing, replacing, remodeling, or altering the existing structure or building systems.

Ed 321.15 Total Cost of School Building Construction.

(a) For purposes of calculating school building aid, total eligible costs include:

(1) The costs for acquisition of land and site development;

(2) Construction costs;

(3) Planning and design costs, including:

a. Architectural fees;

b. Engineering fees; and

c. Project manager fees if required by RSA 198:15-c IV;

(4) Purchase of furniture, fixtures, and equipment necessary for the completion of a building, including commissioning fees, computers and software necessary to operate the security, HVAC, or other building system components, fire retardant window treatments, seating, lockers, clock systems, sound systems, and other equipment that is integral to the building and educational services; and

(5) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in buildings.

(b) Costs related to financing such as bonding charges and interest shall not be included in the total cost of school building construction and shall not be eligible for inclusion in the calculation of school building aid.

(c) Costs for construction work that is not located on school property shall not be eligible for inclusion in the calculation of school building aid. This shall include, but not be limited to, costs for construction of municipally owned sidewalks, costs for improvements to municipally owned roadways, costs for installation of traffic control devices, and costs to construct or improve utility plant to bring service to the school.

Ed 321.16 Construction Standards.

(a) All school construction shall comply with the requirements of the state building code under RSA 155-A. School design drawings and specifications shall bear the stamp and signature of individuals licensed to perform architecture or engineering in the appropriate disciplines in the state of New Hampshire. The stamp and signature of the design professionals shall be understood to certify that the project has been designed in compliance with all applicable building codes and standards.

(b) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.17 Heating, Ventilating, and Air Conditioning (HVAC) Requirements.

(a) Schools shall be designed, constructed, and maintained to provide:

(1) Code compliant outside air ventilation and exhaust systems to aid in the maintenance of indoor air quality; and

(2) Code compliant heating temperatures throughout occupied building areas.

(b) In cases where air conditioning is provided, schools shall be designed, constructed, and maintained to provide code compliant cooling temperatures throughout all air conditioned spaces.

(c) The design and installation of all HVAC systems shall comply with:

(1) The state building code under RSA 155-A;

(2) The code for energy conservation in new building construction under RSA 155-D; and

(3) The state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

(d) A school district may use energy recovery ventilation equipment in its school buildings for transfer of sensible and latent or sensible or latent energy from exhaust air to outside air. For the purposes of this paragraph, the transfer of sensible and latent or sensible or latent energy from exhaust air to outside air means the practice of extracting heat from exhaust air to limit the amount of new energy that is used to heat additional air from outside.

(e) Project construction documents shall require the HVAC contractor to provide the school maintenance personnel with record drawings, appropriate training, operating and maintenance manuals, and any other relevant information concerning the HVAC systems and components thereof.

(f) Project construction documents shall require a formal commissioning process for HVAC systems start-up and initial operation. At a minimum, the construction documents shall identify the requirement for the development of a written commissioning plan specific to the project. The commissioning plan shall identify a process of ensuring that prior to completion of a construction project, new and/or modified HVAC systems perform in accordance with the design intent and the construction documents. The commissioning process shall include, but shall not be limited to, verification and functional performance testing on all HVAC equipment and controls, in all operating modes.

(g) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.18 Plumbing Requirements.

(a) Schools shall be designed, constructed, and maintained to provide code compliant plumbing systems, including potable water, sanitary sewer and vent, storm drain, and other specialty plumbing systems.

(b) The design and installation of all plumbing systems shall comply with:

- (1) The state building code under RSA 155-A;
- (2) The code for energy conservation in new building construction under RSA 155-D;
- (3) The state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control; and
- (4) The state code for barrier-free design, Abdf 300.

(c) At a minimum, the following plumbing fixture ratios shall be provided for in each school building unless a higher number is required by the state building code under RSA 155-A:

- (1) The ratio of water closets to the number of students shall be one water closet per 30 students or fraction thereof;
- (2) For boys and girls in all grade levels, the ratio of lavatories to the number of students shall be 1-40. Wash fountain sinks may be substituted for lavatories as permitted by the state building code under RSA 155-A;
- (3) If the state plumbing code requires a larger number of fixtures, the number required by the code shall be provided, unless a written waiver is received from an appropriate authority empowered to grant such waivers; and
- (4) Whenever a school building is designed to allow restricted access to parts of the building such as the gymnasium or the auditorium, a sufficient number of restrooms and water closets or urinals shall be included within the restricted area to accommodate the maximum occupancy of the restricted area in accordance with the state building code under RSA 155-A.

(d) For the purposes of Ed 321.18(c)(1):

- (1) Fifty percent of the enrollment will be assumed to be girls and 50 percent boys unless there is strong information to indicate that a different ratio is appropriate; and
- (2) Urinals may be used in lieu of water closets as permitted by the state building code under RSA 155-A.

(e) Sinks and wash fountain sinks shall be provided in laboratories and other instructional spaces as required. Corrosion-resistant fixtures, special waste systems, and waste interceptors shall be provided as required by the project program demands and the state building code under RSA 155-A.

(f) A minimum of one custodial sink shall be provided in each school building.

(g) A minimum of one school nurse sink compliant with the accessibility requirements under Abdf 300 shall be provided in each school building where a school nurse is assigned.

(h) Where integral to hand washing sinks, receptors for drinking fountains shall be directed to a receptor basin separate from the hand washing sink. One drinking fountain or water cooler shall be provided for every 40 students or fraction thereof, unless a larger number is required by the state building code under RSA 155-A, in which case the code requirement shall be met.

(i) Emergency shower and eye wash stations shall be provided in all science labs, automotive shops, and other places where hazardous liquids or open flames are frequently used and shall comply with the American National Standards Institute Z-358.1 Eyewash standards 2014 as referenced in Appendix II.

(j) Project construction documents shall require the plumbing contractor to provide the school maintenance personnel with record drawings, appropriate training, operating and maintenance manuals, and any other relevant information concerning the plumbing systems and components thereof.

(k) Project construction documents shall require a formal commissioning process for plumbing systems start-up and initial operation. At a minimum, the construction documents shall identify the requirement for the development of a written commissioning plan specific to the project. The commissioning plan shall identify a process of ensuring that new and modified or new or modified plumbing systems perform in accordance with the design intent and the construction documents. The process shall include, but shall not be limited to, verification and functional performance testing on all plumbing equipment and controls, in all operating modes.

(l) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.19 Electrical Requirements.

(a) Schools shall be designed, constructed, and maintained to provide code compliant electrical systems that include:

(1) Power distribution;

(2) Lighting;

(3) Fire alarms;

(4) Telecommunications systems that include but are not limited to the following specialty electrical systems:

a. Data;

- b. Phone and intercom;
- c. Community access television (CATV); and
- d. Closed-circuit television; and

(5) Security.

(b) The design and installation of all electrical systems shall comply with:

- (1) The state building code under RSA 155-A;
- (2) The code for energy conservation in new building construction under RSA 155-D; and
- (3) The state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

(c) In addition to being in compliance with the state code for energy conservation in new building construction under RSA 155-D, the design and installation of all lighting systems shall comply with the Illuminating Engineering Society of North America (IESNA) *Lighting Handbook* 10th edition – 2011 as referenced in Appendix II. Multiple use school spaces such as cafeterias and auditoriums shall have illumination for the highest level required by any planned use.

(d) In addition to complying with the state building code under RSA 155-A, the design and installation of all telecommunication systems shall also comply with the Building Industries Consulting Services International (BICSI) standards, the American National Standards Institute (ANSI), and the National Electrical Contractors Association (NECA) standards as follows:

- (1) The BICSI *Telecommunications Distribution Methods Manual* 13th edition 2014 as referenced in Appendix II;
- (2) The BICSI *Outside Plant Design Reference Manual* 6th edition 2018 as referenced in Appendix II;
- (3) ANSI/BICSI 001-2017, *Information and Communication Technology Systems Design and Implementation Best Practices for Educational Institutions and Facilities* as referenced in Appendix II;
- (4) ANSI/NECA/BICSI N1-2019, *Installation Practices for Telecommunications and ICT Cabling and Related Cabling Infrastructure*, June 2019 edition, as referenced in Appendix II;
- (5) BICSI *Information Technology Systems Installation Methods Manual*, 7th edition - 2017 as referenced in Appendix II; and
- (6) NECA/BICSI 607-2011, *Standard for Telecommunications Bonding and Grounding Planning and Installation Methods for Commercial Buildings* as referenced in Appendix II.

(e) Project construction documents shall require the electrical contractor to provide the school maintenance personnel with record drawings, appropriate training, operating and maintenance manuals, and any other relevant information concerning the electrical systems and components thereof.

(f) Project construction documents shall require a formal commissioning process for electrical systems start-up and initial operation. At a minimum, the construction documents shall identify the requirement for the development of a written commissioning plan specific to the project. The commissioning plan shall identify a process of ensuring that new and modified or new or modified electrical systems perform in accordance with the design intent and the construction documents. The process shall include, but shall not be limited to, verification and performance testing on all electrical equipment and controls, in all operating modes.

(g) Verification that construction has been performed according to state and local building codes and approval of variances shall be the responsibility of the local code enforcement official in the municipality in which the construction takes place, or the state fire marshal in accordance with RSA 155-A:7.

Ed 321.20 Acoustics.

(a) Educational spaces shall be constructed so as to meet or exceed the requirements of the ANSI S12.60 American National Standard Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools part 1, 2010 edition and part 2, 2009 edition, as referenced in Appendix II.

(b) The school district may request a waiver under Ed 321.28 for meeting or exceeding the requirements in Ed 321.21(a) for educational spaces.

(c) Compliance with the acoustics standard shall be certified in writing by the lead architect or engineer.

Ed 321.21 Steps in the Procedure for Approval of School Building Aid.

(a) Approval for a school site by the department shall not be given until the requirements in Ed 321.23(b)-(w) are completed.

(b) A letter of intent shall consist of:

(1) Project information on the name, location, contact person, description, anticipated district approval date, estimated total cost, and anticipated commencement and completion dates for the project;

(2) Description of the deficiencies in the existing building; and

(3) A statement to be signed by the superintendent of schools of the district making application which indicates that the school board has reviewed the requirements of RSA 198:15-a, 15-b, and 15-c and Ed 321, and that a copy of Ed 321 has been provided to the lead architect or engineer responsible for design of the project.

(c) The letter of intent shall be received no later than 18 months prior to the beginning of the biennium in which school building aid grants are to be dispersed. If requested, the commissioner shall waive the letter of intent or its submittal deadline pursuant to the waiver provisions under Ed 321.28.

(d) An application for school building aid shall consist of:

(1) School building aid application for each building where eligible construction work is to be accomplished, which shall include the following information from the school district:

- a. Project information including the location, contact person, estimated cost of the project, school approval level, project type, and project delivery method;
- b. Identification of architect and project manager, if required by RSA 198:15-c;
- c. Identification of the total number of students, staff, and student drivers, the design capacity, educational capacity, and utilization rate;
- d. A brief description of the project;
- e. Description of the project alternatives considered and rational for selecting the alternative chosen;
- f. Description of the current and proposed energy use of the facility;
- g. A list of the deficiencies and, if applicable, a statement of how the proposed project will correct the deficiencies;
- h. A description of the maintenance requirements identified in RSA 198:15-b, I-a;
- i. Square footage of the building before and after construction;
- j. Anticipated project costs and unit costs;
- k. Anticipated funding sources and anticipated amounts from each source; and
- l. Amount of district debt, total assessed valuation, and percent debt to valuation;

(2) The school building application shall include the following attachments:

- a. A completed and signed “Condition Evaluation Form” dated February 5, 2020;
- b. A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer’s instructions;
- c. A copy of the school or district’s 20-year maintenance plan in accordance with RSA 198:15 I-a. (l);
- d. Minutes of the meeting to put forth the project for voter consideration and funding;
- e. Most recent fire and health inspection reports;
- f. Copy of completed request for project review from the department of cultural resource, division of historical resources;
- g. Acknowledgement that plans shall be submitted to the state fire marshal’s office for a plan review prior to construction;

- h. Acknowledgement that the applicant shall submit for energy efficiency reimbursement from their regulated utility under RSA 374-F, as required by RSA 198:15-c;
- i. Copy of engineering reports, space utilization studies, or other appropriate documents that confirm the need to remediate the existing conditions;
- j. Life cycle cost analysis, in accordance with RSA 198:15-b I.(b)(2);
- k. Documentation on the selected design capacity;
- l. Educational capacity calculations;
- m. An aerial view of the existing building(s) with the total square footage and the year of construction labeled for the original building and any additions;
- n. Site plan which indicates the boundaries of school owned property to be developed, location of proposed construction, location of wetlands and bodies of water, and location of existing structures;
- o. Preliminary architectural drawings including outside elevations, and dimensioned floor plans that are labeled as to the use of each space;
- p. Outline of technical specifications;
- q. The completion of the data collection survey or the general description of major building systems, including but not limited to heating, ventilation, electrical, plumbing, and fire protection;
- r. If the project includes the purchase of land, attach site information such as the total buildable area, descriptions of the restrictions the site might have, the status of any necessary testing and permitting, and the proposed grading plan; and
- s. A digital copy of the application and attachments.

(e) To be considered for building aid in the following biennium, complete applications shall be filed with the department no later than July 1 of the year prior to the biennium in which school building aid grants are to be dispersed in accordance with RSA 198:15-c.

(f) The department shall notify the applicant within 30 days of receipt of an application-that either:

- (1) The application is complete and approved for project ranking; or
- (2) The application is incomplete and is not approved for project ranking.

(g) The department shall award a score to each application using the “Condition Evaluation Form” dated February 5, 2020. The department shall conduct a site visit to the location of each application subject to the availability of time and funds for making such visits. The department shall present the applications including the completed condition evaluation to the school building authority.

(h) Projects shall be scored according to the following criteria.

- (1) Correcting unsafe conditions, 250 points possible;
- (2) Updating obsolete, inefficient, and unsuitable facilities, including correcting deficiencies with the Americans with Disabilities Act, 100 points possible;
- (3) Correcting overcrowding conditions and addressing increased enrollment projections, 50 points possible;
- (4) Having an active maintenance program that tracks scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to achieve the design life expectancy of building systems and components, 125 points possible;
- (5) Percent of student enrollment eligible for free or reduced cost meals, 200 points possible;
- (6) Adding and integrating school security systems, 100 points possible;
- (7) Contributing to operational cost efficiencies, consolidation, or reduced property taxes, 50 points possible;
- (8) Designing a high performance facility that provides an environment that is energy and resource efficient, 100 points possible; and
- (6) Preserving historical elements of the facility, as requested by the New Hampshire department of natural and cultural resources, division of historical resources, 25 points possible.

(i) Projects shall be ranked in descending order with the project receiving the highest score ranked first with the following exceptions:

- (1) No application which receives at least half of the possible points for unsafe conditions in (h)(1) above shall be ranked below any application that receives fewer than half of the possible points for unsafe conditions;
- (2) Except as allowed by (i)(1) above an application that was on the prioritized list in the previous biennium and approved by the district's legislative body, but did not receive a grant due to insufficient funds in the previous biennium, shall be ranked ahead of any application that was not on the list in the previous biennium; and
- (3) In the event that 2 or more applications receive the same number of points, they shall be ranked according to the number of points scored in the unsafe conditions category. If a tie score remains after ranking for unsafe conditions, the school building authority shall determine the ranking of those applications.

(j) Points for unsafe conditions shall be awarded only for conditions caused by normal wear and tear, code changes since construction of the building, or a natural event. Conditions that result from insufficient maintenance or neglect as described in Ed 321.25(g) or Ed 321.25(h) shall not be considered for points.

(k) In accordance with RSA 198:15-c II(a), by December 1 of each year prior to the biennium in which school building aid grants are to be dispersed, the school building authority shall verify the ranking submitted by the commissioner and submit a list in descending rank order to the state board of education for approval. If the submitted list differs from the preliminary ranking from the department of education, the school building authority shall justify the new ranking list using the same criteria identified in (h) and (i) above.

(l) The prioritized list of applications shall be approved by majority vote of the school building authority.

(o) In accordance with RSA 198:15-c, II.(a), the state board shall approve and publish the descending rank ordered list of applications by January 15 of the year prior to the biennium in which school building aid grants are to be dispersed. If the state board determines that the school building authority or the department failed to comply with the requirements of Ed 321 or RSA 198:15-c in developing the prioritized list, the list shall be returned for appropriate corrective actions.

(p) School districts and charter schools shall have 15 business days following the publication of the prioritized list of applications to appeal the prioritization of their applications. Appeals shall be submitted in writing to the state board and signed by the chair of the local school board or chair of the board of directors of a charter school.

(q) Final drawings and technical specifications shall be provided to the department for review and approval as soon as they become available.

(r) The department shall approve final drawings and technical specifications upon receiving the following information:

(1) Drawings and technical specifications signed and stamped by individuals licensed in the appropriate disciplines to practice architecture or engineering in the state of New Hampshire;

(2) A signed letter of certification provided by the designers indicating that the design meets the state building code under RSA 155-A, the code for energy conservation in new building construction under RSA 155-D, the New Hampshire code for barrier-free design under Abfd 300, the requirements of Ed 321, and that no asbestos containing materials have been specified; and

(3) Certification that reference any properly approved code or permit variances or waivers.

(s) Certification that the design meets the state energy code shall be provided to the public utilities commission as required by Puc 1803.03.

(t) The department shall provide review comments in writing. Corrections shall be made if the review comments indicate that the design fails to meet one or more state requirements. Documentation of the corrections shall be provided to the department.

(u) Drawings and specifications shall be provided to the office of the state fire marshal. A letter of approval by the state fire marshal shall be issued and distributed upon the fire marshal's approval of drawings and specifications. A copy of the letter of approval shall be provided to the department.

(v) If the project involves construction or extensive renovations of food service facilities, drawings and specifications shall be reviewed and approved by the bureau of food protection in the department of

health and human services as required by He-P 2304. A copy of the letter of approval shall be provided to the department.

(w) If the project includes a well or septic system, approval shall be obtained from the department of environmental services as required by RSA 485 and Env-Dws 406 and RSA 485-A and Env-Wq 1000, respectively. A copy of the approval(s) shall be provided by the applicant to the department.

(x) If the project includes an addition to a building using an existing well or septic system, but does not expand the capacity of the system, certification that the existing system is adequate shall be provided by an individual properly licensed in New Hampshire to give such certification.

(y) Upon receipt and approval of all required documents, the department shall approve a project for a school building aid grant and disburse funds to a school district or charter school as described in Ed 321.22.

(z) Following completion of all construction work and final actual costs have been determined, the school district or charter school shall submit a request for final payment with the following information:

- (1) Project information including the name of the project, contact person, the contracted date for project completion, and overall cost of the project;
- (2) Final space information;
- (3) Actual project costs;
- (4) Final unit costs;
- (5) Actual project funding sources and documentation of each source;
- (6) Explanation of all deviations from the approved design and cost;
- (7) A summary of invoices with date of invoice, vendor, description of item, amount of invoice, and category of item type such as a site acquisition or development cost, a construction cost, a planning and design cost, or a furniture, fixtures and equipment cost;
- (8) A signed statement from the school administrator, the person in charge of finances, and school board members or board of trustees, that the project is complete, the summary of invoices submitted are accurate, and that the project was built in accordance with all applicable building aid rules and law to the best of their knowledge;
- (9) Other information on code compliance, income sources, and required approval from other state agencies, not previously submitted; and
- (10) A digital copy of the information in (1) through (9) above.

(aa) After review and verification of the information submitted in Ed 321.21(z), the department shall issue a project completion letter stating that all necessary requirements have been met and that all payments are final.

Ed 321.22 School Building Aid Payments.

(a) School building aid shall be provided by the department from funds appropriated by the legislature to eligible local school districts and charter schools in accordance with RSA 198:15-a and Ed 321. School building aid shall be paid for construction as authorized by RSA 198:15-b,II on property owned by a school district or , city in cities with school departments, or a charter school.

(b) By April 30 of each year, the department shall verify with each district the anticipated amount of school building aid to be provided in the following fiscal year.

(c) For applications approved prior to July 1, 2013 school building aid payments shall be made semi-annually in October and April of each fiscal year. Semi-annual payments shall be in approximately equal amounts. In the event that payments are prorated in accordance with RSA 198:15-e, the October payment shall be 50 percent of the annual total with the full prorated reduction occurring in the April payment.

(d) For applications approved after July 1, 2013, school building aid payments shall be made in 2 increments. The department shall encumber the full eligible amount of the grant in the fiscal year in which construction is expected to begin. Eighty percent of the estimated eligible grant shall be paid upon approval for payment by the department. The balance of the total grant shall be paid upon completion of construction and verification by the department. The amount of the total grant shall be calculated based on the actual cost of construction financed from eligible sources. Payment for actual costs that exceed the amount estimated at the time of approval for payment shall be subject to the availability of funds.

(e) Approval for payment by the department shall be given upon completion of all of the following:

(1) Vote of the legislative body of the district or the board of directors of a charter school approving the construction project and appropriating the local share of funds necessary to complete the project;

(2) Approval of the project by the state board;

(3) Receipt of all project documentation required by the department;

(4) Approval of the project design, technical specifications, and cost estimate by the department;

(5) Availability of funds in the state budget according to the priorities established by the state board pursuant to RSA 198:15-c; and

(6) Receipt by the department of a copy of a signed construction contract between the school district or charter school and a contractor authorized to conduct construction business in New Hampshire by the secretary of state.

(f) The department shall disburse 80% of the estimated school building aid grant to the school district or charter school. The remainder of the grant shall be encumbered until the completion of the project.

(g) School districts shall submit quarterly project status updates to the department until the project is completed.

(h) The department shall disperse the final grant payment based on actual costs of the project after review and verification of the information submitted with the request for final payment identified in Ed 321.23(z).

Ed 321.23 Building Aid for Planning and Design of School Facilities. Building aid for architectural, engineering, and other services associated with the planning and design of new school facilities or modifications to existing facilities as authorized by RSA 198:15-b,II(b) and (d) shall not be paid until construction has been approved by the legislative body of the school district or board of directors of a charter school and the project has been approved for funding by the department.

Ed 321.24 Maximum Allowable Construction Cost.

(a) School building aid grants shall be subject to the maximum allowable construction cost under RSA 198:15-b,IV(a).

(b) School building aid shall be calculated based upon the actual construction cost or the maximum allowable construction cost, whichever is lower. The department shall publish the maximum allowable construction cost no later than November 1 of each year. The annually published maximum allowable construction cost shall apply to construction which begins after March 31 of the following year.

(c) The department shall use construction cost and inflation indices developed by the R.S. Means Company of Kingston, Massachusetts as the basis for setting the annual maximum allowable construction cost. The department shall compare the R.S. Means data to actual construction costs for the previous 3 years, and shall adjust the maximum allowable cost upward if the R.S. Means data is lower than the average cost for the previous 3 years after adjusting the actual costs for inflation.

(d) The school district may request a waiver under Ed 321.28 for the maximum construction cost allowed under Ed 321.24.

Ed 321.25 Substantial Renovation. Eligibility for school building aid for substantial renovations as authorized by RSA 198:15-b, II(f) shall be determined as follows:

(a) The construction cost of the renovation project shall be compared to the construction cost of a complete new building equal in size to the building to be renovated using the maximum allowable construction cost as set by Ed 321.24.

(b) The construction cost of the renovation project shall exceed 25 percent of the construction cost of a new building or \$5 million, whichever is lower.

(c) In order to allow school districts to complete large renovation projects without borrowing, school districts may propose projects to be funded over several years through direct appropriations. A complete building aid application identified in Ed 321.21(e), including design drawings and technical specifications for all phases of the project shall be submitted in the fiscal year prior to the start of construction. The scope of work and estimated cost of each phase shall be attached to the building aid application. The total cost of all phases shall be used to determine the eligibility of projects which are scheduled to be phased over 2 or more consecutive years, subject to the approval of funding for subsequent phases by the legislative body of the school district. In the event the district fails to fund subsequent phases of the project, school building aid payments shall cease and the district shall return all state funds received for the project. A lapse of one year shall be approved upon request of the district. Multi-year projects shall be evaluated for prioritization under Ed 321.21(g)-(n) in the first year in which

funding is requested. Grants shall be calculated each year based on the amount appropriated by the district in that year.

(d) If the construction cost of the renovation project exceeds 60 percent of the cost of new construction, the following additional criteria shall be met:

(1) The school district shall provide documentation that new construction was considered in lieu of renovation and explain why the renovation alternative was chosen; and

(2) The scope of the renovation project shall provide that all building systems shall be upgraded to the most current codes and standards and that the building shall be fully accessible to individuals with disabilities.

(e) Renovation work done in conjunction with additions to existing buildings shall not be subject to paragraphs (a) through (c) above, but shall be subject to paragraphs (f) through (j) below.

(f) School districts shall maintain adequate property insurance to pay for damages resulting from weather and other natural events. School building aid shall not be provided for work that is covered by insurance or that should reasonably be expected to be covered by insurance.

(g) School building aid shall not be paid for repairs to equipment or structures that are covered by a valid warranty or guarantee. If a warranty has been invalidated by the actions of a school district or its staff, school building aid shall not be paid for damages incurred during the warranty period.

(h) School building aid shall not be paid for repairs to buildings, systems, or components that result from failure to perform proper maintenance. In making this determination, the department shall compare the age of the damaged materials or equipment to the expected useful life of the materials or equipment based on commonly accepted industry standards. School districts shall provide maintenance records and other documentation concerning their maintenance program if necessary for the department to clearly understand the cause of equipment or system damage.

(i) School building aid shall not be paid for work that results from failure to follow building codes or previous guidance from the department.

(j) School building aid shall not be paid for repairs for which the school district makes a legal claim for damages until the legal proceeding has been resolved. In such cases, any portion of the claim that is not satisfied by the legal proceeding shall be eligible for school building aid subject to the limitations in Ed 321.275(a) to (i).

(k) A school district may request a waiver under Ed 321.28 for how eligibility for school building aid for substantial renovations is determined under Ed 321.25.

Ed 321.26 Community Use.

(a) Selected areas within a school facility may be constructed in a size large enough to accommodate use of the facility for community purposes other than education. School building aid, however, shall be limited to the maximum allowable size and maximum allowable construction cost limits as described in Ed 321.04, Ed 321.06, and Ed 321.24.

(b) Required educational space shall not be eliminated or reduced in order to provide community use space within the maximum size and cost limits.

(c) A school district may request a waiver under Ed 321.28 for the limitation on school building aid and required educational space under Ed 321.26(a) and (b).

Ed 321.27 Ineligibility for School Building Aid.

(a) The following shall be considered ineligible for school building aid under RSA 198:15-c unless a waiver is granted under Ed 321.28:

- (1) Swimming pools or natatoriums;
- (2) Field houses;
- (3) Indoor tennis courts;
- (4) Indoor tracks except suspended tracks that do not increase the overall size of the building;
- (5) Ice rinks;
- (6) Artificial turf on athletic fields;
- (7) Auditoriums with a seating capacity including seating capacity for staff greater than 50 percent of the building support space design capacity;
- (8) All auditoriums in elementary schools;
- (9) Resurfacing of tracks, courts, and playing fields;
- (10) Motor vehicles;
- (11) School administrative unit facilities;
- (12) Career and technical centers receiving project funding under RSA 188-E; and
- (13) Text books;
- (14) Computers and software that are not integral to the building systems;
- (15) Portable classrooms; and
- (16) Leases.

(b) The following one-time expenses for newly formed schools shall be eligible for school building aid under RSA 198:15-c:

- (1) Library books;
- (2) Computer software; and
- (3) Outdoor athletic facilities.

(c) School districts may submit a written request to the commissioner for inclusion of such items in their school building aid grant. The request shall include an explanation of how approval of the request will support the educational needs of the school district. The written request shall be submitted according to the waiver provisions in Ed 321.28.

(d) Appeals of decisions concerning eligibility may be made to the state board of education under Ed 200. Nothing in this section shall preclude a school district from constructing such facilities or purchasing items with local funds.

Ed 321.28 Waiver Provisions.

(a) The commissioner of the department or the commissioner's designee may grant waivers for the standards required in Ed 321.03, Ed 321.04, Ed 321.06, Ed 321.10, Ed 321.12, Ed 321.20, Ed 321.21(b), Ed 321.24, Ed 321.25, Ed 321.26, and Ed 321.27.

(b) All waiver requests shall:

- (1) Be submitted in writing;
- (2) Be signed by the superintendent of schools of the district requesting the waiver;
- (3) Include:
 - a. Reference to the specific section of Ed 321 for which a waiver is requested;
 - b. A detailed explanation of the standard to be waived and the degree to which the standard will be met if the request for waiver is approved;
 - c. A detailed explanation of the conditions that prevent compliance with the standards of Ed 321, or an explanation of how the waiver is in the best interest of education or is the most effective use of resources;
 - d. An explanation of the district's attempts to achieve compliance with the standard;
 - e. Maps, drawings, or diagrams as appropriate to illustrate and clarify the waiver request;
 - f. An explanation of the impact of a denial of the request for a waiver; and
 - g. Other information to support the request that the district would like to have considered.

(c) Waiver requests for Ed 321.03(f) shall also include the following information:

- (1) A site utilization plan showing all pertinent features for meeting the requirements of the educational specifications that includes:
 - a. The location for parking;
 - b. Outdoor play areas;

c. Other municipal playing fields; and

d. Any other spaces available for student use;

(2) A long-range plan for any planned expansion of future spaces, such as additions, playing fields, parking lots and any other spaces available for student use; and

(3) Any pertinent data relative to land values and the availability of other property, contiguous or not, that can be acquired to enlarge a school site.

(d) The commissioner or the commissioner's designee shall request additional information *as* necessary for a ruling on the request for a waiver.

(e) A written ruling shall be provided to the district by the department within 60 days of receipt of the request for a waiver or following receipt of any additional information requested by the department. A waiver shall be approved if in the determination of the commissioner of the department or the commissioner's designee, approval of the request for a waiver will not compromise the quality of education required in Ed 306 and is the best use of available resources.

(f) Any part of construction work that is dependent upon or otherwise affected by the results of the request for waiver shall not proceed until a ruling on the request has been received from the department.

(g) School districts may appeal the decision of the commissioner or the commissioner's designee to the state board as provided in Ed 200.

Ed 321.29 Air Quality and Energy Efficiency Projects. Projects intended to improve air quality or energy efficiency shall be eligible to receive school building aid in accordance with RSA 198:15-b,II,(g) and shall not be subject to the requirements of Ed 321.25. Air quality or energy efficiency projects may be financed through a lease-purchase agreement with a vendor. A copy of the lease-purchase agreement shall be submitted to the bureau of school approval and facility management, with the final application for school building aid. The agreement shall clearly indicate the costs of labor and equipment separate from rental costs, utility costs, maintenance service costs, interest, or any other charges that are not eligible for school building aid under RSA 198:15-b,II.

Appendix I

Ed 321.01	RSA 21-N:9; RSA 198:15-a
Ed 321.02	RSA 21-N:9, II(c)
Ed 321.03	RSA 21-N:9, II(c)
Ed 321.04	RSA 198:15-b,VII(b)(2)
Ed 321.05	RSA 198:15-b
Ed 321.06	RSA 198:15-b,VII(b)(1)
Ed 321.07 - 321.12	RSA 21-N:9, II(c)
Ed 321.13	RSA 155-A
Ed 321.15 - 321.16	RSA 21-N:9, II(c)
Ed 321.17	RSA 155-A
Ed 321.18 - 321.19	RSA 155-A; RSA 155-D
Ed 321.20	RSA 155-D
Ed 321.21	RSA 198:15-a; RSA 198:15-b, IV; RSA 198:15-hh
Ed 321.23	RSA 198:15-b, IV(b)

Ed 321.24	RSA 21-N:9, II(c)
Ed 321.25	RSA 198:15-b, II(f)
Ed 321.26	RSA 21-N:9, II(c)
Ed 321.27	RSA 198:15-c
Ed 321.28	RSA 21-N:9, II(c)
Ed 321.29	RSA 198:15-c
Ed 322	RSA 198:15-hh

Appendix II

Ed 321.19(i)	American National Standards Institute Z-358.1 Eyewash standards 2014	http://www.eyewashdirect.com/ANSI-Eyewash-Z358-Eyewash-Standard-Guide-s/31.htm Pdf file. No cost.
Ed 321.20(c)	Illuminating Engineering Society of North America(IESNA) Lighting Handbook 10 th edition - 2011	http://www.iesna.org/store/ Cost varies with Printed or PDF version
Ed 321.20(d)(1)	BICSI Telecommunications Distribution Methods Manual 13 th edition, 2014	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed materials for members 235.00, nonmember \$395.00, also available online.
Ed 321.20(d)(2)	The BICSI Outside Plant Design Reference manual 6 th edition 2018	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed materials for members \$159.00, nonmember \$249.00, also available online.
Ed 321.20(d)(3)	ANSI/BICSI 001-2017, Information and Communication Technology Systems Design and Implementation Best Practices for Educational Institutions and Facilities	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed materials for members 75.00, nonmember \$95.00, also available online.
Ed 321.20(d)(4)	ANSI/NECA/BICSI N1-2019, Installation Practices for Telecommunications and ICT Cabling and Related Cabling Infrastructure, June 2019 edition	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed material for members \$25.00, nonmember \$35.00, also available online.
Ed 321.20(d)(5)	BICSI Information Technology Systems Installation Methods Manual, 7 th Edition - 2017	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, Fl 33637 Or call: Toll free #800242-7405 Printed material for members \$159.00,

		nonmember \$169.00, also available online.
Ed 321.20(d)(6)	NECA/BICSI 607-2011, Standard for Telecommunication Bonding and Grounding Planning and Installation Methods for Commercial Buildings	Go to www.bicsi.org . select “shop” then on that page select “publications” Or write to: BICSI, 8610 Hidden River Parkway, Tampa, FL 33637 Or call: Toll free #800242-7405 Printed material for members \$25.00, nonmember \$35.00, also available
Ed 321.21	NSI S12.60 American National Standard Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools- Part 1, 2019 edition and Part 2, 2009 edition	Standards Secretariat, Acoustical Society of America 35 Pinelawn Road, Suite 114E, Melville, NY 11747-3177 Available on-line at no cost.
http://www.caslpa.ca/PDF/noise%20in%20classroom/ASA%20Acoustic%20requirements%20for%20schools.pdf		

Readopt with amendment Ed 1000, effective 1-10-20 (Document #12971, Interim), to read as follows:

CHAPTER Ed 1000 VOCATIONAL REHABILITATION PROGRAMS

PART Ed 1001 PURPOSE AND SCOPE

Ed 1001.01 Purpose. ~~The rules Chapter Ed 1000~~ for the New Hampshire vocational rehabilitation services program ***provide the rules for uniform application of*** ~~implement~~ the State Vocational Rehabilitation Services Program authorized by Title I of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq. ***and regulated by 34 CFR Part 361.***

Ed 1001.02 Scope. ~~The purpose of the~~ New Hampshire vocational rehabilitation services program ~~is to~~ ***shall be responsible for*** assessing, planning, developing, and providing vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they can prepare for and engage in gainful employment. The rules for the New Hampshire vocational rehabilitation services program implement the State Vocational Rehabilitation Services Program authorized by Title I of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

PART Ed 1002 DEFINITIONS

Ed 1002.01 "Act" ~~means the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.~~
Definitions. In addition to the definitions in the in 34 CFR 361.5, unless context makes another meaning manifest, the following definitions shall apply to Ed 1003 through Ed 1012:

(a) "Bureau" means the department of education, division of career technology and adult learning, bureau of vocational rehabilitation.

(b) "Department" means the New Hampshire department of education;

~~Ed 1002.02 "Administrative costs under the state plan" means "administrative costs under the state plan" as defined in 34 CFR 361.5(b)(2).~~

~~Ed 1002.03 "Applicant" means an individual who submits an application for vocational rehabilitation services in accordance with 34 CFR §361.41 (b), (2)~~

~~Ed 1002.04 "Appropriate modes of communication" means "appropriate modes of communication" as defined in 34 CFR 361.5(b)(5).~~

~~Ed 1002.05 "Assessment for determining eligibility and vocational rehabilitation needs" means "assessment for determining eligibility and vocational rehabilitation needs" as defined in 34 CFR 361.5(b)(6).~~

~~Ed 1002.06 "Assistive technology device" means "assistive technology device" as defined in 34 CFR 361.5(b)(7).~~

~~Ed 1002.07 "Assistive technology service" means "assistive technology service" as defined in 34 CFR 361.5(b)(8).~~

~~Ed 1002.08 "Community rehabilitation program" means "community rehabilitation program" as defined in 34 CFR 361.5(b)(9).~~

~~Ed 1002.09 "Comparable services and benefits" means "comparable services and benefits" as defined in 34 CFR 361.5(b)(10).~~

~~Ed 1002.10 "Competitive employment" means "competitive employment" as defined in 34 CFR 361.5(b)(11).~~

~~Ed 1002.11 "Designated state agency" means the New Hampshire department of education, which is the state agency responsible for administering the state plan for vocational rehabilitation services in accordance with 34 CFR 361.13(a).~~

~~Ed 1002.12 "Designated state unit" means the division of career technology and adult learning in the New Hampshire department of education pursuant to 34 CFR 361.5(b)(14).~~

~~Ed 1002.13 "Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of 34CFR361.5(b)(15).~~

~~Ed 1002.14 "Employment outcome" means "employment outcome" as defined in 34 CFR 361.5(b)(16).~~

~~Ed 1002.15 "Establishment, development, or improvement of a public or nonprofit community rehabilitation program" means "establishment, development, or improvement of a public or nonprofit community rehabilitation program" as defined in 34 CFR 361.5(b)(17).~~

~~Ed 1002.16 "Extended employment" means "extended employment" as defined in 34 CFR 361.5(b)(19).~~

~~Ed 1002.17 "Extended services" means "extended services" as defined in 34 CFR 361.5(b)(20).~~

~~Ed 1002.18 "Extreme medical risk" means "extreme medical risk" as defined in 34 CFR 361.5(b)(21).~~

~~Ed 1002.19 "Family member", for purposes of receiving vocational rehabilitation services in accordance with Ed 1010.16(a)(9), means "family member" as defined in 34 CFR 361.5(b)(23).~~

~~Ed 1002.20 "Impartial hearing officer" means "impartial hearing officer" as defined in 34 CFR 361.5(b)(25), and includes "presiding officer" as defined in RSA 541-A:1, XIV.~~

~~Ed 1002.21(c) "Independent living program" means the state independent living services program set out in 34 CFR§364 and RSA 200-C:24 and includes the services set out in 34 CFR §365.1~~

~~Ed 1002.22 "Individual who is blind" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees, and who has been examined by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual selects, to make the determination that the individual is blind.~~

~~Ed 1002.23 "Individual with a disability" means "individual with a disability" as defined in 34 CFR 361.5(b)(28) and (29).~~

~~Ed 1002.24 (d) "Individual with a most significant disability" means an individual with a significant disability:~~

(a1) Who has a significant mental or physical impairment that seriously limits 2 or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills, or work tolerance or work skills in terms of employment outcomes; and

(b2) Whose vocational rehabilitation can be expected to require 2 or more vocational rehabilitation services, in addition to the vocational rehabilitation counselor provided services of guidance, counseling, service coordination and job placement, over an extended period of time of 6 months or longer.

~~Ed 1002.25 "Individual with a significant disability" means "individual with a significant disability" as defined in 34 CFR 361.5(b)(31).~~

~~Ed 1002.26 "Individual's representative" means "individual's representative" as defined in 34 CFR 361.5(b)(32).~~

~~Ed 1002.27 "Integrated setting" means "integrated setting" as defined in 34 CFR 361.5(b)(33).~~

~~Ed 1002.28 "Maintenance" means "maintenance" as defined in 34 CFR 361.5(b)(35)~~

~~Ed 1002.29 "Mediation" means "mediation" as defined in 34 CFR 361.5(b)(36).~~

~~Ed 1002.30 "Nonprofit" means "nonprofit" as defined in 34 CFR 361.5(b)(37).~~

~~Ed 1002.31 "Ongoing support services" means "ongoing support services" as defined in 34 CFR 361.5(b)(38).~~

~~Ed 1002.32 "Personal assistance services" means "personal assistance services" as defined in 34 CFR 361.5(b)(39).~~

~~Ed 1002.33 "Physical and mental restoration services" means "physical and mental restoration services" as defined in 34 CFR 361.5(b)(40).~~

~~Ed 1002.34 "Physical or mental impairment" means "physical or mental impairment" as defined in 34 CFR 361.5(b)(41).~~

~~Ed 1002.35 "Post employment services" means "post employment services" as defined in 34 CFR 361.5(b)(42).~~

~~Ed 1002.36 (e) "Program for the deaf and hard of hearing" means the program established under RSA 200-C:18.~~

~~Ed 1002.37 "Qualified and impartial mediator" means "qualified and impartial mediator" as defined in 34 CFR 361.5(b)(43).~~

~~Ed 1002.38 "Rehabilitation engineering" means "rehabilitation engineering" as defined in 34 CFR 361.5(b)(44).~~

~~Ed 1002.39 "Rehabilitation technology" means "rehabilitation technology" as defined in 34 CFR 361.5(b)(45).~~

~~Ed 1002.40~~ (f) "Review " means the procedure for determining whether decisions made by personnel of the ~~designated state unit~~ **bureau** that affect the provision of vocational rehabilitation services are consistent with the Act and rules adopted thereunder.

~~Ed 1002.41 "State workforce investment board" means a board established under section 111 of the Workforce Investment Act of 1998, 29 U.S.C. 705(33).~~

~~Ed 1002.42 "Statewide workforce investment system" means a system described in section 111(d)(2) of the Workforce Investment Act of 1998, 29 U.S.C. 705(34).~~

~~Ed 1002.43 "State plan" means "state plan" as defined in 34 CFR 361.5(b)(51).~~

~~Ed 1002.44 "Substantial impediment to employment" means "substantial impediment to employment" as defined in 34 CFR 361.5(b)(52).~~

~~Ed 1002.45 "Supported employment" means "supported employment" as defined in 34 CFR 361.5(b)(53).~~

~~Ed 1002.46 "Supported employment program" means the program established under RSA 200-C:21 and 34 CFR 363.1.~~

~~Ed 1002.47 "Supported employment services" means "supported employment services" as defined in 34 CFR 361.5(b)(54).~~

~~Ed 1002.48 "Transition services" means "transition services" as defined in 34 CFR 361.5(b)(55).~~

~~Ed 1002.49 "Transitional employment" means "transitional employment" as defined in 34 CFR 361.5(b)(56).~~

~~Ed 1002.50 "Transportation" means "transportation" as defined in 34 CFR 361.5(b)(57).~~

~~Ed 1002.51 "Vocational rehabilitation services" means "vocational rehabilitation services" as defined in 34 CFR 361.5(b)(58).~~

PART Ed 1003 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION

Ed 1003.01 Confidentiality. *In addition to the requirements under 34 CFR 361.38, the following shall apply regarding confidentiality:*

(a) All current and stored information as to personal facts given or made available to the designated state unit, its representative, or its employee, in the course of the administration of the vocational rehabilitation program, including photographs, lists of names and addresses and records of agency evaluation, shall be held to be confidential by the division and by individuals, service providers, other cooperating agencies and organizations, and interested parties to whom such information is disseminated;

~~(b) All personal information in the possession of the designated state unit shall be used only for purposes directly connected with the administration of the vocational rehabilitation program. Information containing identifiable personal information shall not be shared with advisory or other bodies which do not administer the program.~~

~~(c) All applicants, eligible individuals, representatives of applicants or individuals, service providers, other cooperating agencies and organizations, and interested parties shall be informed through~~

~~appropriate modes of communication consistent with the choice, used by the individual of the confidentiality of personal information and the conditions in Ed 1003.03 for accessing and releasing this information.~~

~~(d) The designated state unit shall inform all applicants, eligible individuals, and representatives of applicants or individuals about the division's need to collect personal information and the provisions of this section governing its use.~~

~~(e) In the administration of the vocational rehabilitation program, the designated state unit shall obtain personal information from service providers and cooperating agencies under assurances that the information shall not be further divulged, except as provided under Ed 1003.02, Ed 1003.03, and Ed 1003.04.~~

~~(f) Individuals, agencies, and organizations shall pay a fee of \$.06 per page to cover costs of duplicating records and making extensive searches required for the release of information in Ed 1003.03 and the exchange of information in Ed 1003.04 in accordance with 34 CFR 361.38 and the rules of this part.~~

Ed 1003.02 Data Collection. *In addition to the requirements of 34 CFR 361.38, the following shall apply to data collection:*

(a) The collection of personal information by designated state unit personnel concerning applicants and eligible individuals shall be authorized by the applicant or individual through completion of a release of information permit containing the:

- (1) Date;
- (2) Applicant or individual's name;
- (3) Signature;
- (4) Social security number optional: may be required for eligibility for certain state and federal programs; and
- (5) A statement authorizing release to the designated state unit of medical, psychological, psychiatric, educational, and vocational information necessary for the determination of eligibility and development and implementation of an individualized plan for employment;

(b) The signature of the parent or guardian shall be required when the applicant or eligible individual is under 18 years old or has a legal guardian; *and*

(c) The designated state unit shall collect personal information under 29 U.S.C. 709(c), 29 U.S.C. 721(a)(6)(A), and 34 CFR 361.38. Failure by the applicant or eligible individual to provide sufficient personal information to the designated state unit to determine eligibility, or to prepare an individualized plan for employment or to monitor progress of services provided, shall result in the case being closed.

Ed 1003.03 Release of Information. *In addition to the requirements of 34 CFR 361.38, the following shall apply to the release of information:*

(a) Personal information concerning the applicant or eligible individual shall not be released to any individual or organization except as authorized by the applicant, individual, or law. When personal information has been obtained from another agency or organization, it shall be released only by, or under

the conditions established by, the other agency or organization. However, when such information has been used to make a determination regarding the applicant or eligible individual that is being contested through the hearing process it shall be available for release as evidence in the hearing unless precluded by law;

~~(b) When requested in writing by the applicant or eligible individual or his or her representative, the designated state unit shall make all information in the record of vocational rehabilitation services accessible to the individual and release the information to him or her or the representative except when:~~

~~(1) Medical, psychological, or other information that the designated state unit determines might be harmful to the applicant or eligible individual after consultation with a qualified medical or mental health professional, in which case the information shall not be released directly to the applicant or individual but shall be provided to the applicant or individual through a third party chosen by the applicant or individual. The third party may include an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the applicant or individual, in which case the information shall be released to the court appointed representative; or~~

~~(2) Personal information has been obtained from another agency or organization, in which case the information shall be released only by, or under the conditions established by, the other agency or organization.~~

~~(c) An applicant or eligible individual who believes that information in his or her record of services is inaccurate or misleading may request that the designated state unit amend the information. If the information is not amended, the request for an amendment shall be documented in the record of services, consistent with Ed 1010.16(a)(12).~~

~~(db)~~ When a third party requests particular information about an applicant or eligible individual, the third party shall provide a written request signed by the applicant or individual or their guardian designating the third party as a representative who may have access to client information. Third parties may include attorneys, service providers, and other public or private agency or organizations; **and**

~~(ec)~~ The request shall include:

- (1) The applicant's or eligible individual's name;
- (2) The information being requested;
- (3) The reasons why the material is being requested; and
- (4) The name of the individual, agency, or organization assuming responsibility for the information and giving assurance that the information will not be released to any other individual, agency or organization.
- (5) The request shall also include the following statement:

"I _____, hereby authorize the release of information for the purpose of providing vocational rehabilitation services relating to me which is in the custody or control of the New Hampshire Department of Education, Division of Career Technology and Adult Learning. I have considered and understand the implications of this waiver. The release of this information is more important to me than the loss of privacy which may result directly or indirectly from the release. I agree to hold harmless the New Hampshire Department of

Education, Division of Career Technology and Adult Learning and their authorized representatives for any damages arising out the release of the information I am requesting. ”

~~(f) Personal information shall be released under Ed 1003.03(g) only if the organization, agency, or individual assures that:~~

- ~~(1) The information will be used only for the purposes for which it is being provided;~~
- ~~(2) The information will be released only to persons officially responsible for conducting the audit, evaluation, or research;~~
- ~~(3) The information will not be released to the involved applicant or individual;~~
- ~~(4) The information will be managed in a manner to safeguard confidentiality; and~~
- ~~(5) The final product will not reveal any personal identifying information without the informed written consent of the involved applicant or individual or the applicant's or individual's representative.~~

~~(g) Upon receiving the informed written consent of the applicant or eligible individual or, if appropriate, the applicant's or individual's representative, the designated state unit shall release personal information to another agency or organization for its program purposes if:~~

- ~~(1) The information may be released to the involved applicant or individual or the applicant's or individual's representative; and~~
- ~~(2) The other agency or organization demonstrates that the information requested is necessary for its program.~~
- ~~(3) Medical or psychological information that the designated state unit determines might be harmful to the applicant or eligible individual shall be released only if the other agency or organization assures the designated state unit that the information will be used only for the purpose for which it is being provided and will not be further released to the applicant or individual.~~

~~(h) Personal information concerning the applicant or eligible individual shall be released to an organization, agency, or individual engaged in audit, evaluation, or research.~~

~~(i) The designated state unit shall release personal information as required by federal law.~~

~~(j) The designated state unit shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, and in response to an order issued by a judge or other authorized judicial officer.~~

~~(k) The designated state unit shall release personal information in order to protect the applicant or eligible individual or others if the applicant or individual poses a threat to his or her safety or to the safety of others.~~

Ed 1003.04 Exchanging Information with Other Parties. *In addition to the requirements of 34 CFR 361.38, the following shall apply to exchanging information with other parties:*

(a) When the ~~designated state unit~~ **bureau** is working with an agency or organization on behalf of an applicant or eligible individual, information shall be exchanged after obtaining a written release of information authorization described in Ed 1003.03(~~4c~~), signed by the individual, or his or her parent or guardian if the individual is under 18 years old or has a legal guardian. For agencies and organizations having an agreement with the designated state unit to exchange information, information regarding mutual applicants or eligible individual's information shall be exchanged without obtaining an individual's release. The agencies and organizations having such cooperative agreements shall be identified by the designated state unit on the application for vocational rehabilitation services ~~described in Ed 1010.02~~.

(b) Agencies and organizations with which the ~~designated state~~ **bureau** unit shall exchange information include but are not limited to:

- (1) The New Hampshire department of health and human services;
- (2) The New Hampshire department of labor, division of workers' compensation;
- (3) New Hampshire WORKS Partners established under the Workforce Investment Act of 1998, 29 U.S.C. 705, as described in the cooperative agreement;
- (4) Community rehabilitation programs;
- (5) New Hampshire disability determination services; and
- (6) The Social Security Administration.

(c) In situations not covered by the provisions of Ed 1003.04(a), upon receiving the informed written consent of the applicant or eligible individual or, if appropriate, the applicant's or individual's representative, the ~~designated state unit~~ **bureau** shall release personal information to another agency or organization for its program purposes only to the extent that the information shall be released to the involved applicant or individual or the applicant's or individual's representative and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

PART Ed 1005~~4~~ ABILITY TO SERVE ALL ELIGIBLE INDIVIDUALS AND ORDER OF SELECTION

Ed 1005~~4~~.01 ~~Ability to Provide Full Range of Vocational Rehabilitation Services~~*Determination, Establishment, and Implementation. The provisions under 34 CFR 361.36 shall be used to determine the ability to serve all eligible individuals or an order of selection in addition to the following:*

(a) The designated state unit shall ***comply with the provisions of 34 CFR 361.36*** to either:

- (1) ~~p~~**P**rovide the full range of vocational rehabilitation services listed in 29 U.S.C. 723(a) and Ed 1010.16, as appropriate, to all eligible individuals; or
- (2), ~~i~~**I**n the event that vocational rehabilitation services cannot be provided to all eligible individuals who apply for the services, implement the order of selection established in Ed 1006 to be followed in selecting eligible individuals to be provided vocational rehabilitation services.

(b) ~~The designated state unit shall provide the full range of vocational rehabilitation services to all eligible individuals if a determination is also made that, on the basis of the designated state unit's~~

~~projected fiscal and personnel resources and its assessment of the rehabilitation needs of individuals with significant disabilities within New Hampshire, the designated state unit can:~~

- ~~(1) Continue to provide services to all individuals currently receiving services;~~
- ~~(2) Provide assessment services to all individuals expected to apply for services in the next fiscal year;~~
- ~~(3) Provide services to all individuals who are expected to be determined eligible in the next fiscal year; and~~
- ~~(4) Meet all program requirements.~~

~~(e) The designated state unit shall establish and implement an order of selection according to the provisions of Ed 1006 if the designated state unit determines that it is unable to provide the full range of vocational rehabilitation services to all eligible individuals in New Hampshire who apply for the services.~~

~~(db)~~ The designated state unit shall consult with the state rehabilitation council established under 34 CFR 361.16 that meets the requirements of 34 CFR 361.17 regarding the:

- (1) Need to establish an order of selection, including any reevaluation of the need as provided in Ed 1006.01(b);
- (2) Priority categories of the particular order of selection;
- (3) Criteria for determining individuals with the most significant disabilities; and
- (4) Administration of the order of selection.

~~PART Ed 1006 ORDER OF SELECTION FOR SERVICES~~

~~Ed 1006.01 Determining Need for Establishing and Implementing An Order of Selection.~~

~~(a) Prior to the beginning of each fiscal year the designated state unit shall determine whether to establish and implement an order of selection.~~

~~(bc)~~ If the designated state unit **bureau** determines that it does not need to establish an order of selection, the designated state unit **bureau** shall reevaluate this determination ~~whenever changed circumstances during the course of a fiscal year indicate that it might no longer be able to provide the full range of vocational rehabilitation services, as appropriate, to all eligible individuals according to the requirements in Ed 1005.01(c)~~ **in accordance with 34 CFR 361.36(b)(2).**

~~(ed)~~ If the designated state unit establishes an order of selection, but determines that it does not need to implement that order at the beginning of the fiscal year, the designated state unit shall continue to meet the requirements of Ed 1005.01(c). If the designated state unit does not continue to meet the requirements of Ed 1005.01(c) it shall implement the order of selection by closing one or more priority categories.

~~Ed 1006.02 Establishing an Order of Selection. An order of selection shall be based only on the 3 criteria in the definition of "individual with a significant disability."~~

~~Ed 1006.03 Administering and Implementing an Order of Selection. (e) If, in accordance with 34 CFR 361.36, a determination is made that the bureau is unable to provide the full range of services to all eligible individuals,~~

~~(a) The designated state unit shall administer an order of selection as follows:~~

~~(1) The order of selection shall be implemented on a statewide basis;~~

~~(2) All eligible individuals shall be notified of the priority categories in the order of selection, their assignment to a particular category, and their right to appeal their category assignment;~~

~~(3) The designated state unit shall continue to provide all needed services to any eligible individual who has begun to receive services under an individualized plan for employment prior to the effective date of the order of selection, irrespective of the severity of the individual's disability;~~

~~(4) The designated state unit shall ensure that its funding arrangements for providing services under the state plan, including third party arrangements and awards under the establishment authority, are consistent with the order of selection; and~~

~~(5) The designated state unit shall renegotiate any funding arrangements that are inconsistent with the order of selection so that they are consistent with the order of selection.~~

~~(b) The designated state unit shall implement an order of selection for eligible individuals according to the following priority categories:~~

~~(1) Priority one shall include individuals who are determined to be eligible for services prior to the effective date of the implementation of the order of selection as provided in Ed 1006.03(a)(3) in accordance with 34 CFR 361.36, and individuals who are determined to be eligible for services after the effective date of the implementation of the order of selection and who are individuals with a most significant disability;~~

~~(2) Priority 2 shall include individuals with a significant disability and public safety officers as defined in RSA 507:8-h, II who are disabled in the line of duty in law enforcement or protection of life or property and who are not included in priority one; and~~

~~(3) Priority 3 shall include all other eligible individuals who do not have a significant disability.~~

PART Ed 1007.5 COMPARABLE SERVICES AND BENEFITS

~~Ed 1007.5.01 Determination of Availability of Comparable Services and Benefits. The bureau shall comply with the provisions of 34 CFR 361.53 in the determination and use of comparable services and benefits.~~

~~(a) Prior to providing any vocational rehabilitation services, except those services listed in Ed 1007.02, to an eligible individual or to members of the individual's family, the designated state unit shall determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.~~

~~(b) A determination of the availability of comparable services and benefits shall not be required if the determination would interrupt or delay:~~

~~(1) The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;~~

~~(2) An immediate job placement; or~~

~~(3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriately licensed medical professional acting within the scope of his or her authority, unless the extreme medical risk requires intensive hospitalization or surgery in those circumstances, such as but not limited to, where organ or bone marrow transplantations are required.~~

~~Ed 1007.02 Exempt Services. The following vocational rehabilitation services described in Ed 1010.16 shall be exempt from a determination of the availability of comparable services and benefits:~~

~~(a) Assessment for determining eligibility and priority for services and assessment for determining vocational rehabilitation needs;~~

~~(b) Counseling and guidance, including information and support services, to assist an individual in exercising informed choice;~~

~~(c) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available under the vocational rehabilitation services program;~~

~~(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;~~

~~(e) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and~~

~~(f) Post-employment services consisting of the services listed under Ed 1007.02(a)–(e).~~

~~Ed 1007.03 Using Comparable Services or Benefits.~~

~~(a) If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment, the designated state unit shall use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.~~

~~(b) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment, the designated state unit shall provide vocational rehabilitation services until those comparable services and benefits become available.~~

~~PART Ed 10086 PARTICIPATION OF INDIVIDUALS IN COST OF SERVICES BASED ON FINANCIAL NEED~~

~~Ed 10086.01 Financial Needs Assessment.~~

(a) The ~~designated state unit~~ **bureau** shall consider the financial need of eligible individuals or of individuals who are receiving services through trial work experiences under ~~Ed 1010.07~~ **34 CFR 361.42(e)** or during an extended evaluation under Ed 1010.08. The financial needs assessment shall be used for determining the extent of the individual's participation in the costs of vocational rehabilitation services. ~~The services listed in Ed 1008.02 shall be exempt from a financial needs assessment.~~

(b) The financial needs assessment shall:

(1) Explain the method for determining the financial need of an eligible individual as follows:

- a. The method shall be a review of the person's financial status; and
- b. The method shall compare income and resources to determine the amount of monthly resources that shall be utilized for specific vocational rehabilitation services; and

(2) Specify the types of vocational rehabilitation services from the following services for which the ~~designated state unit~~ **bureau** has established a financial needs test:

- a. Physical and mental restoration;
- b. Vocational and other training services;
- c. Maintenance;
- d. Transportation;
- e. Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;
- f. Supported employment services;
- g. Post employment services;
- h. Occupational licenses, tools, equipment, initial stocks, and supplies;
- i. Rehabilitation technology, including vehicular modification, telecommunications, sensory, and other technological aids and devices;
- j. Transition services; and
- k. Technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment.

~~(c) The financial needs assessment shall be applied uniformly to all individuals in similar circumstances.~~

~~(d) Although the financial needs assessment might require different levels of need for different geographic regions in the state, the assessment shall be applied uniformly to all individuals within each geographic region.~~

~~(e) The financial needs assessment shall ensure that the level of an individual's participation in the cost of vocational rehabilitation services is:~~

~~(1) Based on the individual's financial need, including consideration of any disability-related expenses paid by the individual; and~~

~~(2) Not so high as to effectively deny the individual a necessary service.~~

Ed 10086.02 Services Exempt from Financial Needs Assessment.

~~(a) The designated state unit *bureau* shall not apply a financial needs assessment or require the financial participation of the individual as a condition for furnishing the following vocational rehabilitation services *enumerated in 34 CFR 361.54(3).*:~~

~~(1) Assessment for determining eligibility and priority for vocational rehabilitation services under Ed 1010.04, except those non-assessment services that are provided to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences under Ed 1010.07 or an extended evaluation under Ed 1010.08;~~

~~(2) Assessment for determining vocational rehabilitation needs under Ed 1010.12;~~

~~(3) Vocational rehabilitation counseling and guidance under Ed 1010.11;~~

~~(4) Referral and other services under Ed 1009;~~

~~(5) Job-related services under Ed 1010.15(a)(12);~~

~~(6) Personal assistance services; and~~

~~(7) Any auxiliary aid or interpreter services under Ed 1010.15(a)(10) or reader services under Ed 1010.15(a)(11) that an individual with a disability requires under section 504 of the Act, 29 U.S.C. 794, or under the Americans with Disabilities Act, 42 U.S.C. 12101, et seq., or regulations implementing those laws, in order for the individual to participate in the vocational rehabilitation program.~~

~~(b) The designated state unit shall not apply a financial needs assessment or require the financial participation of the individual as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.~~

PART Ed 10097 INFORMATION AND REFERRAL SERVICES

Ed 10097.01 Referring Individuals Under an Order of Selection.—The designated State agency *department* shall *comply with 34 CFR 361.37 to* implement an information and referral system adequate to ensure that individuals with disabilities, including eligible individuals who do not meet the agency's order of selection criteria for receiving vocational rehabilitation services if the agency is operating on an order of selection, are provided accurate vocational rehabilitation information and guidance ~~which may~~

~~include counseling and referral for job placement using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment.~~

~~Ed 1009.02 Referring Individuals to Extended Employment Providers.~~

~~(a) The designated state unit shall refer to local extended employment providers an individual with a disability who makes an informed choice to pursue extended employment as the individual's employment goal.~~

~~(b) Before making the referral required by this section, the designated state unit shall:~~

~~(1) Consistent with Ed 1010.04(f), explain to the individual that the purpose of the vocational rehabilitation program is to assist individuals to achieve an employment outcome;~~

~~(2) Consistent with Ed 1012, provide the individual with information concerning the availability of employment options, and of vocational rehabilitation services, in integrated settings;~~

~~(3) Inform the individual that services under the vocational rehabilitation program can be provided to eligible individuals in an extended employment setting if necessary for purposes of training or otherwise preparing for employment in an integrated setting;~~

~~(4) Inform the individual that, if he or she initially chooses not to pursue employment in an integrated setting, he or she can seek services from the designated state unit at a later date if, at that time, he or she chooses to pursue employment in an integrated setting; and~~

~~(5) Refer the individual, as appropriate, to the Social Security Administration in order to obtain information concerning the ability of individuals with disabilities to work while receiving benefits from the Social Security Administration.~~

~~Ed 1009.03 Criteria for Appropriate Referrals.~~

~~(a) The designated state unit shall refer individuals with disabilities to federal or state programs, including programs carried out by other components of the statewide workforce investment system, best suited to address the specific employment needs of an individual with a disability.~~

~~(b) The designated state unit shall provide the individual who is being referred with a notice of the referral by the designated state unit to the agency carrying out the program that includes:~~

~~(1) Information identifying a specific point of contact within the agency to which the individual is being referred; and~~

~~(2) Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.~~

~~PART Ed 10408 PROVISION AND SCOPE OF SERVICES~~

~~Ed 10408.01 Processing Referrals.~~

~~(a) The designated state unit shall promptly and equitably handle referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the One-Stop service delivery systems established under section 121 of the Workforce Investment Act of 1998, 29 U.S.C.~~

~~721(a)(6)(A) and 723(a)(6). Good faith efforts shall be made in a timely manner to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services. In addition to compliance with the provisions of 34 CFR 361.41, the bureau shall request~~

~~(b) The following minimum information shall be furnished for~~ **from** each individual who is referred to the designated state unit for vocational rehabilitation services:

~~(1a)~~ Name and address;

~~(2b)~~ Disability;

~~(3c)~~ Age and gender;

~~(4d)~~ Date of referral; and

~~(5e)~~ Source of referral.

Ed 10408.02 Processing Applications. ***The bureau shall process applications in accordance with 34 CFR 361.41(b).***

~~(a) Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in One-Stop centers established under section 121 of the Workforce Investment Act of 1998, 29 U.S.C. 721(a)(6)(A) and 723(a)(6), an eligibility determination shall be made within 60 days, unless:~~

~~(1) Exceptional and unforeseen circumstances beyond the control of the designated state unit preclude making an eligibility determination within 60 days and the designated state unit and the individual agree to a specific extension of time; or~~

~~(2) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with Ed 1010.07 or, if appropriate, an extended evaluation is carried out in accordance with Ed 1010.08.~~

~~(b) If no agreement can be reached under subparagraph (a)(1), the eligibility determination shall be made on the available information.~~

~~(c) An individual shall be considered by the designated state unit to have submitted an application when the individual or the individual's representative, as appropriate:~~

~~(1) Has completed and signed a designated state unit application form;~~

~~(2) Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services;~~

~~(3) Has provided to the designated state unit information necessary to initiate an assessment to determine eligibility and priority for services;~~

~~(4) Is available to complete the assessment process; or~~

~~(5) Has otherwise requested services from the designated state unit through a verbal request, a request through an interpreter, or a request from the individual's representative.~~

~~(d) The designated state unit shall ensure that its application forms are available throughout New Hampshire, particularly in the One Stop centers established under section 121 of the Workforce Investment Act of 1998, 29 U.S.C. 721(a)(6)(A) and 723(a)(6).~~

Ed 10408.03 Assessment for Determining Eligibility and Priority for Services. *The bureau shall comply with 34 CFR 361.42 in conducting assessments for determining eligibility and priority for services to include:*

- (a) Eligibility requirements;*
- (b) Interim determination of eligibility;*
- (c) Prohibited factors;*
- (d) Review and assessment of date for eligibility determination;*
- (e) Trial work experiences for individuals with significant disabilities; and*
- (f) Data for determination of priority for services under an order of selection.*

~~(a) In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services in the event New Hampshire operates under an order of selection, the designated state unit shall conduct an assessment.~~

~~(b) The assessment shall be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the provisions of Ed 1010.04 through Ed 1010.09.~~

Ed 1010.04 Eligibility Requirements.

~~(a) An applicant shall be determined eligible for vocational rehabilitation services if:~~

- ~~(1) A determination is made by qualified personnel that the applicant has a physical or mental impairment;~~
- ~~(2) A determination is made by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;~~
- ~~(3) A determination is made by a vocational rehabilitation counselor employed by the designated state unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and~~
- ~~(4) A determination is made by the designated state unit that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.~~

~~(b) An applicant who meets the eligibility requirements in Ed 1010.04(a)(1) and (2) shall be deemed as being able to benefit in terms of an employment outcome unless the designated state unit demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in~~

~~terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.~~

~~(c) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act shall be:~~

~~(1) Presumed to be eligible for vocational rehabilitation services under Ed 1010.04(a) and (b); and~~

~~(2) Considered to be an individual with a significant disability.~~

~~(d) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act and is therefore presumed eligible for vocational rehabilitation services under Ed 1010.04(c)(1), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the designated state unit shall verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification shall be made within a period of time that enables the designated state unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with Ed 1010.02(a) and (c).~~

~~(e) Any eligible individual shall intend to achieve an employment outcome that is consistent with the applicant's:~~

~~(1) Unique strengths;~~

~~(2) Resources;~~

~~(3) Priorities;~~

~~(4) Concerns;~~

~~(5) Abilities;~~

~~(6) Capabilities;~~

~~(7) Interests; and~~

~~(8) Informed choice.~~

~~(f) The designated state unit shall inform individuals, through its application process for vocational rehabilitation services, that individuals who receive services under the program shall intend to achieve an employment outcome.~~

~~(g) The applicant's completion of the application process for vocational rehabilitation services shall be sufficient evidence of the individual's intent to achieve an employment outcome, and no additional demonstration on the part of the applicant shall be required for purposes of satisfying Ed 1010.04(e).~~

~~(h) Nothing in this section shall be construed to create an entitlement to any vocational rehabilitation service.~~

~~Ed 1010.05 Prohibited Factors. In making a determination of eligibility under Ed 1010.03 through Ed 1010.04 and under Ed 1010.06 through Ed 1010.09:~~

~~(a) No applicant or group of applicants shall be excluded or found ineligible solely on the basis of the type of disability; and~~

~~(b) The eligibility requirements shall be applied without regard to the:~~

- ~~(1) Age, gender, race, color, or national origin of the applicant;~~
- ~~(2) Type of expected employment outcome;~~
- ~~(3) Source of referral for vocational rehabilitation services;~~
- ~~(4) Particular service needs or anticipated cost of services required by an applicant; and~~
- ~~(5) The income level of an applicant or applicant's family.~~

Ed 1010.06 Review and Assessment of Data for Eligibility Determination.

~~(a) Except as provided in Ed 1010.07, the designated state unit shall base its determination of each of the basic eligibility requirements in Ed 1010.04 on:~~

~~(1) A review and assessment of existing data, including:~~

- ~~a. Counselor observations;~~
- ~~b. Education records;~~
- ~~c. Information provided by the individual or the individual's family;~~
- ~~d. Information used by education officials; and~~
- ~~e. Determinations made by officials of other agencies; and~~

~~(2) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including:~~

- ~~a. Trial work experiences;~~
- ~~b. Assistive technology devices and services;~~
- ~~c. Personal assistance services; and~~
- ~~d. Any other support services that are necessary to determine whether an individual is eligible.~~

~~(b) Except as provided in Ed 1010.07, the designated state unit shall base its presumption under Ed 1010.04(c) that an applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act satisfies each of the basic eligibility requirements in Ed 1010.04 on determinations made by the Social Security Administration.~~

Ed 1010.07 Trial Work Experiences for Individuals with Significant Disabilities.

~~(a) Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability, the designated state unit shall conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether there is clear and convincing evidence to support such a determination.~~

~~(b) The designated state unit shall develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences. Such trial work experience shall be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.~~

~~(c) Trial work experiences shall include supported employment, on the job training, and other experiences using realistic work settings.~~

~~(d) Trial work experiences shall be of sufficient variety and over a sufficient period of time for the designated state unit to determine that:~~

~~(1) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or~~

~~(2) There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.~~

~~(e) The designated state unit shall provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.~~

Ed 10408.084 Extended Evaluation for Certain Individuals with Significant Disabilities.

(a) If an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before the designated state unit is able to make the determinations described in ~~Ed 1010.07(d)~~**34 CFR 361.42(e)**, the designated state unit shall conduct an extended evaluation to make these determinations.

(b) During the extended evaluation period, vocational rehabilitation services shall be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

(c) During the extended evaluation period, the designated state unit shall develop a written plan for providing services necessary to make a determination ~~under Ed 1010.07(d)~~.

(d) During the extended evaluation period, the designated state unit shall provide only those services that are necessary to make the determination ~~described in Ed 1010.07(d)~~ and shall terminate extended evaluation services when the designated state unit is able to make the determination.

Ed 1010.09 Data for Determination of Priority for Services under an Order of Selection.

~~(a) If the designated state unit is operating under an order of selection for services as provided in Ed 1006, the designated state unit shall base its priority assignments on:~~

~~(1) A review of the data that was developed under Ed 1010.06 and Ed 1010.07 to make the eligibility determination; and~~

~~(2) An assessment of additional data, to the extent necessary.~~

~~Ed 10408.4005~~ Procedures for Ineligibility Determination. *The bureau's procedures for ineligibility determination shall comply with the provisions of 34 CFR 361.43.*

~~(a) If the designated state unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, the designated state unit shall:~~

~~(1) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;~~

~~(2) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of:~~

~~a. The ineligibility determination, including the reasons for that determination;~~

~~b. The requirements under this section; and~~

~~c. The means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of designated state unit personnel determinations in accordance with Ed 1004;~~

~~(3) Provide the individual with a description of services available from a client assistance program established under 34 CFR 370 and with information on how to contact that program;~~

~~(4) Refer the individual:~~

~~a. To other programs that are part of the One Stop service delivery system under the Workforce Investment Act, 29 U.S.C 705, that can address the individual's training or employment related needs; or~~

~~b. To local extended employment providers if the ineligibility determination is based on a finding that the individual is incapable of achieving employment; and~~

~~(5) Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome.~~

~~(b) The review required under Ed 1010.10(a)(5) shall not be conducted in situations in which the individual has refused it, the individual is no longer present in New Hampshire, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.~~

~~Ed 10408.4406~~ Closure without Eligibility Determination. *The designated state unit shall not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the designated state unit* *The bureau shall comply with 34 CFR 361.44 for closure without an eligibility determination so long as the bureau has* *has made a minimum number of 2*

attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

Ed 104008.4207 Development of the Individualized Plan for Employment. *The individualized plan for employment shall be developed in accordance with the provisions of 34 CFR 361.45.*

~~(a) An individualized plan for employment meeting the requirements of this section and Ed 1010.13 shall be developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the designated state unit is operating under an order of selection in accordance with Ed 1006, for each eligible individual to whom the designated state unit is able to provide services. Services shall be provided in accordance with the provisions of the individualized plan for employment.~~

~~(b) The designated state unit shall conduct an assessment for determining vocational rehabilitation needs for each eligible individual or, if the designated state unit is operating under an order of selection, for each eligible individual to whom the designated state unit is able to provide services. The purpose of this assessment shall be to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment.~~

~~(c) The individualized plan for employment shall be designed to achieve a specific employment outcome that is selected by the individual consistent with the individual's:~~

- ~~(1) Unique strengths;~~
- ~~(2) Resources;~~
- ~~(3) Priorities;~~
- ~~(4) Concerns;~~
- ~~(5) Abilities;~~
- ~~(6) Capabilities;~~
- ~~(7) Interests; and~~
- ~~(8) Informed choice.~~

~~(d) The designated state unit shall provide the following information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative:~~

- ~~(1) Information on the available options for developing the individualized plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment with or without assistance from the designated state unit or other entity or individual; and~~
- ~~(2) Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the individualized plan for employment, including:~~
 - ~~a. Information describing the full range of components that shall be included in an individualized plan for employment;~~

~~b. As appropriate to each eligible individual:~~

- ~~1. An explanation of the criteria in Ed 1008 for determining an eligible individual's financial commitments under an individualized plan for employment;~~
- ~~2. Information on the availability of assistance in completing designated state unit forms required as part of the individualized plan for employment; and~~
- ~~3. Additional information that the eligible individual requests or the designated state unit determines to be necessary to the development of the individualized plan for employment;~~

~~c. A description of the rights and remedies available to the individual, including, if appropriate, recourse to the processes described in Ed 1004; and~~

~~d. A description of the availability of a client assistance program established under 34 CFR 370 and information on how to contact the client assistance program.~~

~~(e) The individualized plan for employment shall be:~~

~~(1) A written document prepared on forms provided by the designated state unit that contain the information in Ed 1010.13;~~

~~(2) Developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice, consistent with Ed 1012, in selecting:~~

- ~~a. The employment outcome, including the employment setting;~~
- ~~b. The specific vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided;~~
- ~~c. The entity or entities that will provide the vocational rehabilitation services; and~~
- ~~d. The methods available for procuring the services;~~

~~(3) Agreed to and signed by the eligible individual or, as appropriate, the individual's representative;~~

~~(4) Approved and signed by a vocational rehabilitation counselor or other qualified personnel employed by the designated state unit;~~

~~(5) Provided to the eligible individual along with a copy of any amendments to the individualized plan for employment in writing or, as appropriate, to the individual's representative, and, if appropriate, in the native language or mode of communication of the individual;~~

~~(6) Reviewed at least annually by a vocational rehabilitation counselor or other qualified personnel and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome;~~

~~(7) Amended, as necessary, by the individual or, as appropriate, the individual's representative as follows:~~

- ~~a. The individualized plan for employment shall be amended in collaboration with a representative of the designated state unit or a vocational rehabilitation counselor or other qualified personnel, to the extent determined to be appropriate by the individual;~~
- ~~b. The individualized plan for employment shall be amended if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services; and~~
- ~~c. Amendments to the individualized plan for employment shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by a vocational rehabilitation counselor employed by the designated state unit; and~~

~~(8) Developed for a student with a disability receiving special education services:~~

- ~~a. In consideration of the student's individualized education plan; and~~
- ~~b. In accordance with the plans, policies, procedures, and terms of the interagency agreement required under the state plan.~~

~~(f) The designated state unit shall establish and implement standards for the prompt development of individualized plan for employment for the individuals identified under Ed 1010.12(a), including timelines that take into consideration the needs of the individuals.~~

~~(g) To the extent possible, the employment outcome and the nature and scope of rehabilitation services to be included in the individual's individualized plan for employment shall be determined based on the data used for the assessment of eligibility and priority for services under Ed 1010.03 through Ed 1010.09 without a comprehensive assessment.~~

~~(h) The individualized plan for employment shall be prepared based on a comprehensive assessment as follows:~~

~~(1) If additional data are necessary to determine the employment outcome and the nature and scope of services to be included in the individualized plan for employment of an eligible individual, the division shall conduct a comprehensive assessment of the unique:~~

- ~~a. Strengths;~~
- ~~b. Resources;~~
- ~~c. Priorities;~~
- ~~d. Concerns;~~
- ~~e. Abilities;~~
- ~~f. Capabilities;~~
- ~~g. Interests; and~~

~~h. Informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, and consistent with the informed choice of the individual in accordance with the provisions of 34 CFR 361.5(b)(6)(ii); and~~

~~(2) In preparing the comprehensive assessment, the designated state unit shall use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment, including:~~

- ~~a. Information available from other programs and providers, including information used by education officials and the Social Security Administration;~~
- ~~b. Information provided by the individual and the individual's family; and~~
- ~~c. Information obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs.~~

Ed 104008.4308 Content of the Individualized Plan for Employment. *The bureau shall comply with the provisions of 34 CFR 361.46 in developing the content of the individualized plan for employment.*

(a) Each individualized plan for employment shall include:

~~(1) A description of the specific employment outcome that is chosen by the eligible individual and that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice;~~

~~(2) A description of the specific rehabilitation services under Ed 1010.15 that are:~~

- ~~a. Needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and~~
- ~~b. Provided in the most integrated setting that is appropriate for the services involved and that is consistent with the informed choice of the eligible individual;~~

~~(3) Timelines for the achievement of the employment outcome and for the initiation of services;~~

~~(4) A description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;~~

~~(5) A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and~~

~~(6) The terms and conditions of the individualized plan for employment, including, as appropriate, information describing:~~

- ~~a. The responsibilities of the designated state unit;~~

~~b. The responsibilities of the eligible individual, including:~~

- ~~1. The responsibilities the individual will assume in relation to achieving the employment outcome;~~
- ~~2. If applicable, the extent of the individual's participation in paying for the cost of services; and~~
- ~~3. The responsibility of the individual with regard to applying for and securing comparable services and benefits as described in Ed 1007; and~~

~~c. The responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in Ed 1007.~~

(b) An individualized plan for employment for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate shall:

(1) Specify the supported employment services to be provided by the designated state unit;

(2) Specify the expected extended services needed, which may include natural supports provided through the people and environments a person encounters that enhance the potential for inclusion more effectively than relying on specialized services and personnel, such as:

a. Relationships with coworkers;

b. The social support of family and friends;

c. Social networks; and

d. Established resources within one's community including religious centers, recreational activities and support groups;

(3) Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

(4) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;

(5) Provide for the coordination of services provided under an individualized plan for employment with services provided under other individualized plans established under other federal or state programs;

(6) To the extent that job skills training is provided, identify that the training will be provided on site; and

(7) Include placement in an integrated setting for the maximum number of hours possible based on the unique:

- ~~a. Strengths;~~
- ~~b. Resources;~~
- ~~c. Priorities;~~
- ~~d. Concerns;~~
- ~~e. Abilities;~~
- ~~f. Capabilities;~~
- ~~g. Interests; and~~
- ~~h. Informed choice of individuals with the most significant disabilities.~~

~~(c) The individualized plan for employment for each individual shall contain, as determined to be necessary, statements concerning:~~

- ~~(1) The expected need for post-employment services prior to closing the record of services of an individual who has achieved an employment outcome;~~
- ~~(2) A description of the terms and conditions for the provision of any post-employment services; and~~
- ~~(3) If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in Ed 1007.~~

~~(d) The individualized plan for employment for a student with a disability who is receiving special education services shall be coordinated with the individualized education plan of that individual in terms of the goals, objectives, and services identified in the individualized education plan.~~

~~(e) Notwithstanding the content of the individualized plan for employment set out above in 34 CFR 361.46, the designated state unit of vocational rehabilitation, department of education bureau shall not fund or assist in the funding of intensive hospitalization or surgery including, but not limited to, organ or bone marrow transplantations pursuant to Chapter 252:2 of the laws of 1993 as set forth in Ed 1010.13.~~

~~Ed 104008.1409 Record of Services. The designated state unit bureau shall maintain for each applicant and eligible individual a record of services that includes, to the extent pertinent, the following documentation: complies with the provisions of 34 CFR 361.47.~~

~~(a) If an applicant has been determined to be an eligible individual, documentation in the form of written notification of eligibility supporting that determination in accordance with the requirements under Ed 1010.03 through Ed 1010.09;~~

~~(b) If an applicant or eligible individual receiving services under an individualized plan for employment has been determined to be ineligible, documentation in the form of written notification of ineligibility supporting that determination in accordance with the requirements under Ed 1010.10;~~

~~(c) Documentation in the form of case notes, an amendment to the individualized plan for employment, or a letter to an applicant or eligible individual that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the designated state unit has satisfied the requirements in Ed 1010.11;~~

~~(d) If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation in accordance with 34 CFR 361.42(d) supporting that determination;~~

~~(e) Documentation supporting the need for, and the plan relating to, the extended evaluation or trial work experiences in accordance with the requirements under Ed 1010.07 and Ed 1010.08 if an individual with a significant disability requires trial work experiences or an extended evaluation;~~

~~(f) The individualized plan for employment, and any amendments to the individualized plan for employment, consistent with the requirements under Ed 1010.13;~~

~~(g) Documentation describing the extent to which the applicant or eligible individual exercised informed choice regarding the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the individualized plan for employment with respect to the selection of the:~~

~~(1) Specific employment outcome;~~

~~(2) Specific vocational rehabilitation services needed to achieve the employment outcome;~~

~~(3) Entity to provide the services;~~

~~(4) Employment setting;~~

~~(5) Settings in which the services will be provided; and~~

~~(6) Methods to procure the services;~~

~~(h) In the event that an individual's individualized plan for employment provides for vocational rehabilitation services in a non-integrated setting, a justification in the individualized plan for employment to support the need for the non-integrated setting;~~

~~(i) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals in accordance with 34 CFR 361.5(b)(11)(ii);~~

~~(j) In the event an individual achieves an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act, 29 CFR 525, or the designated state unit closes the record of services of an individual in extended employment on the basis that the individual is unable to achieve an employment outcome or that an eligible individual through informed choice chooses to remain in extended employment, documentation of the:~~

~~(1) Results of the annual reviews required under Ed 1013;~~

~~(2) Individual's input into those reviews; and~~

~~(3) Individual's or, if appropriate, the individual's representative's acknowledgment that those reviews were conducted;~~

~~(k) Documentation concerning any action or decision resulting from a request by an individual under Ed 1004 for a review of determinations made by the designated state unit;~~

~~(l) In the event that an applicant or eligible individual requests under Ed 1003.03(i) that documentation in the record of services be amended and the documentation is not amended, documentation of the request;~~

~~(m) In the event an individual is referred to another program through the designated state unit's information and referral system under Ed 1009, including other components of the statewide workforce investment system, documentation on the nature and scope of services provided by the designated state unit to the individual and on the referral itself, consistent with the requirements of Ed 1009;~~

~~(n) In the event an individual's record of service is closed under Ed 1014, documentation that demonstrates the services provided under the individual's individualized plan for employment contributed to the achievement of the employment outcome; and~~

~~(o) In the event an individual's record of service is closed under Ed 1014, documentation verifying that the provisions of Ed 1014 have been satisfied.~~

~~Ed 104008.4510~~ Scope of Vocational Rehabilitation Services for Individuals with Disabilities. *The scope of vocational rehabilitation services for individuals with disabilities shall comply with the provisions of 34 CFR 361.48*

~~(a) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the following vocational rehabilitation services shall be available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:~~

~~(1) Assessment for determining eligibility and priority for services by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with Ed 1010.03 through Ed 1010.09;~~

~~(2) Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with Ed 1010.12;~~

~~(3) Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice in accordance with Ed 1012;~~

~~(4) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system, in accordance with 34 CFR 361.23 and 34 CFR 361.24, and Ed 1008, and to advise those individuals about client assistance programs established under 34 CFR 370;~~

~~(5) Physical and mental restoration services, to the extent that financial support is not readily available from a source other than the designated state unit such as through health insurance or a comparable service or benefit;~~

~~(6) Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education such as universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing, shall be paid for with funds under the state vocational rehabilitation services program unless maximum efforts have been made by the designated state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training;~~

~~(7) Maintenance;~~

~~(8) Transportation in connection with the rendering of any vocational rehabilitation service;~~

~~(9) Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;~~

~~(10) Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing, and tactile interpreting services for individuals who are deaf-blind provided by qualified personnel;~~

~~(11) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;~~

~~(12) Job related services, including job search and placement assistance, job retention services, follow up services, and follow along services;~~

~~(13) Supported employment services;~~

~~(14) Personal assistance services;~~

~~(15) Post employment services;~~

~~(16) Occupational licenses, tools, equipment, initial stocks, and supplies;~~

~~(17) Rehabilitation technology, including vehicular modification, telecommunications, sensory, and other technological aids and devices;~~

~~(18) Transition services;~~

~~(19) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; and~~

~~(20) Other goods and services necessary for the individual with a disability to achieve an employment outcome as determined in the individualized plan for employment.~~

~~(b) Scope of services *however they* shall not include services prohibited by Chapter 252:2 of the laws of 1993 as set out in Ed 104008.13(e).~~

Ed 104008.4611 Provision of Services for Individuals with Disabilities. *The provision of services for individuals with disabilities shall comply with the provisions provided in 34 CFR 361.50.*

~~(a) The provision of services shall be based on the rehabilitation needs of each individual as identified in that individual's individualized plan for employment and shall be consistent with the individual's informed choice. There shall not be any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome, or on the timely authorization of services that shall be consistent with the individualized plan for employment.~~

~~(b) If the individual chooses an out of state service at a higher cost than an in state service, if either service would meet the individual's rehabilitation needs, the designated state unit shall not be responsible for those costs in excess of the cost of the in state service.~~

~~(c) The designated state unit:~~

~~(1) Shall establish for each provider a provider fee schedule to govern the rates of payment for all purchased vocational rehabilitation services listed under Ed 1010.15; and~~

~~(2) Shall not place absolute dollar limits on specific service categories or on the total services provided to an individual.~~

~~(d) The provider fee schedule shall be consistent with:~~

~~(1) The fees charged by medical and psychological providers;~~

~~(2) Rates negotiated between the designated state unit and community rehabilitation programs;~~

~~(3) Interpreter fees charged for services under Ed 1010.15(a)(10);~~

~~(4) Tuition rates charged by an institution of higher education such as universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing; and~~

~~(5) The cost of services provided to individuals under Ed 1010.15(a)(7), (8), (9), (10), (16), (17), (19), and (20).]~~

~~(e) Time periods for the provision of services shall not be so short as to effectively deny an individual a necessary service. Time periods shall not be absolute and shall be extended in the event the individual cannot get the services in the identified time frame so that individual needs can be addressed.~~

PART Ed 104H09 STANDARDS FOR PROVIDERS OF SERVICES

Ed 104109.01 Special Communication Needs Personnel. *Standards for Facilities and Providers of Services.* ~~Providers of vocational rehabilitation services shall be able to communicate:~~

~~(a) In the native language of applicants and eligible individuals who have limited English speaking ability; and~~

~~(b) By using appropriate modes of communication used by applicants and eligible individuals consistent with the informed choice of those applicants and individuals. The bureau shall comply with~~

the provisions of 34 CFR 361.51 regarding the standards for facilities and providers of services including accessibility of facilities, affirmative action, and special communication needs personnel.

PART Ed 104210 INFORMED CHOICE

Ed 104210.01 Informed Choice. *The bureau shall comply with the provisions of 34 CFR 361.52 to assist applicants and recipients of services in exercising informed choice throughout the rehabilitation process.*

~~(a) Each applicant or eligible individual shall exercise informed choice throughout the vocational rehabilitation process.~~

~~(b) The designated state unit shall implement informed choice by:~~

~~(1) Informing each applicant and eligible individual, including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated state unit, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process;~~

~~(2) Assisting applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services;~~

~~(3) Affording eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services; and~~

~~(4) Assisting eligible individuals or, as appropriate, the individuals' representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plan for employment with respect to the selection of the:~~

~~a. Employment outcome;~~

~~b. Specific vocational rehabilitation services needed to achieve the employment outcome;~~

~~c. Entity that will provide the services;~~

~~d. Employment setting and the settings in which the services will be provided; and~~

~~e. Methods available for procuring the services.~~

~~Ed 1012.02 Information and Assistance in the Selection of Vocational Rehabilitation Services and Service Providers.~~

~~(a) In assisting an applicant and eligible individual in exercising informed choice during the assessment for determining eligibility and vocational rehabilitation needs and during development of the IPE, the designated state unit shall provide the individual or the individual's representative, or assist the individual or the individual's representative in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services, including the providers of those services, that are needed to achieve the individual's employment outcome.~~

~~(b) The information in Ed 1012.02(a) shall include, at a minimum, information relating to the:~~

- ~~(1) Cost, accessibility, and duration of potential services;~~
- ~~(2) Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;~~
- ~~(3) Qualifications of potential service providers;~~
- ~~(4) Types of services offered by the potential providers;~~
- ~~(5) Degree to which services are provided in integrated settings; and~~
- ~~(6) Outcomes achieved by individuals working with service providers, to the extent that such~~

~~Ed 1012.03 Methods or Sources of Information.~~

~~(a) In providing or assisting the individual or the individual's representative in acquiring the information required under Ed 1012.02, the designated state unit shall use, to the extent available, the following methods or sources of information:~~

- ~~(1) Lists of services and service providers;~~
- ~~(2) Periodic consumer satisfaction surveys and reports;~~
- ~~(3) Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers;~~
- ~~(4) Relevant accreditation, certification, or other information relating to the qualifications of service providers; and~~
- ~~(5) Opportunities for individuals to visit or experience various work and service provider settings.~~

~~PART Ed 104311 **SEMI-ANNUAL AND ANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT AND OTHER EMPLOYMENT UNDER SPECIAL CERTIFICATE PROVISIONS OF THE FAIR LABOR STANDARDS ACT**~~

~~Ed 104311.01 Semi-Annual and Annual Review. *The bureau shall comply with the provisions of 34 CFR 361.55 when conducting semi-annual and annual reviews.*~~

~~(a) The provisions of Ed 1013 shall apply to any individual with a disability served under the state vocational rehabilitation services program:~~

- ~~(1) Who has achieved an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act, 29 CFR 525; or~~
- ~~(2) Whose record of services is closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome or that the individual made an informed choice to remain in extended employment.~~

~~(b) For each individual with a disability who meets the criteria in Ed 1013.01(a), the designated state unit shall:~~

~~(1) Annually review and reevaluate the status of each individual for 2 years after the individual's record of services is closed, and thereafter if requested by the individual or, if appropriate, the individual's representative, determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment;~~

~~(2) Enable the individual or, if appropriate, the individual's representative to provide input into the review and reevaluation and shall document that input in the record of services, consistent with Ed 1010.14(j), with the individual's or, as appropriate, the individual's representative's signed acknowledgment that the review and reevaluation have been conducted; and~~

~~(3) Identify and provide vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individual in engaging in competitive employment.~~

PART Ed 104~~12~~ REQUIREMENTS FOR CLOSING THE RECORD OF SERVICES OF AN INDIVIDUAL WHO HAS ACHIEVED AN EMPLOYMENT OUTCOME

Ed 104~~12~~.01 Closing the Record of Services. ~~The record of services of an individual who has achieved an employment outcome shall be closed only if all the requirements of Ed 1014.02 through Ed 1014.05 have been met. *The record of services of an individual who has achieved an employment outcome may be closed only if all of the requirements of 34 CFR 361.56 are met to include employment outcome achieved, employment outcome maintained, satisfactory outcome, and post-employment services.*~~

Ed 1014.02 Employment Outcome Achieved. ~~The individual shall have achieved the employment outcome that is described in the individual's individualized plan for employment in accordance with Ed 1010.13(a)(1) and that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.~~

Ed 1014.03 Employment Outcome Maintained. ~~The individual shall have maintained the employment outcome for not less than 90 days necessary to ensure the stability of the employment outcome, and that the individual no longer needs vocational rehabilitation services.~~

Ed 1014.04 Satisfactory Outcome. ~~At the end of the 90 day period under Ed 1014.03, the individual and the rehabilitation counselor employed by the designated state unit shall have considered the employment outcome to be satisfactory, and shall have agreed that the individual is performing well in the employment.~~

Ed 1014.05 Post Employment Services. ~~The individual shall be informed through appropriate modes of communication of the availability of post employment services.~~

PART Ed 104~~5~~13 SUPPORTED EMPLOYMENT SERVICES PROGRAM

Ed 104~~5~~13.01 Purpose. ~~The purpose of Ed 104513 is to develop and implement a collaborative program with appropriate entities, consistent with state and federal law, to provide a program of supported employment services for individuals with the most significant disabilities who require supported employment services to enter or retain competitive employment.~~

Ed 104513.02 Definitions. Except where the context makes another meaning clear, ~~the following words definitions in 34 CFR 363.6~~ *manifest* have the meaning indicated when used in Ed 1015:

- (a) ~~“Competitive employment” means “competitive employment” as defined in 34 CFR 363.6(e)(2)(i).~~
- (b) ~~“Extended services” means “extended services” as defined in 34 CFR 363.6(e)(iv).~~
- (c) ~~“Individual with a disability” means “individual with a disability” as defined in 34 CFR 369.4(b).~~
- (d) ~~“Integrated setting” means “integrated setting” as defined in 34 CFR 363.6(e)(2)(ii).~~
- (e) ~~“Nonprofit” means “nonprofit” as defined in 34 CFR 77.1(e).~~
- (f) ~~“On going support services” means “on going support services” as defined in 34 CFR 363.6(e)(3).~~
- (g) ~~“Supported employment” means “supported employment” as defined in 34 CFR 363.6(e)(1).~~
- (h) ~~“Supported employment services” means “supported employment services” as defined in 34 CFR 363.6(e)(2)(iii).~~
- (i) ~~“Transitional employment” means “transitional employment” as defined in 34 CFR 363.6(e)(v).~~

Ed 104513.03 Eligibility for Services. In order to be considered for services under the state supported employment services program, an individual shall:

- (a) Be eligible for vocational rehabilitation services in accordance with the provisions ~~in Ed 1010.04 through Ed 1010.09~~ *of 34 CFR 361.42 and Ed 1010.03*;
- (b) Be an individual with the most significant disabilities; and
- (c) Have supported employment identified as the appropriate rehabilitation objective for the individual on the basis of a comprehensive assessment of rehabilitation needs, including an evaluation of rehabilitation, career, and job needs.

Ed 104513.04 Authorized Activities. Activities authorized by the state supported employment services program shall include the following:

- (a) A particularized assessment that is needed to supplement the assessment for determining eligibility and vocational rehabilitation needs done under ~~Ed 1010.04 through Ed 1010.09~~ *34 CFR 361.42* and that is provided subsequent to the development of the IPE in accordance with 34 CFR 363.4(a);
- (b) Development of and placement in jobs for individuals with the most significant disabilities; and
- (c) Supported employment services that are needed to support individuals with the most significant disabilities in employment including but not be limited to the following:

(1) Intensive on-the-job skills training and other training provided by skilled job trainers, co-workers, and other qualified individuals, and other services specified in the Act, 29 USC 701.103(a), in order to achieve and maintain job stability;

(2) Follow-up services, including regular contact with employers, trainees with the most significant disabilities, parents, guardians or other representatives of trainees, and other suitable professional and informed advisors in order to reinforce and stabilize the job placement; and

(3) Discrete post-employment services following transition that are unavailable from an extended services provider and that are necessary to maintain the job placement, such as job station redesign, repair and maintenance of assistive technology, and replacement of prosthetic and orthotic devices.

Ed 104513.05 Developing Collaborative Agreements.

(a) The designated state unit shall enter into one or more written cooperative agreements or memoranda of understanding with other state agencies, private nonprofit organizations, and other available funding sources to ensure collaboration in a plan to provide supported employment services and extended services to individuals with the most significant disabilities.

(b) A cooperative agreement or memorandum of understanding shall, at a minimum, specify the following:

(1) The supported employment services to be provided by the designated state unit with funds received under a federal grant for the state supported employment services program;

(2) The extended services to be provided by state agencies, private nonprofit organizations, or other sources following the cessation of supported employment services under Ed 104513;

(3) The estimated funds to be expended by the participating party or parties in implementing the agreement or memorandum; and

(4) The projected number of individuals with the most significant disabilities who will receive supported employment services and extended services under the agreement or memorandum.

Ed 104513.06 Information Collection and Reporting Requirements.

(a) The designated state unit shall collect and report information as required under the Act, 29 USC 701.13, for each individual with the most significant disabilities served under the supported employment services program.

(b) The designated state unit shall collect and report separately information for:

(1) Supported employment clients served under the supported employment services program; and

(2) Supported employment clients served under ~~Ed 1010.15 and Ed 1010.16.~~

Ed ~~1045~~**13.07** Coordinating Services and Activities. The designated state unit shall coordinate the services provided to an individual under Ed ~~1045~~**13** and under ~~Ed 1010.15 and Ed 1010.16~~ **34 CFR 361.48 and 34 CFR 361.49** to ensure that the services are complementary and not duplicative.

Ed ~~1045~~**13.08** Transition of an Individual to Extended Services. The designated state unit shall provide for the transition of an individual with the most significant disabilities to extended services no later than 18 months after placement in supported employment, unless a longer period is established in the IPE, and only if the individual has made substantial progress toward meeting the hours-per-week work goal provided for in the IPE, the individual is stabilized in the job, and extended services are available and can be provided without a hiatus in services.

Ed ~~1045~~**13.09** Requirements for Successfully Rehabilitating an Individual in Supported Employment. An individual with the most significant disabilities who is receiving supported employment services shall be considered to be successfully rehabilitated if the individual maintains a supported employment placement for 90 days after making the transition to extended services.

Ed ~~1045~~**13.10** Client Assistance Program. The designated state unit shall advise applicants for or recipients of services under Ed 1015, or as appropriate, the parents, family members, guardians, advocates, or authorized representatives of those individuals, of the availability and purposes of the Client Assistance Program established in New Hampshire under the Act, 29 USC 701.112, including information on seeking assistance from that program.

PART Ed ~~1046~~**14** GENERAL PROVISIONS FOR INDEPENDENT LIVING SERVICES PROGRAM AND CENTERS FOR INDEPENDENT LIVING PROGRAM

Ed ~~1046~~**14.01** Purpose. ~~The purpose of the state independent living services program and the centers for independent living program is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self help, self determination, equal access, and individual and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society.~~ *The purpose of these rules is to provide uniform application of 45 CFR 1329 regarding state independent living services and centers for independent living.*

Ed ~~1046~~**14.02** Definitions. *The words defined in 45 CFR 1329.4 and 34 CFR 77.1, E*except where the context makes another meaning clear*manifest*, the following words have the meaning indicated when used in Ed ~~1046~~**14**:

(a) ~~“Administrative support services” means “administrative support services” as defined in 34 CFR 364.4(b).~~

(b) ~~“Advocacy” means “advocacy” as defined in 34 CFR 364.4(b).~~

(c) ~~“Applicant” means “applicant” as defined in 34 CFR 77.1(c).~~

(d) ~~“Application” means “application” as defined in 34 CFR 77.1(c).~~

(e) ~~“Attendant care” means “attendant care” as defined in 34 CFR 364.4(b).~~

(f) ~~“Award” means “award” as defined in 34 CFR 74.2.~~

~~(g) “Center for independent living” (CIL) means “center for independent living” as defined in 34 CFR 364.4(b).~~

~~(h) “Centers for independent living program” means the centers for independent living program authorized by chapter 1 of title VII of the Act.~~

~~(i) “Consumer control” means “consumer control” as defined in 34 CFR 364.4(b).~~

~~(j) “Cross disability” means “cross disability” as defined in 34 CFR 364.4(b).~~

~~(k) “Department” means the U.S. Department of Education.~~

~~(l) “Decision making position” means “decision making position” as defined in 34 CFR 366.5.~~

~~(m) “Eligible agency” means “eligible agency” as defined in 34 CFR 364.4(b).~~

~~(n) “Fiscal year” means “fiscal year” as defined in 34 CFR 77.1(e).~~

~~(o) “Independent living core services” mean “independent living core services” as defined in 34 CFR 364.4(b).~~

~~(p) “Independent living services” (IL) mean “independent living services” as defined in 34 CFR 364.4(b).~~

~~(q) “Individual with a disability” means “individual with a disability” as defined in 34 CFR 364.4(b).~~

~~(r) “Individual with a significant disability” means “individual with a significant disability” as defined in 34 CFR 364.4(b).~~

~~(s) “Legally authorized advocate or representative” means “legally authorized advocate or representative” as defined in 34 CFR 364.4(b).~~

~~(t) “Minority group” means “minority group” as defined in 34 CFR 364.4(b).~~

~~(u) “Nonprofit” means “nonprofit” as defined in 34 CFR 77.1(e).~~

~~(v) “Nonresidential” means “nonresidential” as defined in 34 CFR 364.4(b).~~

~~(w) “Peer relationships” mean “peer relationships” as defined in 34 CFR 364.4(b).~~

~~(x) “Peer role models” means “peer role models” as defined in 34 CFR 364.4(b).~~

~~(y) “Personal assistance services” means “personal assistance services” as defined in 34 CFR 364.4(b).~~

~~(z) “Private” means “private” as defined in 34 CFR 77.1(e).~~

~~(aa) “Project” means “project” as defined in 34 CFR 77.1(e).~~

~~(ab) “Public” means “public” as defined in 34 CFR 77.1(e).~~

~~(ac) “Secretary” means the Secretary of the U.S. Department of Education.~~

~~(ad) “Service provider” means:~~

~~(1) A CIL that receives financial assistance under Parts B or C of Chapter 1 of Title VII of the section 711(e) and 29 U.S.C. 796(e); or~~

~~(2) Any other entity or individual that meets the requirements of 34 CFR 364.43(e) and provides IL services under a grant or contract from the designated state unit pursuant to 34 CFR 364.43(b).~~

~~(ae) “Significant disability” means “significant disability” as defined in 34 CFR 364.4(b).~~

~~(af) “Staff position” means “staff position” as defined in 34 CFR 366.5.~~

~~(ag) “State independent living services program” (SILS) means the state independent living services program authorized by chapter 1 of title VII of the Act.~~

~~(ah) “Statewide independent living council” (SILC) means the statewide independent living council established under 34 CFR 364.21.~~

~~(ai) “State plan” means “state plan” as defined in 34 CFR 364.4(b).~~

~~(aj) “Transportation” means “transportation” as defined in 34 CFR 364.4(b).~~

~~(ak) “Unserved and underserved groups or populations” means “unserved and underserved groups or populations” as defined in 34 CFR 364.4(b).~~

Ed 1046**14**.03 Requirements for Processing Referrals and Applications. The service provider shall apply the standards and procedures established by the designated state unit under Ed 1047**15**.04 to handle referrals and applications for *independent living* (IL) services from individuals with significant disabilities.

Ed 1046**14**.04 Requirements for Determining Eligibility.

(a) Before or at the same time that an applicant for IL services may begin receiving IL services funded under Ed 1046**14**, the service provider shall determine the applicant's eligibility and maintain documentation that the applicant has met the basic requirements specified in ~~34 CFR 364.40~~ relative to assuring that any individual with a significant disability is eligible to receive IL services.

(b) The documentation for eligibility shall be dated and signed by a staff member of the service provider.

Ed 1046**14**.05 Requirements for Determining Ineligibility.

(a) If a determination is made that an applicant for IL services is not an individual with a significant disability, the service provider shall provide documentation of the ineligibility determination that is dated and signed by a staff member.

(b) The service provider shall determine an applicant to be ineligible for IL services only after full consultation with the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, or after providing a clear opportunity for this consultation.

(c) The service provider shall notify the applicant in writing of the action taken for the ineligibility determination and inform the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, of the applicant's rights and the means by which the applicant may appeal the action taken.

(d) The service provider shall provide a detailed explanation of the availability and purposes of the Client Assistance Program established in New Hampshire under the Act, 29 USC 701.112, including information on how to contact the program.

(e) If appropriate, the service provider shall refer the applicant to other agencies and facilities, including the designated state unit.

Ed 104614.06 Review of Ineligibility Determination.

(a) If an applicant for IL services has been found ineligible, the service provider shall review the applicant's ineligibility at least once within 12 months after the ineligibility determination has been made and whenever the service provider determines that the applicant's status has materially changed.

(b) The review shall not be conducted in situations where the applicant has refused the review, the applicant is no longer present in New Hampshire, or the applicant's whereabouts is unknown.

Ed 104614.07 Requirements for an Independent Living Plan.

(a) Unless the individual who is to be provided IL services under Ed 104614 signs a waiver in accordance with Ed 104614.07(b), the service provider, in collaboration with the individual with a significant disability, shall develop and periodically review an IL plan for the individual in accordance with the requirements in Ed 104614.08-Ed 104614.11.

(b) The requirements of Ed 104614.07 with respect to an IL plan shall not apply if the individual knowingly and voluntarily signs a waiver stating that an IL plan is unnecessary.

(c) Subject to Ed 104614.07(b), the service provider shall provide each IL service in accordance with the IL plan.

Ed 104614.08 Initiation and Development of an Independent Living Plan.

(a) Development of an individual's IL plan shall be initiated after documentation of eligibility under Ed 104614.04(a) and shall indicate the goals or objectives established, the services to be provided, and the anticipated duration of the service program and each component service.

(b) The IL plan shall be developed jointly and signed by a staff member of the service provider and the individual with a significant disability or, if the individual chooses, by the individual's guardian, parent, or other legally authorized advocate or representative.

(c) A copy of the IL plan, and any amendments, shall be provided in an accessible format to the individual with a significant disability that uses appropriate modes of communication consistent with the informed choice of the individual.

Ed 104614.09 Review.

(a) The IL plan shall be reviewed as often as necessary but at least on an annual basis to determine whether services should be continued, modified, or discontinued, or whether the individual should be referred to a program of vocational rehabilitation services under ~~Ed 1040.15 and Ed 1040.16~~ **34 CFR 361.48 and 34 CFR 361.50** or to any other program of assistance.

(b) Each individual with a significant disability or, if consistent with state law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative, shall be given an opportunity to review the IL plan and, if necessary, jointly redevelop and agree by signature to its terms.

~~Ed 1046~~**14.10** Coordination with Vocational Rehabilitation, Developmental Disabilities, and Special Education Programs. The development of the IL plan and the provision of IL services shall be coordinated to the maximum extent possible with any individualized:

(a) Written rehabilitation program for vocational rehabilitation services for that individual;

(b) Habilitation program for the individual prepared under the Developmental Disabilities Assistance and Bill of Rights Act, 42 USC 15001; and

(c) Education program for the individual prepared under part B of the Individuals with Disabilities Education Act, 34 CFR 300 and 303.

~~Ed 1046~~**14.11** Termination of Services. If the service provider intends to terminate services to an individual receiving IL services under an IL plan, the service provider shall follow the procedures in ~~Ed 1046~~**14.05(c)-(e)** and ~~Ed 1046~~**14.06**.

~~Ed 1046~~**14.12** Maintaining Records for the Individual.

(a) For each applicant for IL services other than information and referral and for each individual receiving IL services other than information and referral, the service provider shall maintain a service record that includes:

(1) Documentation concerning eligibility or ineligibility for services;

(2) The services requested by the applicant or individual;

(3) Either the IL plan developed with the applicant or individual or a waiver signed by the applicant or individual stating that an IL plan is unnecessary;

(4) The services actually provided to the applicant or individual; and

(5) The IL goals or objectives:

a. Established with the applicant or individual, whether or not in the applicant's or individual's IL plan; and

b. Achieved by the applicant or individual.

(b) A service record for an applicant and an individual shall be maintained either electronically or in written form, except that the IL plan and waiver shall be in writing.

Ed 1046~~14~~.13 Durational Limitations on Independent Living Services. The service provider shall not impose any uniform durational limitations on the provision of IL services, except as otherwise provided by federal law or regulation.

Ed 1046~~14~~.14 Standards for Service Providers. In providing IL services to individuals with significant disabilities, service providers shall comply with:

(a) The written standards for IL service providers established by the designated state unit pursuant to Ed 1017.05; and

(b) All applicable state or federal licensure or certification requirements.

Ed 1046~~14~~.15 Use of Personal Information by Service Providers.

(a) All personal information in the possession of the service provider shall be used only for the purposes directly connected with the provision of IL services.

(b) Information containing identifiable personal information shall not be shared with advisory or other bodies that do not have official responsibility for the provision of IL services.

(c) In the provision of IL services or the administration of the IL program under which IL services are provided, the service provider shall only obtain personal information from other service providers and cooperating agencies under assurances that the information shall not be further divulged, except as provided under Ed 1046~~14~~.16 and Ed 1046~~14~~.17.

Ed 1046~~14~~.16 Release of Personal Information to Recipients of Independent Living Services.

(a) Except as provided in Ed 1046~~14~~.16(b) and (c), if requested in writing by a recipient of IL services, the service provider shall release all information in that individual's record of services to the individual or the individual's legally authorized representative.

(b) Medical, psychological, or other information that the service provider determines may be harmful to the individual shall not be released directly to the individual, but shall be provided through a qualified medical or psychological professional or the individual's legally authorized representative.

(c) If personal information has been obtained from another agency or organization, it shall be released only by, or under the conditions established by, the other agency or organization.

Ed 1046~~14~~.17 Release of Personal Information for Audit, Evaluation, and Research.

(a) Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research activities subject to the provisions of Ed 1046~~14~~.17(b).

(b) Personal information shall be released only if the organization, agency, or individual assures that:

(1) The information will be used only for the purposes for which it is being provided;

(2) The information will be released only to persons officially connected with the audit, evaluation, or research;

(3) The information will not be released to the involved individual;

(4) The information will be managed in a manner to safeguard confidentiality; and

(5) The final product will not reveal any personally identifying information without the informed written consent of the involved individual or the individual's legally authorized representative.

Ed 104614.18 Release to Other Programs or Authorities.

(a) Upon receiving the informed written consent of the individual or, if appropriate, the individual's legally authorized representative, the service provider shall release personal information to another agency or organization for the latter's program purposes only to the extent that the information is released to the involved individual under Ed 104614.16 and only to the extent that the other agency or organization demonstrates that the information requested is necessary for the proper administration of its program.

(b) Medical or psychological information shall be released under Ed 104614.18(a) only if the other agency or organization assures the service provider that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

(c) The service provider shall release personal information if required by federal laws or regulations.

(d) The service provider shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, and in response to judicial order.

(e) The service provider also shall release personal information to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

Ed 104614.19 Review Procedures Available to Individuals.

(a) The review procedures in Ed 100421 shall be available to an individual to request and receive a timely review of any adverse decision made by the service provider concerning the individual's request for IL services or the provision of IL services to the individual.

(b) Each service provider shall inform each individual who seeks or is receiving IL services from the service provider about the review procedures required by Ed 104614.19(a). The information about the review procedures shall be in an accessible format that uses appropriate modes of communication consistent with the informed choice of the individual.

~~PART Ed 1017 STATE INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING~~

~~Ed 1017.01 Definitions. Except where the context makes another meaning clear, the following words have the meaning indicated when used in Ed 1017:~~

~~(a) "Administrative support services" means "administrative support services" as defined in 34 CFR 364.4(b).~~

~~(b) "Advocacy" means "advocacy" as defined in 34 CFR 364.4(b).~~

~~(c) "Applicant" means "applicant" as defined in 34 CFR 77.1(c).~~

- (d) ~~“Application” means “application” as defined in 34 CFR 77.1(e).~~
- (e) ~~“Attendant care” means “attendant care” as defined in 34 CFR 364.4(b).~~
- (f) ~~“Award” means “award” as defined in 34 CFR 74.2.~~
- (g) ~~“Center for independent living” (CIL) means “center for independent living” as defined in 34 CFR 364.4(b).~~
- (h) ~~“Centers for independent living program” means the centers for independent living program authorized by chapter 1 of title VII of the Act.~~
- (i) ~~“Consumer control” means “consumer control” as defined in 34 CFR 364.4(b).~~
- (j) ~~“Cross disability” means “cross disability” as defined in 34 CFR 364.4(b).~~
- (k) ~~“Department” means the U.S. Department of Education.~~
- (l) ~~“Decision making position” means “decision making position” as defined in 34 CFR 366.5.~~
- (m) ~~“Eligible agency” means “eligible agency” as defined in 34 CFR 364.4(b).~~
- (n) ~~“Fiscal year” means “fiscal year” as defined in 34 CFR 77.1(e).~~
- (o) ~~“Independent living core services” mean “independent living core services” as defined in 34 CFR 364.4(b).~~
- (p) ~~“Independent living services (IL)” mean “independent living services” as defined in 34 CFR 364.4(b).~~
- (q) ~~“Individual with a disability” means “individual with a disability” as defined in 34 CFR 364.4(b).~~
- (r) ~~“Individual with a significant disability” means “individual with a significant disability” as defined in 34 CFR 364.4(b).~~
- (s) ~~“Legally authorized advocate or representative” means “legally authorized advocate or representative” as defined in 34 CFR 364.4(b).~~
- (t) ~~“Minority group” means “minority group” as defined in 34 CFR 364.4(b).~~
- (u) ~~“Nonprofit” means “nonprofit” as defined in 34 CFR 77.1(e).~~
- (v) ~~“Nonresidential” means “nonresidential” as defined in 34 CFR 364.4(b).~~
- (w) ~~“Peer relationships” mean “peer relationships” as defined in 34 CFR 364.4(b).~~
- (x) ~~“Peer role models” means “peer role models” as defined in 34 CFR 364.4(b).~~
- (y) ~~“Personal assistance services” means “personal assistance services” as defined in 34 CFR 364.4(b).~~

~~(z) “Private” means “private” as defined in 34 CFR 77.1(e).~~

~~(aa) “Project” means “project” as defined in 34 CFR 77.1(e).~~

~~(ab) “Public” means “public” as defined in 34 CFR 77.1(e).~~

~~(ae) “Secretary” means the Secretary of the U.S. Department of Education.~~

~~(ad) “Service provider” means:~~

~~(1) A CIL that receives financial assistance under Parts B or C of Chapter 1 of Title VII of the Act, section 711(e) and 29 U.S.C. 796(e); or~~

~~(2) Any other entity or individual that meets the requirements of 34 CFR 364.43(e) and provides IL services under a grant or contract from the designated state unit pursuant to 34 CFR 364.43(b).~~

~~(ae) “Significant disability” means “significant disability” as defined in 34 CFR 364.4(b).~~

~~(af) “Staff position” means “staff position” as defined in 34 CFR 366.5.~~

~~(ag) “State independent living services program” (SILS) means the state independent living services program authorized by chapter 1 of title VII of the Act.~~

~~(ah) “Statewide independent living council” (SILC) means the statewide independent living council established under 34 CFR 364.21.~~

~~(ai) “State plan” means “state plan” as defined in 34 CFR 364.4(b).~~

~~(aj) “Transportation” means “transportation” as defined in 34 CFR 364.4(b).~~

~~(ak) “Unserved and underserved groups or populations” means “unserved and underserved groups or populations” as defined in 34 CFR 364.4(b).~~

~~Ed 1017.02 Independent Living Core Services.~~

~~(a) The designated state unit shall provide directly, or through grants or contracts, the following IL core services:~~

~~(1) Information and referral services;~~

~~(2) IL skills training;~~

~~(3) Peer counseling, including cross disability peer counseling; and~~

~~(4) Individual and systems advocacy.~~

~~(b) Funding for the core services provided under this section shall meet the requirements of 34 CFR 365.21.~~

~~(c) The provisions of 34 CFR 365.23 shall apply relative to making subgrants and contracts to provide IL services.~~

~~Ed 1017.03 Additional Independent Living Services. In addition to the IL core services provided under Ed 1017.02, the designated state unit shall also provide other IL services defined in 34 CFR 364.4(b). Funding for additional IL services shall meet the requirements of 34 CFR 365.22.~~

~~Ed 1017.04 Standards for Processing Referrals and Applications. The following standards and procedures shall be applied by service providers to handle referrals and applications for IL services from individuals with significant disabilities:~~

~~(a) An individual shall be eligible for IL services if the individual has a significant physical, mental, cognitive, or sensory impairment that limits the individual's ability to function independently in the family or in the community.~~

~~(b) Referrals shall be accepted for IL services from individuals, community based organizations, family members, and service providers.~~

~~Ed 1017.05 Standards for Service Providers.~~

~~(a) Service providers that are not CILs shall meet the following minimum standards for providing IL services:~~

- ~~(1) Be community based;~~
- ~~(2) Be nonprofit;~~
- ~~(3) Provide cross disability services and programs;~~
- ~~(4) Be consumer controlled so that a majority of the members of the governing body are individuals with disabilities; and~~
- ~~(5) Promote and practice a philosophy of independent living.~~

~~(b) CILs under a contract with the designated state unit shall meet the following minimum standards and provide the following specialized IL services to individuals with significant disabilities:~~

- ~~(1) Accessible van transportation;~~
- ~~(2) A transportation reimbursement program;~~
- ~~(3) Adaptive equipment and home access;~~
- ~~(4) Youth services; and~~
- ~~(5) Outreach to populations of individuals with significant disabilities.~~

~~(c) Participating service providers shall provide the designated state unit with the information necessary to show that they meet all applicable state licensure or certification requirements in order to be eligible to enter into grants or contracts with the designated state unit.~~

~~Ed 1017.06 Awarding Grants to Centers for Independent Living.~~

~~(a) The director of the designated state unit shall award grants under the Act, section 723, 29 USC 796f 1(a)(2) and Ed 1017.07-08 to CILs located within New Hampshire or in a bordering state in a fiscal year if:~~

~~(1) The director submits to the Secretary and obtains approval of an application to award grants for that fiscal year under the Act, section 722, 29 USC 796f 1(a) and 34 CFR 366.32 (a) and (b); and~~

~~(2) The Secretary determines that the amount of state funds that were earmarked by New Hampshire to support the general operation of CILs meeting the requirements of part C of chapter 1 of title VII of the Act in the second fiscal year preceding the fiscal year for which the application is submitted equaled or exceeded the amount of federal funds allotted to New Hampshire under the Act, 29 USC 701.721, or part B of title VII of the Act as in effect on October 28, 1992 for that preceding fiscal year.~~

~~(b) For the purposes of Ed 1017.06-Ed 1017.15, the second fiscal year preceding the fiscal year for which New Hampshire submits an application to administer the CIL program shall be considered the preceding fiscal year."~~

~~(c) For the purposes of Ed 1017.06-Ed 1017.15, earmarked funds are those funds described in 34 CFR 366.30 and 31.~~

Ed 1017.07 Order of Priorities for Allocating Funds Among Centers for Independent Living.

~~(a) The director of the designated state unit shall follow the order of priorities in 34 CFR 366.22 for allocating funds among CILs within New Hampshire, to the extent funds are available.~~

~~(b) If the order of priorities in 34 CFR 366.22 is followed and, after meeting the priorities in 34 CFR 366.22(a)(1) and (2), there are insufficient funds under New Hampshire's allotment under the Act, 29 USC 701.721(c) and (d), to fund a new CIL under 34 CFR 366.22(a)(3), the director shall:~~

~~(1) Use the excess funds in New Hampshire to assist existing CILs consistent with the state plan; or~~

~~(2) Return these funds to the Secretary for reallocation in accordance with the Act, 29 USC 701.721(d).~~

Ed 1017.08 Procedures for Making a Grant for a New Center for Independent Living.

~~(a) In selecting from among applicants for a grant for a new CIL under 34 CFR 366.24, the director of the designated state unit and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances in section 725(b) and (c) of the Act, 29 USC 701.725(b) and (c), and 34 CFR 366.50 and 34 CFR 366.60-63.~~

~~(b) The peer review committee shall consider the ability of each applicant to operate a CIL and shall recommend an applicant to receive a grant for a new CIL based on either the selection criteria in 34 CFR 366.27 or the following:~~

~~(1) Evidence of the need for a CIL, consistent with the state plan;~~

~~(2) Any past performance of the applicant in providing services comparable to IL services;~~

~~(3) The plan for complying with, or demonstrated success in complying with, the standards and the assurances in the Act, 29 USC 701.725(b) and (c), and 34 CFR 366.50 and 34 CFR 366.60-63;~~

~~(4) The quality of key personnel of the applicant and the involvement of individuals with significant disabilities by the applicant;~~

~~(5) The budget and cost effectiveness of the applicant;~~

~~(6) The evaluation plan of the applicant; and~~

~~(7) The ability of the applicant to carry out the plans identified in Ed 1017.05(b)(3) and (6).~~

~~(c) The director of the designated state unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with federal and state law.~~

~~Ed 1017.09 Procedures for Review of Centers for Independent Living.~~

~~(a) The director of the designated state unit shall, in accordance with the Act, 29 USC 701.723(g)(1) and (h), review each CIL receiving funds under 29 USC 723 to determine whether the CIL is in compliance with the standards and assurances in the Act, 29 USC 701.725(b) and (c), and 34 CFR 366.50 and 34 CFR 366.60-63.~~

~~(b) The reviews of CILs shall include annual on-site compliance reviews of at least 15 percent of the CILs assisted under the Act, 29 USC 701.723, in each year.~~

~~(c) Each team that conducts an on-site compliance review of a CIL shall include at least one person who is not an employee of the designated state unit, who has experience in the operation of CILs, and who is jointly selected by the director of the designated state unit and the chairperson of the SILC, or other individual designated by the SILC to act on behalf of and at the direction of the SILC.~~

~~(d) A copy of each review shall be provided to the Secretary and the SILC.~~

~~Ed 1017.10 Initiation of Enforcement Procedures by Director.~~

~~(a) If the director of the designated state unit determines that any CIL receiving funds under 34 CFR 366 is not in compliance with the standards and assurances in the Act, 29 USC 701.725(b) and (c) and 34 CFR 366.50 and 34 CFR 366.60-63, the director shall immediately provide the CIL by certified mail, return receipt requested, with an initial written notice that the CIL is out of compliance with the standards and assurances and that the director shall terminate the CIL's funds or take other proposed significant adverse action against the CIL 90 days after the CIL's receipt of this initial written notice. The director of the designated state unit shall provide technical assistance to the CIL to develop a corrective action plan to comply with the standards and assurances.~~

~~(b) Unless the CIL submits, within 90 days after receiving the notification required by Ed 1017.10(a), a corrective action plan to achieve compliance that is approved by the director of the designated state unit or, if appealed, by the Secretary, the director shall terminate all funds under the Act, 29 USC 796f 4, to a CIL 90 days after the later of:~~

- ~~(1) The date that the CIL receives the initial written notice required by Ed 1017.10(a); or~~
- ~~(2) The date that the CIL receives the Secretary's final decision issued pursuant to 34 CFR 366.46(e) if:~~
 - ~~a. The CIL files a formal written appeal of the director's final written decision pursuant to Ed 1017.10(a); or~~
 - ~~b. The CIL files a formal written appeal of the decision described in the director's initial written notice pursuant to Ed 1017.14(b).~~
- ~~(c) Other proposed significant adverse action that may be taken includes:~~
 - ~~(1) Excluding the CIL from the development of the state plan for independent living; and~~
 - ~~(2) Having the SILC prohibit the CIL from participating in SILC activities.~~

~~Ed 1017.11 Information to be Included in Initial Written Notice from Director.~~

- ~~(a) The initial written notice required by Ed 1017.10(a) shall include, at a minimum, the following:~~
 - ~~(1) The name of the CIL;~~
 - ~~(2) The reason or reasons for proposing the termination of funds or other significant adverse action against the CIL, including any evidence that the CIL has failed to comply with any of the evaluation standards or assurances in the Act, 29 USC 701.725(b) and (c), and 34 CFR 366.50 and 34 CFR 366.60-63; and~~
 - ~~(3) The effective date of the proposed termination of funds or other significant adverse action against the CIL.~~
- ~~(b) The initial written notice required by Ed 1017.10(a) shall be given 90 days in advance of the date the director of the designated state unit intends to terminate a CIL's funds or take any other significant adverse action against the CIL.~~
- ~~(c) The initial written notice required by Ed 1017.10(a) shall inform the CIL that it has 90 days from the date the CIL receives the notice to submit a corrective action plan.~~
- ~~(d) The initial written notice required by Ed 1017.10(a) shall inform the CIL that it may seek alternative dispute resolution under Ed 200 in accordance with a corrective action plan under Ed 1017.10(a) to resolve any dispute with the director of the designated state unit within the 90 days before the proposed termination of funds or other significant adverse action against the CIL.~~
- ~~(e) The initial written notice required by Ed 1017.10(a) shall inform the CIL that, if alternative dispute resolution is not successful and the director of the designated state unit does not issue a final written decision pursuant to Ed 1017.12, the CIL may appeal to the Secretary the decision described in the director's initial written notice on or after the 90th day, but not later than the 120th day, after the CIL receives the director's initial notice.~~

~~Ed 1017.12 Issuing A Final Written Decision.~~

~~(a) If the CIL submits a corrective action plan in accordance with Ed 1017.10(b), the director of the designated state unit shall provide to the CIL, not later than the 120th day after the CIL receives the director's initial written notice, a final written decision approving or disapproving the CIL's corrective action plan and informing the CIL, if appropriate, of the termination of the CIL's funds or any other proposed significant adverse action against the CIL.~~

~~(b) The director of the designated state unit shall send the final written decision to the CIL by registered or certified mail, return receipt requested.~~

~~(c) The director of the division's final written decision to terminate funds or take any other adverse action against a CIL shall not take effect until 30 days after the date that the CIL receives the final written decision.~~

~~(d) If a CIL appeals the final written decision pursuant to Ed 1017.14, the director of the designated state unit's final written decision to terminate funds or take any other adverse action against a CIL shall not take effect until the Secretary issues a final decision.~~

~~Ed 1017.13 Information Included in Final Written Decision. The director of the designated state unit's final written decision to disapprove a CIL's corrective action plan required by Ed 1017.12 shall:~~

~~(a) Address any response from the CIL to the director's initial written notice to terminate funds or take other significant adverse action against the CIL;~~

~~(b) Include a statement of the reasons why the director could not approve the corrective action plan; and~~

~~(c) Inform the CIL of its right to appeal to the Secretary the director's final written decision to terminate funds or take any other significant adverse action against the CIL.~~

~~Ed 1017.14 Appealing a Decision.~~

~~(a) To obtain the Secretary's review of the director of the designated state unit's final written decision to disapprove a CIL's corrective action plan submitted pursuant to Ed 1017.10(b), the CIL shall file, within 30 days from receipt of the director's final written decision, a formal written appeal with the Secretary giving the reasons why the CIL believes that the director should have approved the CIL's corrective action plan.~~

~~(b) To obtain the Secretary's review of a decision described in the director of the designated state unit's initial written notice, a CIL that does not submit a corrective action plan to the director shall file, in accordance with Ed 1017.14(c)(1)(a), a formal written appeal with the Secretary giving the reasons why the CIL believes that the director should have found the CIL in compliance with the standards and assurances in the Act, 29 USC 701.725(b) and (c), and 34 CFR 366.50 and 34 CFR 366.60-63.~~

~~(c) To appeal to the Secretary a decision described in the director of the designated state unit's initial written notice or the director's final written decision to disapprove a CIL's corrective action plan and to terminate or take other significant adverse action, a CIL shall file with the Secretary:~~

~~(1) A formal written appeal:~~

~~a. On or after the 90th day but not later than the 120th day following a CIL's receipt of a director's initial written notice; or~~

~~b. On or before the 30th day after a CIL's receipt of the director's final written decision to disapprove a CIL's corrective action plan and to terminate or take other significant adverse action;~~

~~(2) A copy of the corrective action plan, if any, submitted to the director; and~~

~~(3) One copy each of any other written submissions sent to the director in response to the director's initial written notice to terminate funds or take other significant adverse action against the CIL.~~

~~(d) The date of filing a formal written appeal to the Secretary under Ed 1017.14(c) shall be determined pursuant to the requirements of 34 CFR 81.12.~~

~~(e) If the CIL files a formal written appeal with the Secretary, the CIL shall send a separate copy of this appeal to the director of the designated state unit by registered or certified mail, return receipt requested.~~

~~(f) The CIL's formal written appeal to the Secretary shall state why:~~

~~(1) The director of the designated state unit has not met the burden of showing that the CIL is not in compliance with the standards and assurances in the Act, 29 USC 701.725(b) and (c), and in 34 CFR 366.50 and 34 CFR 366.60-63;~~

~~(2) The corrective action plan, if any, should have been approved; or~~

~~(3) The director of the designated state unit has not met the procedural requirements of Ed 1017.10-Ed 1017.15.~~

~~(g) As part of its submissions under this section, the CIL may request an informal meeting with the Secretary at which representatives of both parties shall have an opportunity to present their views on the issues raised in the appeal, in accordance with 34 CFR 366.46.~~

~~(h) The director of the designated state unit's decision to terminate funds that is described in an initial written notice or final written decision shall be stayed as of the date determined pursuant to Ed 1017.14(d) that the CIL files a formal written appeal with the Secretary.~~

~~Ed 1017.15 Action by Director upon Receipt of Center for Independent Living's Formal Written Appeal to the Secretary.~~

~~(a) If the CIL files a formal written appeal in accordance with Ed 1017.14(c), the director of the designated state unit shall, within 15 days of receipt of the CIL's appeal, submit to the Secretary one copy each of the following:~~

~~(1) The director's initial written notice sent to the CIL to terminate funds or take any other significant adverse action against the CIL;~~

~~(2) The director's final written decision, if any, to disapprove the CIL's corrective action plan and to terminate the CIL's funds or take any other significant adverse action against the CIL;~~

~~(3) Any other written documentation or submissions the director wishes the Secretary to consider; and~~

~~(4) Any other information requested by the Secretary.~~

~~(b) As part of its submissions under Ed 1017.15(a), the director of the designated state unit may request an informal meeting with the Secretary at which representatives of both parties shall have an opportunity to present their views on the issues raised in the appeal, in accordance with 34 CFR 366.46.~~

PART Ed 1048**15** INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

Ed 1048**15**.01 Purpose. The purpose of the independent living (**IL**) services for older individuals who are blind program is to support projects that:

(a) Provide any of the IL services to older individuals who are blind that are described in 34 CFR 367.3(b);

(b) Conduct activities that will improve or expand services for older individuals who are blind; and

(c) Conduct activities to help improve public understanding of the problems of older individuals who are blind.

Ed 1048**15**.02 Definitions. Except where the context makes another meaning ~~clear~~**manifest**, the following words **definitions in 34 CFR 367.5** have the meaning indicated when used in Ed 1048**15**:

~~(a) “Independent living services for older individuals who are blind” means “independent living services for older individuals who are blind” as defined in 34 CFR 367.5.~~

~~(b) “Older individual who is blind” means “older individual who is blind” as defined in 34 CFR 367.5.~~

Ed 1048**15**.03 Services for Older Individuals Who Are Blind. For the purposes of Ed 1048**15**.01(a), IL services for older individuals who are blind shall include:

(a) Services to help correct blindness that include:

(1) Outreach services;

(2) Visual screening;

(3) Surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

(4) Hospitalization related to these services;

(b) The provision of eyeglasses and other visual aids;

(c) The provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

(d) Mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

(e) Guide services, reader services, and transportation;

(f) Any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services; **and**

(g) IL skills training, information and referral services, peer counseling, and individual advocacy training; **and**

~~(h) Other IL services as defined in the Act, 29 USC 707(30), and as listed in 34 CFR 365.22.~~

Ed 1048**15**.04 Administering the Program.

(a) The designated state unit shall administer the program in Ed 1048**15** in order to carry out the purposes listed in Ed 1048**15**.01 either directly or through:

(1) Grants to public or private nonprofit agencies or organizations; or

(2) Contracts with individuals, entities, or organizations that are not public or private nonprofit agencies or organizations.

(b) Notwithstanding Ed 1048**15**.04(a), the designated state unit may enter into assistance contracts with public or private nonprofit agencies or organizations ~~by following the requirements in 34 CFR 366.32(e).~~

(c) Notwithstanding Ed 1048**15**.04(a), the designated state unit shall not enter into procurement contracts with public or private nonprofit agencies or organizations, ~~as provided in 34 CFR 366.32(f).~~

PART Ed 1049**16** NEW HAMPSHIRE BUSINESS ENTERPRISE PROGRAM

Ed 1049**16**.01 Purpose. The purpose of the New Hampshire Business Enterprise Program (BEP) is to support self-employment for individuals who are legally blind through career opportunities in cafeteria, snack bar, and vending services. The New Hampshire department of Education, through the BEP of the office of services for blind and visually impaired,(SBVI) is the state licensing agency (SLA) for legally blind individuals who operate food and vending service facilities on federal, state, and other properties.

Ed 1049**16**.02 Definitions. Except where the context makes another meaning ~~clear~~ **manifest**, the following words **definitions in 34 CFR 395.1** have the meaning indicated when used in Ed 1048**16**.

~~(a) “Individual who is legally blind” means “blind person” as defined in 34 CFR 395.1(e).~~

~~(b) “License” means “license” as defined in 34 CFR 395.1(i).~~

~~(c) “Net proceeds” means “net proceeds” as defined in 34 CFR 395.1(k).~~

~~(d) “Operator” means an individual who is legally blind who is licensed to operate a vending facility on federal or other property.~~

~~(e) “Other property” means “other property” as defined in 34 CFR 395.1(n).~~

~~(f) “Program” means the New Hampshire business enterprise program in the Designated State Agency, the Designated State Unit.~~

~~(g) “Secretary” means the United States Secretary of Education.~~

~~(h) “Services for Blind and Visually Impaired” means “Blind Services” as defined in 186 B:10-II.~~

~~(i) “State Committee of Licensed Operators” or “Committee” means “Committee of Licensed Operators” as described in 34 CFR 395.14 (a).~~

~~(j) “Vending facility” means “vending facility” as defined in 34 CFR 395.1(x).~~

~~(k) “Vending machine” means “vending machine” as defined in 34 CFR 395.1(y).~~

~~(l) “Vending machine income” means “vending machine income” as defined in 34 CFR 395.1(z).~~

~~(m) “VendingRoute” means a combination of vending locations which as a whole are treated administratively for bidding, reporting and other purposes as a single location.~~

Ed 1049**16.03** Issuance of Vending Facility Licenses.

(a) SBVI shall license qualified candidates to operate vending facilities on federal, state, and other property in accordance with Ed 1049**16.04**.

(b) Licenses shall be issued only to qualified individuals who are legally blind and on the roster.

Ed 1049**16.04** Licensing Procedure.

(a) The licensing procedure shall be as follows:

(1) SBVI shall maintain a roster of blind persons who are eligible and who desire to qualify as vending facility operators;

(2) Preference shall be given to qualified candidates who:

a. Are in need of employment;

b. Are residents of the state of New Hampshire; and

c. Have the experience and training for the location on which they are bidding; and

(3) In selecting a candidate who is deemed appropriate to enter the BEP training program, SBVI shall focus on the candidates' individual skills, abilities, and personal qualifications especially suited to the operation of a vending facility as determined by materials submitted by the individual and/or VR counselor if applicable, including but not limited to evaluation reports, educational background, work experience, and resumes. The candidate shall also meet with the committee chair and administrator of SBVI during the initial interview phase of the acceptance process.

(b) Candidates, who have been accepted and have satisfactorily completed the training program in Ed 1049**16.15**, shall be placed on a roster.

(c) When a location becomes available for bid, an individual on the roster may bid along with the licensed operators.

(d) There shall be a probationary period not to exceed 6 months for candidates taken from the roster when awarded a first location.

(e) At the end of the probationary period a candidate who is acceptable to SBVI and wishes to remain in the program shall be issued a license based on the following criteria:

(1) The candidate receives satisfactory evaluation reports as acknowledged by SBVI, and these reports have been reviewed with the VR counselor if applicable and the committee chair; and

(2) The evaluation reports attest that the candidate effectively demonstrates the ability to:

- a. Provide good customer service;
- b. Maintain proper food service sanitation standards;
- c. Understand the principles of:
 - 1. Product inventory control;
 - 2. Daily cash control;
 - 3. Banking procedures;
 - 4. Proper licensing procedures; and
 - 5. Submission of city, state and federal taxes; and
- d. Maintain the required monthly profit and loss reports.

(f) A candidate whose performance is not acceptable to SBVI shall not be licensed by SBVI and shall be removed from the program when the candidate fails to meet the criteria listed in Ed 104916.07(b) during the training or the probationary periods.

(g) Licenses shall be issued to the operator by SBVI for an indefinite period. Licenses shall be subject to termination as provided in Ed 104916.05.

(h) SBVI shall select operators for vending facilities. Generally one operator will be selected, however, 2 operators may bid jointly on a location. Two co-operators may be selected by SBVI when a facility has sufficient earning power to adequately support more than one operator. Such selection shall be approved by a majority vote of the licensed operators in the state. Preference for a bid shall be towards a single operator unless it is deemed the location will be more adequately serviced by joint operators or an operator and assistant.

(i) Operators selected shall be compatible and mutually acceptable to each other, with compensation determined on a profit-sharing basis agreeable to the operators concerned and SBVI.

(j) Candidates, who have satisfactorily completed the probationary period and who have completed the training program in Ed 104916.15, shall be issued a license.

(k) The administrative appeal of any licensing decision made under this section shall be pursuant to Ed 104916.18 (a),(2).

Ed 1049~~16~~.05 Partnerships.

(a) An operator may enter into a partnership with a private vendor only when the following criteria are met:

(1) The operator initiating a partnership shall have made a qualified bid on the location in response to a bid notification by SBVI; and

(2) The operator shall demonstrate his or her active role in the partnership as the person responsible for all reports and accountabilities under applicable federal and state laws and regulations.

(b) If no other qualified single or joint operator bid has been submitted, the development of a partnership agreement with another entity by the single bidder shall be considered for approval by SBVI.

Ed 1049~~16~~.06 Vending Routes.

(a) Individual vending routes may be established when deemed appropriate by SBVI, only when accepted by the state committee of licensed operators by a simple majority vote.

(b) A proposal for the establishment of a vending route may be brought to SBVI and/or the committee by individual operators or other interested parties.

(c) Once a vending route has been established it shall remain an intact route. In the event that the operator no longer wishes to, or cannot, serve one or more of the locations on the established vending route the vending route as a whole shall go out to bid as a single vending location. To alter the composition of a vending route requires the submission of a new proposal consistent with this section.

Ed 1049~~16~~.07 Termination of Licenses.

(a) Written notice shall be given to any operator whose license is to be terminated or who is in jeopardy of losing the license, including a statement of the reason. Such notice shall also inform the operator of the operator's right to request an administrative review, an evidentiary hearing, and arbitration under Ed 1049~~16~~.15.

(b) A license issued to an operator shall be terminated after affording the operator an opportunity for an administrative review, an evidentiary hearing, and arbitration under Ed 1049~~16~~.15, when one or more of the following conditions apply:

(1) When vision is improved so that the operator no longer meets the definition of an individual who is legally blind;

(2) When there is extended illness with medically documented diagnosis of prolonged incapacity of the operator to operate the vending facility in a manner consistent with the needs of the location or other available locations in the vending facility program;

(3) When SBVI finds that a vending facility is not being operated in accordance with the Ed 1049~~16~~;

(4) When the operator does not comply with the terms and conditions contained in the licensing agreement between the operator and SBVI;

(5) When the operator does not comply with terms and conditions of the vending facility's contract SBVI and the manager of the property on which the vending facility is located; and

(6) When the operator withdraws from the program.

Ed 1049**16.08** Vending Facility Equipment and Initial Stock. The following procedures shall apply to vending facility equipment and initial stocks of merchandise:

(a) SBVI shall furnish each vending facility with adequate, suitable equipment and initial stocks of merchandise sufficient for the establishment and operation of the facility for an initial 2 week period. If the operator obtaining the agreement to operate the location is on the roster or in a probationary period per Ed 1049**16.04** he or she shall not be eligible to obtain additional locations or inventory until a license has been obtained.

(b) If a licensed operator is provided with initial inventory for a new location it shall be sufficient to operate the location for no more than a 2 week period. The funds used shall be as an interest free loan from the set aside account. SBVI shall establish a monthly payment plan to begin 3 months after the operator has begun providing full service at the location.

(c) The right, title to and interest in the equipment of each vending facility used in the program and in the initial stocks of merchandise shall be vested in accordance with the laws of the state in either the name of SBVI or the operator.

Ed 1049**16.09** Maintenance and Replacement of Equipment. The following procedures shall apply to the maintenance and replacement of equipment:

(a) Except as provided in Ed 1049**16.07**(b), (c), and (d), SBVI shall not be responsible for repair and maintenance of equipment after such equipment is furnished to the vending facilities;

(b) SBVI shall be responsible for repair and maintenance of equipment for the first 4 months after such equipment is furnished to the vending facilities when:

- (1) A new operator begins operating a vending facility;
- (2) An operator transfers to a different vending facility; or
- (3) An operator adds a new vending facility;

(c) The operators shall bear the responsibility for repair and maintenance of equipment in their respective facilities after the time limits in Ed 1049**16.07**(b) expire;

(d) SBVI shall review repairs and maintenance that exceed \$500.

(e) The final decision shall be based upon funds available and the following criteria:

- (1) If it is deemed to be more cost effective to repair, SBVI shall do so; or
- (2) If it is more efficient to replace the unit, SBVI shall cover the full expense of the replacement;

(f) SBVI shall repair and maintain or cause to be repaired and maintained any equipment in need of repair and maintenance in order to keep the facility operable and in an attractive condition, after reasonable notice if the operator fails to do so under Ed 1049~~16~~.09(d)(1);

(g) The operators shall be assessed the amounts needed to repair and maintain equipment when SBVI has undertaken the responsibility in (d)(2) above; and

(h) SBVI shall replace equipment that it determines to be worn out or obsolete. If the licensed operator feels that equipment should be replaced, the operator shall make a request to this effect. SBVI shall fulfill requests based on priority and urgency of all requests.

Ed 1049~~16~~.10 Operator Ownership of Vending Facilities.

(a) If the operator desires to purchase part of the operator's own equipment and retain title thereto, the operator shall be responsible for repair and maintenance of such equipment to assure that the vending facility shall be kept operational and in an attractive condition.

(b) If the operator-owner ceases to be an operator or transfers to another vending facility site, ownership of the equipment shall become vested in SBVI and transferred to a successor operator subject to an obligation on SBVI's part to pay to such operator-owner or the operator's estate the fair value of the operator-owned equipment.

(c) The operator-owner, operator's personal representative or next of kin shall be entitled to an opportunity for an administrative review and an evidentiary hearing under Ed 1049~~16~~.15 with respect to the determination of the amount to be paid by SBVI for an operator's ownership in the equipment. When the operator-owner is dissatisfied with any decision rendered as a result of the evidentiary hearing, the operator-owner may file a complaint with the Secretary under 34 CFR 395.13 to request the convening of an ad hoc arbitration panel.

(d) If an operator desires to retain title to vending facility equipment which the operator has purchased SBVI shall enter into a written agreement with such operator-owner delineating conditions of ownership.

(e) No person shall be denied the opportunity to become an operator because of their unwillingness or inability to purchase the vending facility equipment or the initial stock.

Ed 1049~~16~~.11 Setting Aside of Funds.

(a) SBVI shall set aside funds from the net proceeds of the operation of vending facilities and vending machine income to the extent necessary for the following purposes:

- (1) Maintenance and replacement of equipment;
- (2) Purchase of new equipment;
- (3) Management services such as but not limited to:
 - a. Ongoing training;
 - b. Upward mobility training;
 - c. Food service related education;

d. Liability insurance; and

e. Annual dues in vending and food service organization; and

(4) Retirement and pension funds, health insurance contributions, paid sick leave and vacation time if it is determined by a majority vote of the operators licensed by SBVI to contribute and use funds set aside for these purposes after SBVI provides each operator information on all matters relevant to such funds.

(b) The charge for each purpose listed in Ed 1049~~16~~.11(a) shall be determined by SBVI with the active participation of the state committee of licensed operators and shall be designed to prevent, so far as is practicable, a greater charge than is reasonably required. SBVI shall maintain adequate records to support the reasonableness of the charges, including any reserves necessary to assure that these purposes can be achieved on a consistent basis.

(c) The amount of funds set aside Ed 1049~~16~~.11(a) shall:

(1) Be assessed monthly; and

(2) Be a percentage of net proceeds of the monthly profit and loss statement provided that:

a. The operator has net proceeds before set aside of over \$1,700 for that month; and

b. Either:

1. The set aside charge does not reduce the net proceeds below \$1,700; or

2. In order to assure a fair minimum return to operators, any set aside assessment which lowers an operator's net proceeds below \$ 1,700 for that month shall be reduced by the amount required to raise the net proceeds to \$1,700.

(d) The percentage in Ed 1049~~16~~.11(c) shall be 10% of net proceeds assessed in Ed 1049~~16~~.11(a) and shall be reviewed every 2 years by SBVI with the active participation of the committee of licensed operators. The new percentage shall be set utilizing the running average balance of the set aside account over the previous 2-year period, the Consumer Price Index and projected needs.

Ed 1049~~16~~.12 Distribution and Use of Income from Vending Machines on Federal Property.

(a) Vending machine income from vending machines on federal property which has been disbursed to SBVI by a property managing department, agency or instrumentality of the United States under 34 CFR 395.32 shall:

(1) Accrue to each operator operating a vending facility on such federal property in New Hampshire in an amount not to exceed the average net income of the total number of operators within the state, as determined each fiscal year on the basis of each prior year's operation; and

(2) Not accrue to any operator in any amount exceeding the average net income of the total number of operators in the United States.

(b) No operator shall receive less vending machine income than an operator was receiving during the calendar year prior to January 1, 1974, as a direct result of any limitation imposed on such income under Ed 1049**16**.12 as provided in 34 CFR 395.8(a).

(c) No limitation shall be imposed on income from vending machines, combined to create a vending facility, when the facility is maintained, serviced, or operated by an operator.

(d) Vending machine income disbursed by a property managing department, agency or instrumentality of the United States to SBVI in excess of the amounts eligible to accrue to operators in accordance with Ed 1049**16**.12 shall be retained by SBVI.

(e) SBVI shall disburse vending machine income to operators within the state on at least a quarterly basis.

(f) Vending machine income which is retained by SBVI under Ed 1049**16**.12 shall be used for:

- (1) The establishment and maintenance of retirement or pension plans;
- (2) Health insurance contributions; and
- (3) The provision of paid sick leave and vacation time for operators, if it is so determined by a majority vote of operators licensed by SBVI, after SBVI has provided to each operator information on all matters relevant to such purposes.

(g) Any vending machine income not necessary for the purposes in Ed 1049**16**.12(f) shall be used by SBVI for maintenance and replacement of equipment, purchase of new equipment, management services, and assuring a fair minimum return to operators.

Ed 1049**16**.13 Operating Agreement Between SBVI and Operator. To obtain a license to operate one or more vending locations, the operator shall agree to the rules in Ed 1049**16** as well as the terms and conditions under which the license is issued in accordance with the following:

(a) The terms and conditions shall take the form of an agreement between the operator and SBVI stating what responsibilities the operator has and what responsibilities SBVI has.

(b) The agreement shall include:

- (1) The operator's name;
- (2) The vending facility name and location;
- (3) The hours of operation for the vending facility;
- (4) The articles to be sold at the vending facility;
- (5) The insurance requirements for the vending facility;
- (6) The financial records that must be kept by the operator; and
- (7) The rights and obligations of the operator and SBVI relative to assignments, subcontracts, and default.

(c) The agreement shall contain but not be limited to the following items adapted to the individual conditions applying to the specific location:

- (1) The duties of the operator and the performance of such duties in accordance with standards prescribed by:
 - a. SBVI and developed with the active participation of the state committee of operators;
 - b. Applicable health laws and regulations;
 - c. Terms of the permit granted by, or the contract entered into with, the federal or other agency or organization in control of the site of the vending facility; and
 - d. Security clearance requirements for the vending facility such as the process to obtain access cards. This may include background checks and security clearance applications for the operator and their employees or partners. If a licensed operator cannot receive clearance for a particular location, the location be released from the operator and put out to bid;
- (2) The responsibilities of SBVI to provide management services to the operator including assistance and supervision, and the ways in which such responsibilities shall be carried out;
- (3) A statement that operator shall receive the net proceeds from the vending facility that the operator operates;
- (4) The responsibility of the operator to furnish:
 - a. A monthly profit and loss statement that includes payment for assessed set asides no later than the last day of the month following the close of the previous month's accounting period;
 - b. One copy each of business liability insurance and workers compensation insurance; and
 - c. One copy of automobile collision and liability insurance in the case of operators with vending delivery vehicles;
- (5) The right of the operator to terminate the operating agreement at any time;
- (6) The termination of the operating agreement upon termination of the permit or contract; and
- (7) The termination or revocation of the operating agreement upon the failure of the operator to operate the vending facility in accordance with the operating agreement or applicable federal, state, or local laws or regulations.

(d) The operator and the administrator of SBVI shall both sign the agreement.

Ed 1049**16.14** Transfer and Promotion of Operators. The following procedures shall apply to transfer and promotion of operators:

(a) A selection committee shall be convened by the administrator of SBVI when new opportunities become available for promotion or transfer. The selections committee shall include a representative of the state committee of licensed operators assigned by the chair or co-chairs, the BEP coordinator, the program assistant coordinator, and a counselor from the designated state agency's office of SBVI. The duties of the committee shall be to oversee and manage the provisions of Ed 104916.14(b)-(f) relative to the transfer and promotion of operators.

(b) Each operator shall be given every possible opportunity by way of the bidding process for promotion to facilities of greater earning capacity or more convenient location or both, as the knowledge skills and abilities of the individual are developed.

(c) When experience has proven that an operator is assigned to a location or locations beyond the operator's capacities, the operator shall be given opportunities for training. However if training does not result in improved operation, an assignment to a location commensurate with the operator's ability shall be made pending the availability of such a location or locations. Alternatively the number and nature of the facilities that the operator manages shall be reviewed and modified accordingly.

(d) When an opportunity to bid on a location is announced an operator may bid or not bid without prejudice to future consideration if another opportunity occurs that will be advantageous to the operator.

(e) An operator shall not be assigned to a facility of lesser income or convenient location without an explanation and an evidentiary hearing if requested by the operator.

(f) Promotion to facilities of greater capacity and earning power shall be applied using the following criteria:

(1) Past performances at vending locations; and

(2) Active participation in such things as training events, ongoing training opportunities, committee meetings, bid reviews; and

(3) Seniority.

Ed 104916.15 Training Program.

(a) All operator candidates shall complete a training program in accordance with the training plan developed by SBVI. The training program shall include evaluation and training in blind/low vision rehabilitation as well as formal classroom instruction and on the job training on an individual basis.

(b) The training program will generally be no less than 6 months but may take longer if individual situations require, provided that the candidate is showing successful progress.

Ed 104916.16 Election, Organization and Functions of State Committee of Licensed Operators.

(a) The operators licensed by the state shall comprise the membership of the state committee of licensed operators.

(b) The committee chairperson shall be elected by a majority vote of committee members. The chairperson shall be elected every 2 years and serve 2 years. The chairperson shall not succeed him or herself. The election shall also include an election for an alternate chair that may succeed him or herself. The alternate chair shall assume the responsibilities of the chair if the chair is unable to attend to his or her duties.

(c) Quarterly meetings shall be held between the committee and SBVI to discuss policy administrative changes affecting the program provide a training opportunity and carry on other business of the committee and/or SBVI.

(d) Between the regular meetings individual committee members shall be designated, or sub-committees established, by the chair(s) to carry on the functions of the committee.

(e) All written material pertaining to the administration of the program shall be provided to the chairperson of the committee by SBVI in a format that is accessible by the chairperson(s). When policy or administrative changes that have been discussed with the committee members cannot be adopted, the chairperson(s) of the committee shall be notified in writing stating the reasons therefore. The committee shall receive and transmit to SBVI grievances at the request of operators and serve as advocates for such grievances.

Ed 1049**16.17** Administrative Reviews, Evidentiary Hearings, and Arbitration of Operator Complaints. If an operator is aggrieved by any action of SBVI with regard to the administration of the program the operator may file a written complaint to resolve the matter as follows:

(a) If the blind operator and SBVI agree, the dispute may be submitted to the designated state unit's administrator for policy and law for review and decision using the following criteria:

(1) The decision to elect informal dispute resolution shall not preclude the blind operator from seeking an evidentiary hearing if the informal dispute resolution process does not resolve the matter to the operator's satisfaction;

(2) The decision from an informal dispute resolution session may not be used in an evidentiary hearing;

(3) In the case of disputes involving candidates for a license, pursuant to Ed 1049**16.04**, the parties shall submit the dispute to said administrator. The decision rendered shall represent the final administrative remedy for issues arising out of the licensing process;

(4) A request for an administrative dispute resolution session shall be filed with SBVI within 15 business days of action out of which the dispute arises;

(5) Within 10 business days, the administrator shall set a date and time for the parties to present their case. The hearing itself shall be held within 30 days of the request having been made;

(6) The administrator shall render a decision in writing in the matter within 14 calendar days of the completion of the hearing;

(7) The decision shall include:

a. The facts and law relied on to make the decision; and

b. A rationale for the decision, based on the information submitted; and

(8) An operator aggrieved by the administrator's decision may request an evidentiary hearing within 10 business days from the receipt of the administrator's report.

(b) Evidentiary hearings shall comply with the following:

(1) The operator shall make written application for an evidentiary hearing to the office of legislation and hearings and state the reasons for such application, within 15 days after the occurrence of the condition which caused the operator to file the request for an evidentiary hearing, or as prescribed in Ed 104916.17,(a)(8) when appealing the decision of an informal dispute resolution process;

(2) The operator shall be advised of the following:

- a. The date, time, and place the hearing will be held;
- b. That the hearing will be held within 15 days after receipt of application and at a time and place reasonably convenient to the operator;
- c. The right to be represented or accompanied at the hearing by counsel, friends, and witnesses;
- d. The right to adequate opportunity to present the operator's case;
- e. The right to give evidence pertinent to the issue involved;
- f. The right to cross examine witnesses appearing against the operator; and
- g. The request for a full evidentiary hearing indicates consent by the operator for the release of information necessary for the conduct of the hearing;

(3) The hearing shall be conducted by a hearing officer, assigned by the office of legislation and hearings within the department of education pursuant to Ed 200;

(4) Within 15 working days of completion of the hearing, the hearing officer shall prepare an official written report and recommendations to the director of the designated state unit;

(5) The director of the designated state unit, within 5 working days of receipt of the report, shall review the report and make a final decision which shall constitute the official action in regard to the subject of the hearing. The decision shall be:

- a. In writing and shall set forth the issue, the relevant facts brought out at the hearing, the pertinent provisions in law and the division policy, and the reasoning that led to the decision; and
- b. Forwarded to the operator immediately upon its issuance and a copy shall be furnished to the designated state unit; and

(6) Reasonable accommodations for disability(ies) shall be arranged by the designated state unit for the operator at the operator's request.

(c) Persons aggrieved by a decision of the designated state unit in an evidentiary hearing under Ed 104916.15(b) may appeal as follows:

(1) In accordance with RSA 541 for causes of action arising out of the action or operation of the program pursuant to RSA 186-B:13, I; or

(2) In accordance with 20 U.S.C. §107d-2 for causes of action arising out of the action or operation of the program pursuant to 20 U.S.C. §107e (3) or 23 U.S.C. §111.

Ed 1049~~16~~.18 Access to Program and Financial Information. Each operator shall be provided access to all financial data of SBVI relevant to the operation of the program, including quarterly and annual financial reports, provided that such disclosure does not violate applicable federal or state laws pertaining to disclosure of confidential information. At the request of an operator, SBVI shall arrange a convenient time to assist in interpretation of such financial data.

Ed 1049~~16~~.19 Operator and SBVI Responsibilities.

(a) Each operator shall submit to SBVI a monthly operating statement along with the set aside assessment detailing, among other things, gross sales, purchases, operating costs, and net profits. Forms for this purpose shall be furnished to each operator by SBVI. SBVI shall retain complete access to the operator's records.

(b) The operator shall:

(1) Perform faithfully and to the best of operator's ability the necessary duties in connection with the operation of the vending facility in accordance with the department's rules;

(2) Cooperate with officials and duly authorized representatives of SBVI in connection with their official program responsibilities;

(3) Operate the vending facility in accordance with all applicable health laws and regulations, as well as the regulations of the agency controlling property upon which the facility is located; and

(4) Furnish such reports as SBVI may from time to time require.

(c) SBVI shall assume responsibility for providing to operators such supervision and assistance as may be necessary to insure the operation of each vending facility in the most productive and efficient manner possible.

Ed 1049~~16~~.20 State Licensing Rules. SBVI shall furnish a copy of the state licensing rules to each candidate or operator in addition to all written documents pertaining to the administration and management of the program.

PART Ed 1023~~17~~ INTERPRETER CLASSIFICATION SYSTEM

Ed 1023~~17~~.01 Purpose. The purpose of the classification system program shall be to evaluate competency skills of sign language interpreters, to maintain records of interpreter classification, and to maintain records of continuing education units required for maintenance of classification.

Ed 1023~~17~~.02 Program Designation. This program shall be designated "The New Hampshire Interpreter Classification System" (NHICS).

Ed 1023~~17~~.03 Classification. An individual who applies for and meets the requirements for classification under Ed 1023~~17~~.10 shall be qualified as a sign language interpreter by the program for the deaf and hard of hearing of the department.

Ed 1023~~17~~.04 Applicability: Administration of Classification System Program. These rules shall apply to the classification process for sign language interpreters as conducted and managed by the program for the deaf and hard of hearing, division of career technology and adult learning, vocational rehabilitation, department. The classification system program shall be managed by a coordinator appointed by the director of the division of career technology and adult learning.

Ed 1023~~17~~.05 Definitions. The following terms are defined for the purposes of part Ed 1023~~17~~:

(a) “Deaf Interpreter” means a person who is deaf and provides interpreting services as defined in section (e), below

(b) “Director” means the director of the division of career technology and adult learning.

(c) “Classification system program” means the New Hampshire interpreter classification system operated by the coordinator.

(d) “Coordinator” means the person appointed by the program for the deaf and hard of hearing, division of career technology and adult learning, vocational rehabilitation, department to coordinate the classification.

(e) “Interpreting” means the process of converting spoken English into American Sign Language (ASL) and the process of converting ASL into spoken English.

(f) “Rater” means an individual who has successfully completed training approved under Ed 1023~~17~~.12 by the program for the deaf and hard of hearing in the evaluation of interpreter skills.

(g) “State classification test” means the test administered under Ed 1023~~17~~.08 for the purposes of determining an interpreter’s classification as a qualified interpreter under Ed 1023~~17~~.10.

(h) “Rater stipend” means the appropriate level payment made to the rater for their work.

Ed 1023~~17~~.06 Administration of State Classification Test; Classification Fees.

(a) The state classification test for the purpose of classifying interpreters shall be administered at least once every 6 months, unless there have been no requests for a test. If 3 or more individuals request a test, a test shall be scheduled at a date sooner than the next regularly scheduled test.

(b) The fee for the state classification test shall be \$225.00.

(c) A re-test fee of \$140 shall allow a retake of the performance test by an applicant for initial classification within one year after passing the structured interview portion.

(d) Applicants shall obtain a refund for a scheduled state classification test when providing at least 30 days’ advance written notification of cancellation to the coordinator. Otherwise, test fees shall be nonrefundable.

(e) The coordinator or designee shall collect fees and maintain receipt records and invoices from raters and expenses incurred by the program for:

(1) Rater and interviewer stipends for the evaluation of candidates

(2) The cost of the interpreter for the deaf or hard of hearing rater during the testing process; and

(3) Testing equipment.

Ed 102317.07 Application Process.

(a) Applicants shall contact the program for the deaf and hard of hearing for an information packet which contains:

- (1) A description of the classification process;
- (2) An application form;
- (3) A description of the fee charged for testing; and
- (4) A description of the appeal procedure.

(b) Each applicant shall submit an application and the fee for the test. Individuals shall not take the test until payment and a complete application are received, and the application is approved as complete by the coordinator or designee.

(c) The coordinator or designee shall notify each applicant who has submitted an application approved as complete of the scheduled date, time, and place for the test.

Ed 102317.08 State Classification Test.

(a) The state classification test shall consist of 2 sections. Section one shall be a structured interview scored by a minimum of 4 raters. Section 2 shall be a pass/fail performance test scored by a minimum of 4 raters.

(b) The structured interview shall be pass/fail and demonstrate the following:

- (1) Knowledge of and ability to make practical use of the code of professional conduct of the RID;
- (2) Knowledge of the role and responsibilities of an interpreter;
- (3) Understanding of professional business practices, including the limitations of an interpreter's role, diplomacy required of an interpreter, and the need for attire that enhances the background for signing such as plain clothing and jewelry that does not distract from the interpreting process;
- (4) Communication skills in ASL and English; and
- (5) The interpreter's overall professional presentation.

(c) The performance test shall consist of an interpreting dialogue, preceded by a warm-up.

(d) Each applicant's performance on sections 1 and 2 of the test shall be videotaped.

(e) The performance test scoring sheet shall consist of a numerical rating covering the following areas:

- (1) The rater's ability to comprehend the applicant, based on the applicant's clarity, use of grammar, level of discourse, and use of classifiers;
- (2) The message equivalency transmitted by the applicant, including:
 - a. Message accuracy;
 - b. Accurate use of morphology;
 - c. Use of affect and register of the original message; and
 - d. The amount of information transmitted;
- (3) The interpreting process, including:
 - a. Phrasing; and
 - b. Process management; and
- (4) The applicant's professionalism, including:
 - a. Composure; and
 - b. Objectivity.

Ed 102317.09 Administration of State Classification Test.

- (a) The coordinator or designee shall videotape section 1, the interview, and section 2, the performance portion, of the test.
- (b) The coordinator or designee shall send the rater scoring packet to 4 qualified raters within one week of the taping. The coordinator shall make sure each packet includes a copy of the candidates tape, scoring sheets and the rater instruction information.
- (c) Candidates who pass both the performance section and the interview section will be state classified and notified.
- (d) Candidates who successfully pass the performance portion of the test but do not successfully pass the interview portion of the test shall not be considered for state classification. They shall need to retake both sections of the test.
- (e) The coordinator shall mail to each applicant who has completed the performance test written notice of the test results within one month of the date of the test.
- (f) A person who fails either the structured interview or the performance test may request from the coordinator, in writing, copies of the raters' scoring sheets. The coordinator shall supply such sheets, upon written request.
- (g) Applicants for initial classification not passing the performance test may retake the performance portion of the test, within one year after passing the structured interview portion.

Ed 1023~~17~~.10 Classification of Interpreters. An applicant shall be classified as a qualified sign language interpreter who:

- (a) Has a high school diploma or its equivalent;
- (b) Is 18 years of age or older; and
- (c) Receives a score of 75% or more on the performance test.

Ed 1023~~17~~.11 Maintenance of Classification.

(a) “Continuing education units,” for the purpose of this rule means:

- (1) Participation in professional workshops sponsored by a post-secondary interpreter training program, the RID, the National Association of the Deaf (NAD) or the state chapters of such organizations, or any other professional training organization which focus on issues related to the deaf community and/or the interpreting process;
- (2) Conventions/conferences of either deafness or interpreting organizations;
- (3) Tutoring sessions, if such sessions are qualified under paragraph (b); and
- (4) For the 20% required in areas not related to deafness or interpreting, participation in a course, workshop, or training session on a topic unrelated to deafness, but which has an impact on the interpreter’s activities as a sign language interpreter.

(b) To qualify, a tutoring session shall be provided by RID certified interpreters those who hold their NIC, Certificate of Interpretation (CI) or NAD level V.

(c) Classification as a qualified interpreter under Ed 1023~~17~~.10 shall be valid for 6 years from date of issue.

(d) All state-classified interpreters shall earn CEU’s. The number of CEU’s earned shall be the same number of hours as those required by RID over each 4 year period, 80% of which shall be deafness/interpreting related, and 20% of which shall be either deafness/interpreting related or in other areas as defined in Ed 1023~~17~~.11(a)(4). CEU hours shall be awarded based on clock hours of participation and shall require documentation from such training programs such as an agenda, conference packet, or syllabus. No one convention, workshop or course shall be used to satisfy the entire requirement.

(e) Determination of compliance with Ed 1023~~17~~.11(e) shall be made by the coordinator of the program for the deaf and hard of hearing.

(f) An individual’s classification shall lapse for an individual who fails to obtain national certification before the expiration of the 6-year classification period. The individual shall no longer be:

- (1) Listed in the department of education’s directory of interpreters for the deaf; and
- (2) Considered a licensed interpreter by the state of NewHampshire.

Ed 1023~~17~~.12 Raters.

(a) Each team of raters shall be comprised of 2 raters who can hear and 2 raters who are deaf or hard of hearing. Raters who can hear shall possess a valid certification from RID or the NAD level V. The program for the deaf and hard of hearing shall solicit applicants from certified interpreters and the deaf community. Selection shall be made by the program for the deaf and hard of hearing based on skill level, availability and experience.

(b) The program for the deaf and hard of hearing shall provide rater training for new raters. New raters shall complete the rater training, which shall consist of instruction and materials on the principles of interpreter classification evaluation, practice tapes, and inter-rater reliability data.

(c) A rater shall not have a conflict of interest regarding the person to be rated. A conflict of interest shall be deemed to exist if the person to be rated is a member of the rater's immediate family. "Immediate family" means the rater's spouse, parent, mother-in-law, father-in-law, sibling, sister-in-law, brother-in-law, or child, or anyone related to the rater by blood or marriage and living in the same household as the rater. The rater shall disclose any other circumstances which create a conflict of interest as to a particular person, and shall withdraw as a rater for that person. The rater shall also disclose to the coordinator any circumstances likely to create the appearance of a conflict of interest.

(d) Scoring by raters shall be done as follows:

(1) For the part I-interview portion of the test, the applicant shall be rated by both deaf and hard of hearing raters and raters who can hear; and

(2) For the part II- performance portion of the test, the raters who can hear shall score primarily the ASL-to-English components of the evaluation and the deaf or hard of hearing raters shall score primarily the English-to-ASL components of the evaluation.

(e) Raters shall receive the rater stipend from the interpreter classification fund for scoring each applicant. To receive payment, raters shall submit an invoice, which shall include the rater's name, address, name of applicant, and date of rating.

(f) All documents, paperwork and digital media (CD), shall be sent back to the coordinator for record keeping. This process shall ensure confidentiality of the applicant. A breach in this process could create the need for a review and recommendation of the situation and possible removal as a rater by the director.

Ed 1023~~17~~.13 Publication of Directory of Interpreters for the Deaf. The name and date of award of each individual classified under the classification system program shall be published by the department of education in a directory of interpreters for the deaf, which shall be printed at least biennially. The directory shall also include name, source of national certification, state of NH licensure status, and date of certification for any interpreter certified by the RID or the NAD who wishes to be included in the directory. Contact information shall be included at the option of the interpreter. The primary source for this document shall be located on the designated state unit's website and an annual printing will occur.

Ed 1023~~17~~.14 Retention of Test and Directory Data. The program for the deaf and hard of hearing shall keep the following data in confidential files for a period of at least 7 years:

(a) Correspondence with individual applicants;

(b) Records of scores of individual tests for each applicant tested, whether the applicant was successful or unsuccessful;

- (c) Records of CEU's for each interpreter who has completed the state classification process;
- (d) The original digital media (CD) of each applicant's interview and performance test;
- (e) The date classification under Ed 1023~~17~~.10 was awarded; and
- (f) Name, address, and telephone number for each state classified and nationally certified interpreter listed in the department of education directory of interpreters for the deaf.

Ed 1023~~17~~.15 Appeal. An applicant aggrieved by a decision of the program relating to classification may file a petition for reconsideration along with supporting documentation to the Director within 20 working days after receipt of the decision regarding classification. If the petition for reconsideration is denied, the applicant may appeal the Director's decision pursuant to RSA 21-N: 11, III and Ed 200. Any person may file a written complaint charging a person qualified as a deaf interpreter with misconduct pursuant to the process set forth in INT 205.

PART Ed 1004~~18~~ REVIEW PROCEDURE

Ed 1004~~18~~.01 Review Procedures.

- (a) Review procedures shall comply with 34 CFR 361.57 and New Hampshire law.
- (b) An individual who is dissatisfied with any determination made by personnel of the designated state unit that affects the provision of vocational rehabilitation services may request, or, if appropriate, may request through the individual's representative, a timely review of that determination.
- (c) The designated state unit shall make reasonable accommodation for the individual's disability in conducting hearings and mediation procedures. Reasonable accommodation shall include using appropriate modes of communication consistent with the informed choice of the individual.

Ed 1004~~18~~.02 Notification of Right to Mediation and Hearings.

- (a) The designated state unit shall provide an individual or, as appropriate, the individual's representative, notice of:
 - (1) The right to obtain review of designated state unit determinations that affect the provision of vocational rehabilitation services through a hearing under Ed 1004~~18~~.07 and Ed 1004~~18~~.15;
 - (2) The availability of informal dispute resolution under Ed 1004~~18~~.03
 - (3) The right to pursue mediation under Ed 1004~~18~~.05 with respect to determinations made by designated state unit personnel that affect the provision of vocational rehabilitation services to an individual;
 - (4) The names and addresses of department of education personnel with whom requests for mediation or hearings may be filed;
 - (5) The manner in which a neutral mediator or hearing officer is selected; and
 - (6) The availability of the client assistance program, established under 34 CFR 370, to assist the individual during neutral evaluation, mediation sessions or hearings.

(b) The notice required in Ed 1004~~18~~.04(a) shall be provided by using the appropriate mode of communication consistent with the informed choice of the individual:

- (1) At the time the individual applies for vocational rehabilitation services;
- (2) At the time the individual is assigned to a category in the order of selection, if an order of selection is established under Ed 1006;
- (3) At the time the individualized plan for employment is developed; and
- (4) Whenever vocational rehabilitation services for an individual are reduced, suspended, or terminated;

(c) Determinations for which a review may be requested include the designated state unit's failure to release harmful information directly to the individual.

Ed 1004~~18~~.03 Informal Dispute Resolution.

(a) An individual, or a representative of the individual, seeking review of a determination shall file a complaint with the administrator for policy and law at the bureau of vocational rehabilitation, in the designated state unit.

(b) Filing a complaint shall not prevent the individual from requesting mediation or a due process hearing in the case where the complaint is not resolved to the individual's satisfaction.

Ed 1004~~18~~.04 Mediation.

(a) Mediation shall be voluntary and available to individuals in accordance with 34 CFR 361.57(d), and Ed 205.

(b) If mediation as described in Ed 205.03 is selected by the parties and resolution is not achieved, the individual selected as a mediator shall not be the same individual who is subsequently appointed as a hearing officer to preside at a hearing in the same matter pursuant to Ed 1004~~18~~.10(c).

(c) Inconsistencies between mediation procedures in Ed 205.03 and Ed 1004~~18~~.05 shall be resolved in favor of the provisions of Ed 1004~~18~~.05.

Ed 1004~~18~~.05 Mediation Procedure.

(a) An individual shall have the option of using mediation to resolve disputes involving designated state unit determinations that affect the provision of vocational rehabilitation services. Mediation shall be made available, at a minimum, whenever an individual or, as appropriate, the individual's representative requests a hearing. Mediation may also be requested without filing a complaint or requesting a hearing.

(b) Mediation shall not be used to deny or delay the individual's right to pursue resolution of the dispute through a hearing held within the 60 day time period for holding hearings required by 34 CFR 361.57(e). At any point during the mediation process either the individual or the mediator shall have the option of electing to terminate the mediation. In the event mediation is terminated, the individual shall have the option of pursuing resolution through a hearing.

(c) An individual may be represented during mediation sessions by counsel or another advocate selected and paid for by the applicant or individual.

(d) Mediation sessions shall be conducted by a qualified and impartial mediator. The mediator shall be chosen at random from a pool of mediators who are knowledgeable about vocational rehabilitation services.

(e) Mediation sessions shall be arranged by the office of legislation and hearings in the designated state agency. Mediation shall be scheduled within 30 days from the date a written request for mediation is received by the designated state unit.

(f) Discussions that occur during the mediation sessions shall be kept confidential and shall not be used as evidence in any subsequent hearings or civil proceedings. The parties to the mediation sessions shall sign a confidentiality pledge prior to the commencement of the sessions.

(g) An agreement reached by the parties to the dispute in the mediation sessions shall be described in a written mediation agreement that is developed by the parties with the assistance of the qualified and impartial mediator and signed by both parties. Copies of the agreement shall be sent to both parties.

(h) The costs of the mediation process shall be paid by the designated state unit.

Ed 100418.06 Scheduling of Mediation, Prehearing Conference, and Hearing.

(a) At the time of the filing of a request to initiate a hearing under Ed 100421.07, the parties shall notify the office of legislation and hearings in the designated state agency of whether they wish to pursue mediation prior to a prehearing conference and a hearing.

(b) If the parties choose not to engage in mediation the office of legislation and hearings in the department of education shall schedule the prehearing conference and hearing based on hearing officer availability, as provided in Ed 100418.10.

(c) The scheduling shall allow for the following:

- (1) A day for an alternative dispute resolution, if the parties so decide;
- (2) A half day for a prehearing conference; and
- (3) A minimum of 2 days for a hearing.

Ed 100418.07 Initiation of Hearing by Applicant or Individual.

(a) An individual who is dissatisfied with any determination made by personnel of the designated state unit that affects the provision of vocational rehabilitation services shall notify the office of legislation and hearings in the designated state agency, in writing, if he or she wishes to request a due process hearing. The written request for a hearing shall be made within 30 days after the designated state unit notifies the individual of its determination or completion of an alternative dispute resolution procedure.

(b) The written request required to initiate the hearing process shall include:

- (1) The full name and address of the individual;

- (2) A description of why the individual is not satisfied with the determination; and
- (3) The desired outcome of the complaint or mediation procedure, if applicable.

(c) When providing a written request for a hearing is a burden to the individual because of the individual's disability, the office of legislation and hearings shall accept a request in the appropriate mode of communication that is consistent with the informed choice of, and used by, the individual in order to promote the fair, accurate, and efficient resolution of issues.

Ed 1004~~18~~.08 Commencement of Hearing Process. The hearing shall be held no later than 60 days after the office of legislation and hearings receives a request for the hearing under Ed 1004~~18~~.07, unless an agreement is reached prior to the 60th day, or unless the parties agree to a specific extension of time.

Ed 1004~~18~~.09 Denial, Dismissal, or Withdrawal of Request for Hearing.

(a) The office of legislation and hearings in the department of education shall not deny or dismiss a request for a hearing unless the individual:

- (1) Withdraws the request in writing;
- (2) Is held by the hearing officer to be in default for failure to appear at the hearing without good cause that constitutes illness, accident, or any other circumstances beyond the control of the individual; or
- (3) The hearing officer grants a motion to dismiss.

(b) An individual may withdraw a request for a hearing without prejudice until such time as he or she retains legal counsel.

(c) When withdrawing a request for a hearing in writing is a burden to the individual because of the individual's disability, the office of legislation and hearings shall accept requests in the appropriate mode of communication that are consistent with the informed choice of, and used by, the individual in order to promote the fair, accurate, and efficient resolution of issues.

Ed 1004~~18~~.10 Scheduling Mediation Proceedings and Hearings.

(a) The office of legislation and hearings in the department of education shall schedule mediation, if requested, and a prehearing conference and a hearing as follows:

(b) As soon as the mediation, if any, the prehearing conference, and the hearing have been scheduled, the office of legislation and hearings shall notify the parties in writing of:

- (1) The date, time and place of the requested mediation and the prehearing conference;
- (2) The date, time, place, and nature of the hearing;
- (3) Legal authority under which the hearing is to be held;
- (4) The particular sections of the statutes and rules involved, including a copy of Ed 1004~~18~~;
- (5) A short and plain statement of the issues involved; and

- (6) The party's right to have an attorney present to represent the party at the party's expense.
- (c) The name and address of the hearing officer who will preside at a hearing shall be selected:
 - (1) From a list of hearing officers, who have knowledge of state and federal vocational rehabilitation law, that is maintained by the office; and
 - (2) On a random basis.

Ed 1004~~18~~.11 Elements of a Hearing. A hearing shall include the following elements:

- (a) A prehearing conference, governed by Ed 1004~~18~~.13;
- (b) A hearing, governed by Ed 1004~~18~~.15, that shall, except for good cause shown, be limited to 2 days; and
- (c) A hearing officer's decision under Ed 1004~~18~~.16(a) shall be considered the final decision of the designated state unit.

Ed 1004~~18~~.12 Prehearing Procedures. The prehearing conference required by Ed 1004~~18~~.10(a) shall be conducted by a hearing officer and governed by the following:

- (a) Parties shall be prepared to discuss the issues described in RSA 541-A:31,V(c);
- (b) Parties shall exchange, and provide to the hearing officer, witness lists including a brief description of each witness's testimony, and documentary evidence at least 5 business days before the hearing. Documentary evidence exchanged shall be legibly labeled in the upper right-hand corner with consecutive Arabic numerals as either "Individual Exhibit (number)" or "designated state unit (number)", as appropriate. An index, by title, of all exhibits submitted shall also be exchanged;
- (c) In order to limit testimony at the hearing to only those factual matters which remain in dispute between the parties, each party shall submit a statement of facts;
- (d) The party who has initiated the hearing shall present his or her case first unless the hearing officer determines that the change in the order of presentation would not materially prejudice any party's right to a full and fair hearing and:
 - (1) The hearing would proceed in a more timely manner if the party not initiating the hearing presents his or her case first; or
 - (2) The hearing would proceed in a more efficient manner if the party not initiating the hearing presents his or her case first.

Ed 1004~~18~~.13 Voluntary Production of Information.

- (a) Each party shall attempt in good faith to make a complete response to requests, as soon as practicable, for the voluntary production of information.
- (b) When a dispute between parties arises concerning a request for the voluntary production of information, releases, or documents, any party may file a motion to compel the production of the requested information under Ed 1004~~18~~.14.

Ed 100418.14 Motion to Compel Production of Information.

(a) Any party may file a motion requesting that the hearing officer compel the parties to comply with information requests. The motion shall be filed at least 15 days before the date scheduled for the hearing, or as soon as possible after receiving the notice of hearing. Any objection to the motion to compel shall be filed within 5 days of the date receipt of the motion.

(b) The moving party's motion shall:

- (1) Set forth in detail those factors which it believes justify its request for information; and
- (2) List with specificity the information it is seeking to discover.

(c) When a party has demonstrated that such requests for information are relevant to the issues described in the hearing notice and might be necessary for a full and fair presentation of the evidence at the hearing because they have the potential to affect the outcome of the hearing, the hearing officer shall grant the motion to compel.

Ed 100418.15 Hearing Procedures. The hearing shall be conducted by a hearing officer, governed by the following:

(a) All hearings shall be electronically recorded by the hearing officer or his or her designee. The hearing officer's recording shall be the official record of the hearing unless a party requests and pays for stenographic recording of such hearing. If a party requests and pays for a stenographic recording of the hearing, the stenographic record shall be under the control of the hearing officer and shall be the official record;

(b) Any party to a hearing shall have the right to:

- (1) Be accompanied and advised by counsel, who shall be an attorney, or by an individual with special knowledge or training with respect to vocational rehabilitation services and whose services shall be paid for by the party retaining counsel;
- (2) Present evidence and confront and cross-examine witnesses;
- (3) Request that the hearing officer prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the first day of the scheduled hearing;
- (4) Obtain a verbatim record of the hearing, at any point during the hearing or afterwards;
- (5) Obtain written findings of facts and decisions; and
- (6) Record the hearing;

(c) At the conclusion of the hearing an applicant, eligible individual, or previously eligible individual may request, at no cost, a verbatim record of the hearing in either electronic or written format and written findings of fact and decisions at no cost for the first copy of each item. Any additional copies or copies of any of the items in the case file shall be available at the department's cost to produce them;

(d) An applicant, eligible individual, or previously eligible individual shall have the right to open the hearing to the public. However, if a hearing is open to the public, the hearing officer shall seat the

members of the public and position their equipment in such a way that the public and equipment do not interfere with the proceedings;

(e) Each party shall have a maximum of one day to present its case, unless additional time is necessary for a full, fair disclosure of the facts necessary to arrive at a conclusion;

(f) The hearing officer shall limit the number of additional witnesses to eliminate redundant, cumulative, or irrelevant testimony; and

(g) The hearing officer shall limit examination of a witness by either party to avoid redundant, cumulative, or irrelevant testimony.

Ed 1004~~18~~.16 Agreement Prior to Hearing.

(a) If the parties reach an agreement prior to the hearing, both parties shall sign a written statement requesting the cancellation of the hearing.

(b) When signing a written statement requesting the cancellation of the hearing is a burden to the applicant, eligible individual, or previously eligible individual because of the individual's disability, the office of legislation and hearings shall accept such requests in the appropriate mode of communication that is consistent with the informed choice of and used by the applicant, eligible individual, or previously eligible individual in order to promote the fair, accurate, and efficient resolution of issues.

Ed 1004~~18~~.17 Continuance of Hearing.

(a) A hearing officer shall grant extensions of time beyond the period set out in Ed 1004~~18~~.~~(15)~~(e) for specific periods of time at the request of either party if:

(1) The party's vocational rehabilitation services would not be jeopardized by the delay;

(2) The party would not have adequate time to prepare and present the party's position at the hearing in accordance with the requirements of due process; and

(3) The need for the delay is greater than any financial or other detrimental consequences likely to be suffered by a party in the event of delay.

(b) A hearing shall not be continued by the hearing officer because of the hearing officer's schedule.

Ed 1004~~18~~.18 Decision.

(a) The hearing officer shall issue a final decision not later than 30 days after the hearing is completed. The final decision shall be consistent with RSA 541-A:35. The final decision shall be based on the provisions of the approved state plan, the Act, federal vocational rehabilitation regulations, and state rules that are consistent with federal requirements.

(b) The hearing officer shall provide to the individual or, if appropriate, to the individual's representative, and to the designated state unit a full written report of the findings and grounds for the final decision within 30 days after the hearing is completed.

(c) A copy of the final decision shall be sent by certified mail to each of the parties.

Ed 1004~~18~~.19 Impact on Provision of Services During Proceedings.

(a) The designated state unit shall not institute a suspension, reduction, or termination of vocational rehabilitation services being provided to an applicant or eligible individual, including evaluation and assessment services and individualized plan for employment development, pending resolution of a request for review of a determination through mediation or pending a decision by a hearing officer unless:

- (1) The individual or, in appropriate cases, the individual's representative requests a suspension, reduction, or termination of services;
- (2) The designated state unit has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual or the individual's representative; or
- (3) The individual or the individual's representative engages in delaying tactics to avoid a determination of the issue for the purpose of continuing services the designated state unit believes are inappropriate or inconsistent with the program or the employment aptitudes and interests of the individual. In the case of apparent delaying tactics, the following shall apply:
 - a. Any case that remains open after 180 days shall be presumed to be a case where delay tactics are being employed; and
 - b. In any case open longer than 180 or whenever the hearing officer believes a party is hindering the prosecution of the case, the hearing officer shall require the offending party to show good cause pursuant to Ed 206.04(a) why the hearing officer should not dismiss the case with prejudice.

(b) If a party brings a civil action under Ed 1004~~18~~.20 to challenge the final decision of the hearing officer made under Ed 1004~~18~~.18(f), the final decision of the hearing officer shall be implemented pending review by the court.

Ed 1004~~18~~.20 Civil Action. Any party who disagrees with the findings and decision of the hearing officer may bring a civil action to appeal that decision in a state or a United States district court of competent jurisdiction as provided in 34 CFR 361.57(i).

Appendix I

Rule	Statute or Federal Regulation Implemented
Ed 1001	34 CFR 361; RSA 200-C:1
Ed 1002	34 CFR 361.5
Ed 1003	34 CFR 361.38
Ed 1004	34 CFR 361.36
Ed 1005	34 CFR 361.53
Ed 1006	34 CFR 361.54
Ed 1007	34 CFR 361.37
Ed 1008.01	34 CFR 361.41
Ed 1008.02	34 CFR 361.41(b)
Ed 1008.03	34 CFR 361.42
Ed 1008.04	34 CFR 361.42(e)
Ed 1008.05	34 CFR 361.43
Ed 1008.06	34 CFR 361.44
Ed 1008.07	34 CFR 361.45

Ed 1008.08	34 CFR 361.46
Ed 1008.09	34 CFR 361.47
Ed 1008.10	34 CFR 361.48
Ed 1008.11	34 CFR 361.50
Ed 1009	34 CFR 361.51
Ed 1010	34 CFR 361.52
Ed 1011	34 CFR 361.55
Ed 1012	34 CFR 361.56
Ed 1013.01-.06	RSA 200-C:23; 34 CFR 363.6; 34 CFR 361.42
Ed 1013.07-.10	RSA 200-C:23; 34 CFR 361.48; 34 CFR 361.49
Ed 1014	RSA 200-C:26; 45 CFR 1329.4; 34 CFR 77.1
Ed 1015	RSA 200-C:20; 34 CFR 367.3
Ed 1016	34 CFR 395
Ed 1017	RSA 200-C:20
Ed 1018	RSA 541-A:30-a

Readopt with amendment Ed 1307, effective 10-10-19 (Document #12896, Emergency), to read as follows:

PART Ed 1307 RULES FOR THE ROBOTICS EDUCATION FUND

Ed 1307.01 Purpose of the Robotics Education Fund. The purpose of the robotics education fund is to motivate and encourage public school and chartered public school students in New Hampshire to pursue education and career opportunities in science, technology, engineering, and mathematics while building critical life and work-related skills.

Ed 1307.02 Scope. Grants from the robotics education fund shall be available to any eligible public school or chartered public school for the purpose of financing the establishment of a robotics team and its participation in competitive events.

Ed 1307.03 Definitions.

(a) “Department” means the commissioner’s office of the department of education, or designee.

(b) “Eligible public school or chartered public school” means any public school which meets the minimum standards or a chartered public school as defined in RSA 194-B in the state of New Hampshire.

Ed 1307.04 Uses of Grant Funds for the Robotics Education Fund.

(a) Grant funds administered through the robotics education fund shall be limited to:

(1) ~~the~~ purchase of robotics kits;

(2) ~~s~~Stipends for coaches; ~~and~~

(3) ~~the~~ payment of associated costs from participation in competitions; *and*

(4) *Costs associated with events, including, but not limited to:*

(1) Registration fees;

(2) Transportation costs; and

(3) Required uniforms and supplies; and

(b) Grant recipients shall submit a report to the department detailing expenditures at the end of each fiscal year for which grant funds are received.

Ed 1307.05 Eligibility Criteria. A public school or chartered public school which is applying for a grant from the robotics education fund shall demonstrate that:

- (a) It has established a partnership with, or has a valid letter of commitment from, at least one sponsor, business entity, institution of higher education or technical school for the purpose of participation in a robotics competition;
- (b) It has developed a budget for the current year of the application;
- (c) It has not received a grant from the ~~R~~robotics ~~E~~education ~~D~~development ~~P~~program in the prior year; and
- (d) It has identified at least one competitive event in which the team or club will participate.

Ed 1307.06 Robotics Education Development Program Grant Application.

(a) A public or chartered public school shall complete and file the “New Hampshire Robotics Education Application Form,” ~~November~~ **January** 2019**20** edition, electronically to the department of education.

(b) ~~The grant application period shall be announced on the department’s website pursuant to availability of grant funds and the application period shall be open for no less than 30 calendar days~~ ***To be considered for robotics education grant funds for the following biennium, applications shall be completed and filed with the department no later than July 1 of the year prior to the biennium in which grants are to be dispersed.***

(d) Pursuant to RSA 188-E:25, V, no school shall receive more than one grant every two years, however, a school district may receive multiple grant awards. A school may support multiple teams through the use of a single grant.

Ed 1307.07 ~~Review of Robotics Education Development Program Grant Application~~ **Application Review and Approval.**

(a) The department shall review all grant applications within 15 business days of the application deadline as established in Ed 1410.06(b). In making a decision the ~~bureau of career development~~ **department** shall approve an application if the school has met all the criteria set forth in Ed 1410.05 (a)-(d).

(b) Approval of an application does not constitute a grant award. Grant allocations for all approved applications will be based on the funds available in the following biennium.

~~(b)~~ (c) If the amount of grant funds requested exceeds the balance in the fund that is available in any year, the commissioner shall not prorate the grant awards, but preference shall be given to schools that have a higher percentage of students in the school’s average daily membership in attendance who are eligible for a free or reduced-price meal as defined in RSA 198:38, VII. Secondary preference shall be given to schools which did not receive a grant in the previous year due to lack of funds.

(*ed*) In the event that additional funds exist after all initial grant application requests have been met, the commissioner shall award schools additional grants for additional requested teams in accordance with (b) above and RSA 188-E:24-a, V.(b).

Ed 1307.08 Robotics Education Development Program Grant Disbursement. Grants will be disbursed as a single payment each year of the grant through the business office of the department of education.

Appendix I

Rule	Statute
Ed 1307	RSA 188-E:24-a

Frank Edelblut
Commissioner



Christine M. Brennan
Deputy Commissioner

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
Division of Educator Support & Higher Education
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-3495**

Submitted to the State Board of Education for the May 14, 2020 meeting.

A. ACTION NEEDED

The State Board of Education (Board) is, by statute, responsible for the licensure of educational personnel. The primary means of gaining certification/licensure is through the completion of a professional educator preparation program (PEPP) approved by the Board.

Southern New Hampshire University (SNHU) is one of 13 institutions of higher education with approved educator preparation programs in New Hampshire. The Council for Teacher Education (CTE) is requesting the Board formally approve an amendment to the recent substantive change request of **SNHU's** five (5) state approved educator preparation programs listed below from Bachelor's level to a clinical Master's level.

Program Approval	Current	Recently Proposed
Ed 612.05 English Language Arts for Grades 5-12	(BA)	(M.Ed.)
Ed 612.17 Mathematics for Grades 5-8	(BA, Conversion)	(M.Ed., Conversion)
Ed 612.18 Secondary Mathematics for Grades 7-12	(BA, Conversion)	(M.Ed., Conversion)
Ed 612.22 Middle Level Science for Grades 5-8	(BS)	(M.Ed.)
Ed 612.28 Social Studies for Grades 5-12	(BA, Conversion)	(M.Ed., Conversion)

B. RATIONALE FOR ACTION

Southern New Hampshire University has reconsidered dropping the undergraduate option after receiving feedback from the New Hampshire State Board, potential students and school districts throughout the state.

C. EFFECTS OF THIS ACTION

This substantive change will allow for **SNHU's** undergraduate candidates a program that offers the appropriate content specific course work, the extensive field-based courses which include three-hundred hours in schools working with K12 students, plus two full semesters of student teaching.

Additionally, the Clinical M.Ed. for Secondary Licensure programs will provide extensive opportunities for authentic, field-based, clinical experiences. Across the sixteen month program, the **SNHU** Clinical Interns will be working with students in grades 5-12 for a full academic year, plus two 4-week summer experiences.

D. HISTORICAL BACKGROUND

The CTE unanimously recommends to the Board an amendment to the recent substantive change of the five (5) NH State licensure programs at **SNHU** to offer both the undergraduate and the graduate options for the five (5) secondary PEPPs.

E. POSSIBLE MOTION

The State Board of Education moves to grant an amendment to the recent substantive change approving the five (5) secondary **SNHU's** educator preparation programs. The State Board of Education approves **SNHU** to offer both the undergraduate and the graduate level PEPP options which will expire August 31, 2022.

Ed 612.05 English Language Arts for Grades 5-12 (M.Ed.)	(BA, M.Ed.)
Ed 612.17 Mathematics for Grades 5-8 (M.Ed., Conversion)	(BA, M.Ed., Conversion)
Ed 612.18 Secondary Mathematics for Grades 7-12 (M.Ed., Conversion)	(BA, M.Ed., Conversion)
Ed 612.22 Middle Level Science for Grades 5-8 (M.Ed.)	(BA, M.Ed.)
Ed 612.28 Social Studies for Grades 5-12 (M.Ed., Conversion)	(BA, M.Ed., Conversion)

The Council for Teacher Education is charged with monitoring the implementation of the new process and making yearly reports to the State Board. The State Board of Education reserves the right to modify its approval determination if it receives documentation that program graduates are not achieving the levels of skill and knowledge that would entitle them to educational credentials authorized by the State Board under RSA 186: 11 X.

**New Hampshire Department of Education
Council for Teacher Education**

**Substantive Change Report
April 13, 2020**

Institution reporting substantive change: Southern New Hampshire University

Is the change at the (check either or both) ___ at the unit level and/or X at the program level

If at the Program level, which programs: Middle Level Math, Middle Level Science, Secondary Social Studies, Secondary English Language Arts and Secondary Math.

Institutional Program Coordinator/Title: Dr. Audrey Rogers

Institution Address: 2500 North River Road, Manchester, NH 03106

Email Address: a.rogers@snhu.edu

Phone: 603-668-2211

The DOE and the NHCTE shall determine If the changes affect the terms and conditions of the original approval of the program and shall determine whether a detailed report is necessary.

1. What aspects of the substantive change may affect the capacity of the unit and/or programs to ensure the candidates successfully meet standards for certification?

There are no aspects of the substantive change that will negatively affect the capacity of the unit and/or programs to ensure the candidates successfully meet standards for certification. Both the undergraduate and graduate programs will continue to provide the same high quality certification programs. Included in both the undergraduate and graduate programs will be the coursework, the clinical experiences, the clinical partnerships, the SNHU Clinical Practice Model and, the candidate assessment system.

2. Explain the rationale for the change.

There are several reasons for the change:

- In December, SNHU requested to move the undergraduate secondary certification programs to the graduate level. Subsequent to this request, SNHU has received feedback from the NH State Board of Education, potential students and school districts across the state, asking that we reconsider dropping the undergraduate option. The NH State Board of Education expressed concern of the additional cost of the graduate programming to some students and school districts. Students completing their AA degrees at the CCSNH institutions are seeking an affordable undergraduate program for secondary certifications. Additionally, as we speak with school districts, they shared their concern with a

lack of secondary certification applicants, hence a request to continue to offer the more affordable undergraduate option.

- SNHU is requesting to offer the secondary certification programs at both the undergraduate and graduate levels.
- The Undergraduate program will offer the appropriate content specific course work, the extensive field-based courses which include 300 hours in the schools working with K12 students, plus two full semesters of student teaching.
- The Clinical M.Ed. for Secondary Certification programs provides extensive opportunities for authentic, field-based, clinical experiences. Across the 16 month program, the SNHU Clinical Interns will be working with students in grades 5-12 for a full academic year, plus two 4-week summer experiences.
- Both the Undergraduate Programs and the Graduate Programs will include the same high quality components, focusing on the InTASC Standards:
 - Learner Development and Learning Differences
 - Learning Environments
 - Content Knowledge;
 - Application of Content
 - Assessment
 - Planning for Instruction
 - Instructional Strategies
 - Professional Learning and Ethical Practice
 - Leadership and Collaboration.

3. What steps have you taken or planned that the change will not adversely affect your capacity to ensure that candidates successfully meet standards for certification?

Attach a transition plan if phasing out a program.

- We do not want to phase out the currently approved Undergraduate Secondary Certification Programs.
- The Secondary Certification Programs are approved through March 31, 2024.
- The graduate programs will launch in May 2020 for candidates with an earned Bachelor's Degree or higher in the specific content area.

4. In the institutions estimation, is the substantive change that is envisioned sufficiently significant that review by the NHDOE and/or CTE is warranted prior to the submission of the next regularly scheduled annual report?

☐ Yes ☒ No ☐ Not sure

Send complete report to the NHDOE, Bureau of Credentialing, 101 Pleasant Street, Concord, NH 03301.



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
Division of Educator Support & Higher Education
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-3495

Submitted to the State Board of Education for the June 11, 2020 meeting.

A. ACTION NEEDED

The State Board of Education (Board) is, by statute, responsible for the licensure of educational personnel. Additionally, the Board grants final approval of all New Hampshire professional preparation programs that result in gaining educational licensure through the completion of a professional educator preparation program (PEPP).

Plymouth State University (PSU) is one of thirteen institutions of higher education with approved educator preparation programs in New Hampshire. **PSU** is requesting the Board formally approve the eleven (11) below listed initial level educator preparation programs through **December 31, 2024**.

PEPPs (initial programs)	Last Approved	Expiry		Proposed Expiry
Ed 612.03 Early Childhood Education (BS)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.04 Elementary Education (K-8) (K-6) (BS, M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.05 English Language Arts for Grades 5-12 (BA, M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.06 English for Speakers of Other Languages (ESOL) (M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.07 General Special Education (M.ED, Post Bac, Ed.S)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.16 Health Education (BS, M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.18 Mathematics (7-12) (BS, M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.19 Digital Learning Specialist (M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.21 Physical Education (K-12) (BS)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 612.28 Social Studies for Grades 5-12 (BS, M.ED, Post Bac)	5/2020 SBE	6/31/2020	C	12/31/2024
Ed 614.06 School Psychologist (M.ED, CAGs)	5/2020 SBE	6/31/2020	C	12/31/2024

B. RATIONALE FOR ACTION

The Council for Teacher Education (CTE) recommends to the Board program approval of the eleven (11) initial level NH State licensure programs at **PSU**. These eleven (11) programs have received CAEP accreditation for seven (7) years and accreditation is granted at the initial-licensure level. (*Refer to April 2020 CAEP Accreditation Action Report*).

C. EFFECTS OF THIS ACTION

This approval will allow for the **Plymouth State University** to continue to certify/recommend for licensure that a graduate has completed one of these particular initial level programs. The graduate will, upon program completion, be recommended for an educator licensure.

D. HISTORICAL BACKGROUND

- 4/2010: the Board approved (24) PEPPs through August 2015
- 11/9/20011: the Board approved 3-year provisional approval thru August 31, 2015 for R/W Program; requested progress report with w/ updated, more fully developed syllabus
- 6/20/2012: the Board discussed the 10/2009 6 conditional approvals; 2 provisional approvals set to expire August 2012. The 4/3/2012 site visit was focused on previous unmet standards; for curriculum, instruction, assessment and resources. Site team reexamined data to ensure these standards were still being met. The review team recommended full approval of these to align with previous fully approved programs. The CTE recommended and the Board approved thru August 2015 Full for 5 (El Ed, ELA, Mid Lev Sci, SpEd Admin, and Curr Admin); And, 1-year conditional thru August 2013 w/ progress reports (Ed Tech Int, Life Sci, Chem) w/ expectation of standards being met by August 31, 2013
- 12/19/2013: At the Dec. 2012 CTE meeting, all pending requests for program approval were put on hold for the remainder of the 2012-2013 academic year (moratorium); September 2013 CTE meeting made recommendation to SBE and the Board voted 5-2 to grant full of the programs (Ed Tech Int, Life Sci, Chem) with annual reports
- 8/14/2014: the new Ed 600s approved March 2013; moratorium on program approval site visits for 2013-2014; ALL IHEs granted extensions; PSU extended thru **August 31, 2018**
- 4/18/2016: the Board granted full approval for new SLD program thru August 2018
- 7/11/18: the Board went into non-public re: an extension (non-public minutes sealed.) The Board tabled the extension request
- 8/8/18: the Board noted the CTE report needed by the Board to render a longer term extension had not been received; an extension request is required while the process continues; the length of the request is until the end of the 2018-2019 academic year; the Board approved PSU's PEPPs through **May 31, 2019**
- 10/04/18: the CTE's recommendation would be present at Sept CTE; a DOE attorney noted the timeline "proffered by NHDOE for August Board meeting no longer tenable"; this resulted in PSU shift to timeline needing to be delayed to account for PSU's appeal of accreditation review by CAEP; the CAEP appeal decision is Probationary and PSU has 2-years to rectify issues; the Board went into non-public; (non-public minutes sealed)
- 11/8/18: the Board granted conditional program approval for two years through **May 31, 2020**, for the following PEPPs at PSU (ECE, El Ed, ELA (5-12), ESOL, Gen Sp Ed, Health, Math, Ed Tech Integ, PE, Soc Stud (5-12), Sp Ed Admin, Princ, Super, Psych, Lib Med Spec, Vis Art, Math (5-8), Music, Counsel, and Curr Admin)
- 12/13/2018: CTE recommended 2-year conditional approval (Option 4) CAEP review for 15 programs; And, recommended 2-year conditional approval (Option 1) CTE/DOE reviewed 5 programs; PSU won CAEP appeal due to report inaccuracies; October 2019 CAEP targeted visit; Probationary status 2- years, CAEP waived 1-year; appeals outcome process clearly communicated to CAEP process missteps; 2nd memo submitted stated PSU did not discuss CAEP stipulations to State reviewers; explained that in March State visit, PSU was not in revocation danger; Revocation not on the table until April when national CAEP board added additional stipulations; PSU never saw and then licensure revoked; PSU's appeal addressed inaccuracy of stipulations additions after site visit; National CAEP panel found site visit team was given evidence to meet standards, noted in report, PSU not told to upload to online bank; CAEP site visit team took documents with them; Appeal noted PSU had plan and began putting data collection system in place in response to CAEP's 2013 requirement; this was part of the info taken by CAEP site team but not submitted in report; the Board granted conditional approval for 2-years thru **May 31, 2020** (ECE, El Ed, ELA (5-12), ESOL, Gen Sp Ed, Health, Math, Ed Tech Integ, PE, Soc Stud (5-12), Sp Ed Admin, Princ, Super, Psych, Lib Med Spec, Vis Art, Math (5-8), Music, Counsel, and Curr Admin).
- 2018 IHE/CTE Annual Report: (9/29/18 email from Dir. Seidel instructed PSU does "not need to submit annual report this year...")
- 1/10/19: the Board questioned if PSU had followed up or provided an update on communications regarding their PEPPs- Commissioner to reach out for update

- 2/14/19: the Chairman of the Board provided an update regarding concerns of accreditation web posting and communication regarding PSU's PEPPs; The DOE emailed the Board members a link to the PSU Ed Prep webpage
- 5/8/19: PSU 1st priority progress report; Admin informed report requires the submission of two reports (due January 31, 2019 and submitted on time) the 2nd report is due July 31, 2019; a Full review to be conducted in **spring 2020**
- 8/2019: the Board questioned regarding annual reports; PSU submits annual reports every year on all programs; the Board approved (5) new program proposals (Lif Sci; Earth/Spc Sci 7-12, Physic 7-12, Sci 5-8, and Chem) through July 2020
- 11/2019: PSU 2nd priority report; and the Board approved (5) programs (Vis Arts, Math 5-8, Music, Counselor, Curr. Admin) through **5/31/2027**
- 2019 IHE/CTE Annual Report: not submitted (*unclear expectations due to change in Administration at DOE*)
- 5/14/20: the Board approved a one-month extension for (11) initial level and (4) advanced level programs through **June 31, 2020**; requested return to SBE in June with assurances for programs/extensions

E. POSSIBLE MOTION

The State Board of Education moves to grant **Plymouth State University** approval of these eleven (11) CAEP accredited programs through **December 31, 2024**.

PSU PEPPs		Expiry
Ed 612.03 Early Childhood Education (BS)	F	12/31/2024
Ed 612.04 Elementary Education (K-8) (K-6) (BS, M.ED, Post Bac)	F	12/31/2024
Ed 612.05 English Language Arts for Grades 5-12 (BA, M.ED, Post Bac)	F	12/31/2024
Ed 612.06 English for Speakers of Other Languages (ESOL) (M.ED, Post Bac)	F	12/31/2024
Ed 612.07 General Special Education (M.ED, Post Bac, Ed.S)	F	12/31/2024
Ed 612.16 Health Education (BS, M.ED, Post Bac)	F	12/31/2024
Ed 612.18 Mathematics (7-12) (BS, M.ED, Post Bac)	F	12/31/2024
Ed 612.19 Digital Learning Specialist (M.ED, Post Bac)	F	12/31/2024
Ed 612.21 Physical Education (K-12) (BS)	F	12/31/2024
Ed 612.28 Social Studies for Grades 5-12 (BS, M.ED, Post Bac)	F	12/31/2024
Ed 614.06 School Psychologist (M.ED, CAGs)	F	12/31/2024

The Council for Teacher Education is charged with monitoring the implementation of the new process and making yearly reports to the State Board. The State Board of Education reserves the right to modify its approval determination if it receives documentation that program graduates are not achieving the levels of skill and knowledge that would entitle them to educational credentials authorized by the State Board under RSA 186: 11 X.

New Hampshire Department of Education
Council for Teacher Education

On-Site Professional Educator Preparation Program Review Request

On-site reviews are arranged by the New Hampshire Department of Education in cooperation with the New Hampshire Council for Teacher Education. All professional educator preparation programs must be approved by the New Hampshire State Board of Education prior to implementation.

Institution requesting review: Plymouth State University

Institutional program coordinator: Mary E. Earick

Institution address: 17 High Street, Plymouth, NH 03264

Email address: mearick@plymouth.edu

Phone: 603-535-2220

X Option 4: Approval of a program that has achieved national accreditation. Fee is \$50 for each program to be reviewed, not to exceed \$250 per application.

Requested date of review: August 31, 2020 in conjunction with CAEP final Accreditation Recommendations

New Hampshire Department of Education Council for Teacher Education

Specify the program or programs for which approval is sought. Choose from those on the code list of endorsements at:
www.education.nh.gov/certification/documents/codelist.pdf

Endorsement	EIS Code	Admin Rule#	Program Type, list all that apply*
Early Childhood Education	1866	Ed 612.03	(BS)
Elementary Education (K-6)(K-8)	1810(1811)	Ed 612.04	(BS, M.ED, Post Bac)
English Language Arts for Grades 5-12	0500	Ed 612.05	(BA, M.ED, Post Bac)
English for Speakers of Other Languages	0607	Ed 612.06	(ESOL) (M.ED, Post Bac)
General Special Education	1900	Ed 612.07	(M.ED, Post Bac, Ed.S)
Health Education	0801	Ed 612.16	(BS, M.ED, Post Bac)
Mathematics (7-12)	1100	Ed 612.18	(BS, M.ED, Post Bac)
Education Technology Specialist (Digital Learning Specialist)	0350	Ed 612.19	(M.ED, Post Bac)
Physical Education (K-12)	0800	Ed 612.21	(BS)
School Psychologist	0046	Ed 614.06	(M.ED, CAGs)
Social Studies for Grades 5-12	1500	Ed 612.28	(BS, M.ED, Post Bac)

*AS, AA, BS, BA, MS, MA, MEd, MBA, Conversion, CAGS, Ed.S, PhD, etc.

1. Has your institution been evaluated by the New England Association of Schools and Colleges (NEASC)? NECHE *formerly the NEASC Commission on Institutions of Higher Education (CIHE) YES

2. Will you authorize access to the NEASC (NECHE) self-study report and recommendations? YES

3. Has your institution been evaluated by a national accreditation agency such as CAEP, NCATE or TEAC? YES. If yes, please indicate which agency. CAEP FOR ITE PROGRAMMING, NCATE FOR ADV PROGRAMS

4. Will you authorize access to the national accreditation self-study report and recommendations? YES

In order to cover administrative costs, please submit a check for the appropriate amount made out to: Treasurer, State of New Hampshire. Return completed form with payment to Department of Education, Division of Higher Education, 101 Pleasant Street, Concord, NH, 03301.

Signature of applicant requesting on-site review:



Title of applicant: DIRECTOR, HOLMES CENTER FOR SCHOOL PARTNERSHIPS AND EDUCATOR PREPARATION

Date: APRIL 15, 2020

Information for EPPs Granted Accreditation

Accreditation Council Decision

Accreditation is granted when the Accreditation Council determines that an educator preparation provider (EPP) meets all CAEP Standards, even if areas for improvement (AFIs) are identified in the final decision.

The full Accreditation Council makes all final decisions relevant to the CAEP Standards based on evidence submitted by the EPP, findings from the site team, and sufficiency of evidence for each standard, and then acts upon the recommendations from the initial and joint panel reviews. The Council pays particular attention to consistency across all of the accreditation decisions.

The Action Report is the official record of your accreditation status and should be used to review and guide your provider's efforts continue to meet the CAEP Standards.

Consumer Information and Representation of Accreditation to the Public

CAEP requires accredited EPPs to provide consumer information to the public, including candidate performance data. Title II data must be publicly available on the website (Accreditation Policy 8.01).

When representing its accreditation to the public, an EPP must report the accreditation decision accurately, including the specific academic or instructional programs covered by the accreditation, and the address and telephone number of the Council for the Accreditation of Educator Preparation as provided on the CAEP website. The official statement to be publicly displayed on the EPP's website is provided by CAEP following the Accreditation Council action, as defined by the CAEP Communication Guidelines. (Accreditation Council Policy 8.04)

The accreditation status and term will be posted on the CAEP website at:
<http://caepnet.org/provider-search>

Annual Reports

All EPPs must submit an Annual Report each year in order to maintain accreditation or accreditation-eligibility. The report is opened for entry each year in January and EPPs are given 90 days from the date of system availability to complete the report (Accreditation Policy 6.01). Additionally, the Annual Report requires reporting on Accreditation Policy 8.01, which requires accredited EPPs to provide consumer information to the public, including candidate performance data. Title II data must be publicly available on the EPP's website.



1140 19th Street, NW | Suite 400
Washington, DC 20036
tel: 202.223.0077 | fax: 202.296.6620
caepnet.org

May 15, 2020

Dr. Donald L. Birx
President
Plymouth State University
17 High Street, MSC 1
Plymouth, NH 03264

Dear Dr. Birx:

The Accreditation Council of the Council for the Accreditation of Educator Preparation (CAEP) met on April 27, 2020, and I am pleased to inform you that the following accreditation status has been granted:

The Holmes Center for School Partnerships and Educator Preparation at Plymouth State University is granted **Accreditation** at the initial-licensure level as described in the Accreditation Action Report.

Included with this letter are two subsequent documents:

- 1) The Accreditation Action Report provides details of the accreditation status.
- 2) Information for EPPs Granted Accreditation provides further information on the Council's decision process and provider responsibilities during the accreditation term.

Congratulations on your accreditation achievement. I appreciate your commitment to excellence in educator preparation accreditation.

Sincerely yours,

A handwritten signature in black ink that reads "Christopher A. Koch". The signature is written in a cursive, slightly stylized font.

Christopher A. Koch, Ed.D.
President

Enclosures: Accreditation Action Report, Certificate of Accreditation (mailed to provider leadership), and Information on CAEP Accreditation

cc: Dr. Mary E. Earick, Holmes Center for School Partnerships and Educator Preparation;
Dr. Ann McClellan, Holmes Center for School Partnerships and Educator Preparation;



ACCREDITATION ACTION REPORT

Holmes Center for School Partnerships and Educator Preparation
Plymouth State University
Plymouth, New Hampshire

Accreditation Council April 2020
Accreditation Application Date: *

*This is the official record of the Educator Preparation Provider's accreditation status.
The Educator Preparation Provider should retain this document for at least two accreditation cycles.*

* This EPP was accredited previously by NCATE or TEAC and the initial application date is not available.
CAEP was established July 1, 2013.

ACCREDITATION DECISION

Accreditation is granted at the initial-licensure level. This Accreditation status is effective between Spring 2020 and Fall 2024. The next site visit will take place in Spring 2024.

SUMMARY OF STANDARDS

CAEP STANDARDS	INITIAL-LICENSEURE LEVEL	ADVANCED LEVEL
STANDARD 1/A.1: Content and Pedagogical Knowledge	Not Applicable	Not Applicable
STANDARD 2/A.2: Clinical Partnerships and Practice	Not Applicable	Not Applicable
STANDARD 3/A.3: Candidate Quality, Recruitment, And Selectivity	Not Applicable	Not Applicable
STANDARD 4/A.4: Program Impact	Not Applicable	Not Applicable
STANDARD 5/A.5: Provider Quality Assurance and Continuous Improvement	Met	Not Applicable

AREAS FOR IMPROVEMENT AND STIPULATIONS

Areas for Improvement: Identified areas for improvement are addressed in the provider's annual report.

Stipulations: Stipulations are addressed in the provider's annual report and must be corrected within two years to retain accreditation.

INITIAL-LICENSEURE LEVEL AREAS FOR IMPROVEMENT AND STIPULATIONS

STANDARD 1: Content and Pedagogical Knowledge

	Areas for Improvement	Rationale
1	The EPP lacks evidence of candidate use of data to reflect on	Although all programs provided multiple cycles of

	teaching effectiveness or modify instruction across all programs. (Component 1.2)	candidate impact data on student learning, No evidence was provided that the data has been analyzed.
2	There is no evidence that candidates model and apply technology as they design, implement, and assess learning experiences for P-12 students. (Component 1.5)	Evidence does not indicate that candidates model and apply technology standards to engage students, improve learning, and enrich professional practice.

STANDARD 2: Clinical Partnerships and Practice

	Areas for Improvement	Rationale
1	The EPP has no plan to ensure clinical experiences are varied and of sufficient depth and breadth to ensure candidates demonstrate their developing effectiveness and impact on P-12 students. (Component 2.3)	Depth and breadth of clinical experiences are not consistent across all programs.

STANDARD 5: Provider Quality Assurance and Continuous Improvement

	Areas for Improvement	Rationale
1	The EPP provided limited evidence that key assessments are cumulative and verifiable. (component 5.2)	The EPP provided limited data cycles for some assessments. Some data provided did not have measures of reliability and validity.

INFORMATION ABOUT ACCREDITATION STATUSES

Accreditation for seven (7) years is granted if the EPP meets all CAEP Standards and components, even if areas for improvement (AFIs) are identified in the final report of the Accreditation Council.

- **Areas for Improvement (AFIs)** indicate areas which must be improved by the time of the next accreditation visit. Progress reports on remediation of AFIs are submitted as part of the Annual Report. AFIs not remediated by a subsequent site visit may become stipulations.

Accreditation with stipulations is granted for 2 years if an EPP meets all standards but receives a stipulation on a component under any standard. Failure to submit a response to the stipulation within a two (2)-year time frame results in revocation. Failure to correct the condition leading to the stipulation within the specified two (2)-year period results in revocation or probation.

- **Stipulations** describe serious deficiencies in meeting CAEP Standards and/or components and must be brought into compliance in order to continue accreditation. All stipulations and relevant evidence are reviewed by the Accreditation Council. Failure to correct the condition leading to the stipulation results in probation or revocation of accreditation.

Probationary Accreditation is granted for two (2) years when an EPP does not meet one (1) of the CAEP Standards. Failure to submit a response to the stipulation within a two (2)-year time frame results in revocation. Failure to correct the condition leading to the stipulation within the specified two (2)-year period results in revocation.

SCOPE OF ACCREDITATION

The scope of CAEP's work is the accreditation of educator preparation providers (EPPs) that offer bachelor's, master's, and/or doctoral degrees, post-baccalaureate or other programs leading to certification, licensure, or endorsement in the United States and/or internationally. (2018).

CAEP does not accredit specific degree programs, rather EPPs must include information, data, and other evidence on the following in their submission for CAEP's review:

All licensure areas that prepare candidates to work in preschool through grade 12 settings at the initial-licensure and advanced level that lead to professional licensure, certification, or endorsement as defined by the state, country, or other governing authority under which the EPP operates and for which the state, country, or other governing authority has established program approval standards.

Depending on an EPP's submission, accreditation may be awarded at one or both of the following levels: Initial-Licensure Level and/or Advanced-Level.

1. **Initial-Licensure Level Accreditation** is provided at the baccalaureate or post-baccalaureate levels leading to initial-licensure, certification, or endorsement that are designed to develop P-12 teachers.
2. **Advanced-Level Accreditation** is provided at the post-baccalaureate or graduate levels leading to licensure, certification, or endorsement. Advanced-Level Programs are designed to develop P-12 teachers who have already completed an initial-licensure program, currently licensed administrators, or other certified (or similar state language) school professionals for employment in P-12 schools/districts. CAEP's Advanced-Level accreditation does not include any advanced-level program not specific to the preparation of teachers or other school professionals for P-12 schools/districts; any advanced-level non-licensure programs, including those specific to content areas (e.g., M.A., M.S., Ph.D.); or Educational leadership programs not specific to the preparation of teachers or other school professionals for P-12 schools/districts.

Information on accreditation status, terms, and any conditions provided within this directory is specific to the accreditation level(s) described above. CAEP-accredited EPPs are required to distinguish accurately between programs that are accredited and those that are not.

NOTE: Neither CAEP staff, site visitors, nor other agents of CAEP are empowered to make or modify Accreditation Council decisions. These remain the sole responsibility of the Council itself.

End of Action Report

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Plymouth State University
Priority Progress Report II
July 31, 2019

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Section I: Plymouth State University Priority Progress Report

PSU shall identify key assessments across all NHDOE/CTE reviewed programs (School Counselor, Curriculum Administrator, Mathematics 5-8, Music Education and Visual Arts), for a comprehensive candidate assessment system as well as key assessments with corresponding rubrics for each certification program. This may include identifying existing assessments more clearly and/or developing new assessments. PSU shall begin to collect data for these systems for the Spring of 2019.

Priority Progress Reports will address the following:

- a. Clinical Partnerships and Clinical Practice
- b. Candidate Assessment
- c. Program Assessment: Individual Program Assessment and Institution's Unit-Level Assessment

Section II: Clinical Partnerships and Clinical Practice

A. Clinical Practice

Recommendations that require responsive action

1. *The University collects some data on placements of field experience requirements, but it is not evident that the outcome data is collected or analyzed. Documenting and evaluating the placements and partnerships in which their students complete clinical experiences will allow the University to assess the geographical range and **diversity of its placements**, formally ensuring that all interns experience and learn from a diverse range of schools. While several students spoke highly of their experiences in diverse settings, across grade-levels or in culturally or economically diverse schools, it is unclear if this range of experiences is available to all students in all programs. Documenting and analyzing data will also allow the University to identify schools and districts with which it might form more formalized partnerships.*

II.A.1 EPP RESPONSE JANUARY 31, 2019

Diversity of Placements

In New Hampshire students identified as ELL represent .6% of all students in schools. 48% of PSU interns between 2014-2017 were placed in schools [on average] where students identified, as ELL was 4%, **6.6 times higher** than the state average. In regards to race 100% of PSU interns had placements in schools that met or exceeded state averages. In regards to ethnicity, 48% of PSU school placements exceeded state averages. 76% of PSU interns worked with students at or above the NH state average for economic challenges. Of the 8% of students placed in programs with the lowest free and reduced lunch rates, 79% were serving rural, rural remote and rural fringe schools. The EPP tracks two experiences per intern towards certification requirements. Interns must work in a title I designated [schoolwide title I] or have a rural designation and title I services] school for one of the two placements.

% Free and Reduced Lunch	% Interns Three Cycles	# of Interns Three Cycles	Limited English Proficient	Free or Lunch	White	Black	Hispanic	Am. Indian or Alaskan Native	Asian or Pacific Islander	Multi-Race
2014-2017 Intern Clinical Partnerships and Practice 3-Year EPP Trends										
40-92	48%	185	4%	52%	83%	6%	8%	2%	5%	4%
25-39	28%	109	1%	32%	91%	5%	4%	1%	3%	2%
11-24	16%	61	1%	18%	90%	1%	3%	3%	4%	2%
2-10	8%	28	1%	7%	90%	1%	3%	0%	5%	3%

State Demographic Averages	.06 %	27%	87%	2%	6%	0%	3%	3%
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Table 1: 2014-2017 Intern Clinical Practice Compared to State Averages

% Free and Reduced Lunch	% of Interns Cohort 1	% of Interns Cohort 2	% of Interns Cohort 3	Limited English Proficient	Free or Lunch	White	Black	Hispanic	Am. Indian or Alaskan Native	Asian or Pacific Islander	Multi-Race
40-92	48%	49%	44%	4%	52%	83%	6%	8%	2%	5%	4%
25-39	28%	28%	32%	1%	32%	91%	5%	4%	1%	3%	2%
11-24	16%	16%	16%	1%	18%	90%	1%	3%	3%	4%	2%
2-10	8%	7%	8%	1%	7%	90%	1%	3%	0%	5%	3%

Table 2: 2014-2017 Intern Clinical Partnership and Practice by Cohort Demographics

[Link to Data Base](#)

In the Fall of 2018 Intern clinical experiences migrated to our PDS districts and are under MOUs (Appendix a). 90% of interns were placed in school districts that serve children and youth in school-wide Title I eligible Schools [see table 8 below]. Interns have a minimum of 4 practicum and clinical placements, ensuring one rural and one urban experience. In addition, Taskstream will now allow us to track grade levels as an additional indicator of diversity. Although grade level placements are regularly tracked and reported on for out of state certification on an annual basis at the program level it was not reported at the EPP level to CAEP.

District	Free and Reduced Lunch Range	Limited English Proficient	White	Black	Hispanic	Am. Indian or Alaskan Native	Asian or Pacific Islander	Multi-Race
Manchester Public Schools (Urban)	54.5% - 93.4 %	15%	57.3%	9%	23.30%	.24%	5.22%	4.80%
Pittsfield (Rural)	50.0% - 54.0%	0%	91%	1.22%	5.57%	1.04%	0%	.87%
SAU 48: Pemi Baker Regional (Rural)	38.9% - 50.0%	3%	87.3%	1.67%	4.05%	0%	5.01%	1.90%
State Demographic Averages	27%	.06%	87%	2%	6%	0%	3%	3%

Table 3: 2018-2021 PSU PDS Intern Placements by District Demographics

- The Holmes Center for School Partnerships and Educator Preparation will provide annual updates of progress on partnerships.

II.A.2 EPP RESPONSE - JANUARY 31, 2019

In addition to a signed MOU from SAU 48 and Response for Engagement (RFE) sent to current PSU partnering districts presented to the NHCTE visting team in March of 2018 (Appendix a) PSU has signed 3YR (2018-2021) Professional Development Schools (PDS) MOU's with the following districts:

[Manchester Public Schools](#)

[Pittsfield Public Schools](#)

Winnisquam Regional School District

The following districts are developing MOUs with the Holmes Center for the 2019-2022 school years:

Laconia School District

Franklin Middle School, Franklin School District

SAU 20

B. Clinical Practice

Recommendations that Require Responsive Action

1. *The University has not made easily available aggregate data or analysis of data related to clinical experience evaluations. Documenting, aggregating, and analyzing data will provide valuable insight about the programs' capacities and inform future decision-making.*

II.B.1 EPP RESPONSE - JANUARY 31, 2019

Interim directors provided but did not aggregate available EPP data for the 2017 CAEP visit. A Director began in December of 2018, after a successful faculty search. The Director initiated a three-month audit of 2014-2017 cohort data from January - March of 2018. Aggregated EPP data was reviewed by the Council for Educator Preparation (CEP) in April of 2018. That data is provided in Section II A & B.

Initial Teacher Candidates develop their content knowledge through the general education program, coursework, and field experiences. The professional education programs integrate content knowledge and professional and pedagogical knowledge and skills. There are a number of indicators that teacher candidates are assessed on to document preparation in the content that they plan to teach: candidate scores on the Core Academic Skills Test and Praxis II exams; candidate grades in professional education courses; candidate GPAs; faculty evaluations; co-teaching evaluations; program content standards from the state approval process; program reviews by the national specialty and professional associations; and survey responses from student interns, recent graduates, mentoring teachers, and school administrators.

Core Academic Skills Test and Praxis II Exams: The state of NH requires all candidates for certification to validate their basic skills proficiency by passing the Core Academic Skills assessments in reading, mathematics and writing prior to becoming certified to teach. The state has set passing scores of 156 for reading and 162 for writing and 150 for mathematics. Since the state instituted this requirement for licensure, PSU has made passing the Core Academic Skills Test a requirement for teacher certification candidacy, student teaching, and graduation from professional education programs. Our passing rate, therefore, is 100% every year. The state also requires that all applicants for certification in Art, Early Childhood Studies, Elementary Education, English Education (5-12), Mathematics (5-8 and 7-12), and Social Science Education (5-12) submit passing scores on the Praxis II exam in their content areas. PSU strongly recommends that candidates in these programs take the Praxis II exam just prior to student teaching; however, taking and passing the Praxis II exam is not a requirement for ITP student teaching or graduation across EPP programs but is for recommendation for NH certification.


		HEOA - Title II 2016 - 2017 Academic Year					
Institution Name		PLYMOUTH STATE UNIVERSITY					
Institution Code		3690					
State		New Hampshire					
					February 5, 2018		
				Statewide			
Group	Number Taking Assessment ¹	Number Passing Assessment ²	Institutional Pass Rate	Number Taking Assessment ¹	Number Passing Assessment ²	Statewide Pass Rate	
All program completers, 2015-16	73	63	86%	590	512	87%	
All program completers, 2014-15	93	80	86%	673	555	82%	
All program completers, 2013-14	109	90	83%	744	661	89%	

Table 4: EPP Praxis II Content Scores by Cohort

*Note: 2017-2018 ETS data reports are currently in their resolution period and will be available in April of 2019.

In 2013-2014, a total of 109 program completers took one or more tests in a content category within their area of specialization [Table 4 above]. A total of 90 passed all tests taken in a category and within their specialization (83% pass rate). This pass rate indicates that candidates are proficient in basic skills within their content, but fell well below our state average, faculty became explicit in alignments of Praxis II to key assessments, which resulted in closing the statewide performance gap by 5% by 2015-16.

For programs that are not required to take a Praxis II content exam and have gone through a national review, program faculty developed a content exam and item analyses were computed for each item to ensure validity and reliability of the test item. These programs; [Physical Education](#), [Health Education](#), [General Special Education](#), [Ed Technology](#), have all met passing Target Standards outlined, developed and reviewed by their SPAs. Data and analyses may be found in specific SPA reports linked through live text links above.

Grades in content courses are based on multiple assessments. Many of these assessments are designed to evaluate both what the candidates knows and how he/she is able to apply that knowledge. Candidates also developed portfolios throughout their professional education programs in [Mahara](#), that included [evidence of their content knowledge](#) aligned with state and national standards as well as the Unit's conceptual framework and diversity framework used to support SPA reports. An examination of the candidate work samples is included within the SPA exhibits assessments and the standards for grading candidates.

Content knowledge data from the [internship in supervision evaluation forms](#) aligned to InTASC College and Career Standards are collected at two points during the final internship experience for ITP candidates, and at four pointes for candidates K-12 certification areas as they have two eight week capstone internship experiences to meet K-12 certification standards.. EPP cohort trend analysis between the years of 2014-2017 was not completed by the EPP interim directors, but was collected, parsed and provided by the EPP for review at the program level and for use in their SPA reports. TaskStream will report this data by cohort using our three-point grading system that has been recalibrated to be consistent across programs.

In relationship to GPA, once accepted to the program we consistently see a small decline in GPA at decision point 3 – *application to the professional program internship*. We have determined from student feedback during the [Road to Certification](#) seminars, that the courses in years two and three require increasing amounts of time in and traveling to PreK-12 public schools as well as additional skills in observation, engagement and synthesis of information in the field, which then impact their GPAs.

ITE GPA Cohort Data	Decision PT 1 EPP Cohort Average	Decision PT 3 EPP Cohort Average	Decision PT 4 EPP Cohort Average	N
2014-2015	3.35	3.24	3.23	99
2015-2016	3.49	3.34	3.46	76
2016-2017	3.64	3.59	3.63	86

Table 5: EPP ITE Cohort GPAs at Road to Teacher Certification Decision Points

PSU has shown statistically significant increases in GPA cohort data that is consistent with Praxis Core data increases and Foundations of Reading (FR) data (Table 7). Over three cycles the EPP has gone from 1% under the state average to 2% above the state average for the FR and praxis core tests. Early completers passing rates for the FR test for the 2015-2016 suggests this trend will continue. The most significant increases occurred in the Elementary Education program who changed their requirement from a cumulative GAP of 2.7 to 3.0 in 2014.

ITE Praxis Core Cohort Data	Praxis Core Writing	Praxis Core Math	Praxis Core Reading	N
2014-2015	173.80	176.40	176.26	99
2015-2016	175.02	176.40	178.28	76
2016-2017	175.06	176.40	180.37	86

Table 6: ITE Cohort Average Score

ETS Title II Reporting Services		HEOA - Title II								
Institution Name		PLYMOUTH STATE UNIVERSITY								
Institution Code		3690								
State		New Hampshire								
							Statewide			
Assessment Information [†]	Group	Number Taking Assessment	Number Passing Assessment	Institutional Pass Rate	Institutional Average Scaled Score	Assessment Cut Score [‡]	Number Taking Assessment	Number Passing Assessment	Statewide Pass Rate	Statewide Average Scaled Score
FOUNDATIONS OF READING (ESP0090) Test Company: E.S. Pearson* Score Range: 100-300	All enrolled students who have completed all nonclinical courses, 2015-	1				240	88	48	55%	238
	Other enrolled students, 2015-16	10	5	50%	236	240	103	44	43%	232
	All program completers, 2015-16	23	18	78%	248	240	313	237	76%	247
	All program completers, 2014-15	39	32	82%	246	240	385	315	82%	249
	All program completers, 2013-14	11	9	82%	252	240	86	71	83%	250

Table 7: EPP ITE Cohort Foundations of Reading State and National Pass Rates

*Note: 2017-2018 ETS data reports are currently in their resolution period and will be available in April of 2019.

Between 2013 and 2017 DatTrack and Qualtric were used with Mahara to track program and EPP supervision, survey and GPA data. As these systems did not interface, data extraction and merging were done manually in excel spreadsheets and electronic files for every student which were then transferred to our Banner reporting system. The EPP recognized this system lacked the organizational structure to offer real time monitoring by students and faculty of the [Road to Certification Requirements](#), dispositional evaluations and formative evaluations prior to entering a capstone experience, impacted the level of rigor we strove to achieve, and required large commitments of human capital prompting our [adoption of Taskstream](#). The EPP has completed the following tasks in relationships to having **one TaskStream data hub** for creating and

reporting SPA, State and EPP cohort trend analysis and evaluation. Mahara migration to TaskStream [newly branded WaterMark] was beta tested using the NH Supervision Evaluation Elementary Education in the Fall of 2017. As our largest teacher preparation program, Elementary Education provided the opportunity to assess professional learning needs for students; faculty and schools' districts which informed our fall of 2018 roll out. The spring 2018-midterm evaluations return rate by supervisors and mentor teachers was 93% without extended technical assistance [NHDOE state visit, 03.28.18, Appendix a]. The 7% who needed additional technical assistance have been documented through a [consultation log](#), which is being used to develop an FAQ for annual training sessions in our PDS districts and with PSU EPP Faculty. The Holmes Center has migrated all documentation of the TaskStream rollout to [Microsoft Teams](#) and [Asana](#) to progress monitor and [archive EPP implementation](#) [TEAMS EPP screen shot].

In 2013 the CEP entered Phase I in developing a multi-point unit dispositional tool and approved an alignment chart with rubric: [Campus-based Unit Dispositional Behaviors Rubric](#). This EPP tool focused on early behaviors that could be identified in on campus courses in a candidate's first 3 semesters. Our intention was to identify and report behaviors that candidates needed to demonstrate with consistency and fairness prior to working with school aged children, which we referred to as **transferable** dispositional behaviors. Data on these transferable behaviors was collected at two intervals by the EPP from 2013-2017 as a requirement for acceptance into a certification program and as a CHECK decision point in the road to teacher certification process. As this is our first decision point candidate needed to fall within approaching or meeting target. This data from the [Faculty Evaluation](#) replaced a written recommendation for teacher candidates by faculty which offered no quantifiable data. This change was in response to 2013 NCATE recommendations that we needed to begin developing systems that could validate our data. The survey questions align to 4 categories; (1) professional communication and collaboration, (2) reflective practice, (3) cultural awareness and (4) personal responsibility. That data is reviewed by the Holmes Center for individual candidates and aligned to the EPP PSU Campus-based Unit Dispositional Behaviors Rubric for review. Individual programs regularly use field based dispositional tools specific to their content areas and which they include in program, state and SPA data reviews. The questions developed for the evaluation were informed by the Phase I Dispositions Report which included all current early dispositional assessment forms across the EPP [[Phase I Report](#)].

Phase II was to identify a field-based tool that could be adopted by the EPP which was overseen by the Dispositions Taskforce discussed in our self-study. The Taskforce has adopted the Educational Disposition Assessment (EDA) [NHDOE state visit, 03.28.18, Appendix a] in] a valid and reliable dispositional tool which includes inter-rater reliability training tools and support response to the CAEP Nov 2017 finding. The EDA a valid and reliable Disposition Assessment Tool was adopted [NHDOE state visit, 03.28.18, Appendix a]. In addition, it is TaskStream enabled for full online use beginning the fall of 2019 as part of the Road to Teacher Certification. Beginning in the fall of 2019, data will be collected at 4 points by trained education faculty in years 1-2 in dedicated education courses and mentor teacher supervisors in years 3-4 during internships and practicums. PSU completed Initial Teacher Preparation EDA calibration training for faculty on January 15, 2019. Advanced Programs aligned the EDA categories with national education leadership, school psychology and school counseling standards and will complete their calibration training at the May 2019 data retreat meeting and 85% interrater reliability standard. A self-guided calibration tool was developed during this calibration training that will be made available to mentor supervisors online. Mentor supervisors who do not meet the 85% interrater reliability threshold will come on campus for professional development.

The faculty evaluation was piloted in the fall of 2014. Review of cohort 1 data suggested that the professional communication and collaboration (PCC) category appeared overinflated when compared to work faculty were collecting in their courses. This prompted a decision to add to explicit questions on a

candidate's ability to successfully communicate verbally and in writing. This adjustment decreased the PCC capsule average from 83% Meeting Target to 72% and 73% in cohort II and III, which better matched the work students were producing in education courses. While PCC and personal responsibility trend high, we are continuing to engage in discussion on how we can support growth and development in reflective practice and cultural awareness [Table 8 below] and offer ways for faculty to 'see' it in action in their classrooms. With the EDA in place in the fall of 2019 with four reliable data points, we can begin revising the faculty evaluation and building additional capsule questions to balance the inputs, based on incoming data. This would offer an opportunity to use components of the interrater reliability training as professional learning opportunities for general education faculty.

Professional Communication and Collaboration

2014-2017	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III
	Not Met			Approaching (required)			Target		
Collaborates	2%	2%	2%	11%	16%	17%	86%	78%	76%
Shares Ideas	2%	4%	4%	32%	31%	29%	66%	66%	66%
Respectful	0%	1%	1%	4%	7%	5%	96%	93%	93%
Seeks Clarification	5%	5%	3%	17%	23%	32%	78%	73%	73%
Understood in Writing		6%	3%		31%	21%		55%	63%
Understood Speaking		5%	4%		26%	28%		69%	67%
Capsule Averages	2%	4%	3%	16%	22%	22%	82%	72%	73%

Reflective Practice

2014-2017	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III
	Not Met			Approaching (required)			Target		
Content Connections	1%	7%	3%	39%	34%	42%	56%	54%	54%
Personal Connections	1%	4%	5%	34%	30%	34%	59%	62%	59%
Apply Theory	5%	5%	6%	43%	36%	43%	51%	57%	48%
Understanding Content	2%	4%	3%	40%	33%	38%	58%	62%	59%
Capsule Averages	2%	5%	4%	39%	33%	39%	56%	59%	55%

Cultural Awareness

2014-2017	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III
	Not Met			Approaching (required)			Target		
Open to New Ideas & Diverse Perspectives	1%	1%	1%	18%	10%	14%	76%	83%	74%
Conflict Resolution Goal	0%	1%	1%	3%	7%	8%	62%	74%	58%
Capsule Averages	1%	1%	1%	11%	9%	11%	69%	79%	66%

Personal Responsibility

2014-2017	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III	Cohort I	Cohort II	Cohort III
	Not Met			Approaching (required)			Target		
Accepts Responsibility	0%	1%	3%	20%	17%	15%	80%	83%	82%
High Standards	4%	6%	5%	31%	27%	21%	65%	67%	63%
Persists	3%	3%	3%	18%	20%	35%	65%	69%	67%
Meets Timelines	1%	3%	3%	23%	23%	19%	76%	73%	78%
Punctual	3%	1%	2%	12%	11%	16%	85%	87%	81%
Preparedness	3%	1%	2%	24%	21%	24%	73%	78%	74%
Takes Initiative	8%	9%	9%	35%	34%	31%	56%	63%	56%

Capsule Averages	3%	3%	4%	23%	22%	23%	72%	74%	72%
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Table 8: Dispositions by Cohort and EPP Rubric Road to Teacher Certification Decision Point I

I.B.I EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

Content knowledge is assessed through SPA key assessments, the NHTCAP, content exams and Praxis II for programs that require it for graduation. SPA key assessments and NHTCAP data were made available onsite. Below is the most up to date Praxis II data. In addition to directing the center, I also serve as the administrator for our Federal Title II and ETS Reporting Services. The ETS reporting system is an important data source as not all programs require praxis II as a requirement to graduate. The ETS database allows me to review data over cycles and capture students who graduated but did not report their Praxis II scores to PSU as well as graduates in states other than NH, where the Foundations of Reading is a required test. Through the ETS portal I have access to detailed student test data which allows me over time to fill in data gaps. This process on average takes three years per cohort of graduates.

Please note that we are still engaging in data resolution, approximately 30% of 2017-2018 graduate Praxis' II and Foundations of Reading scores have been recorded. 2018-2019 data will be made available for review after completion of resolution in the fall of 2019. (See table 1 below)

Praxis II with May Updates*


		HEOA - Title II 2017 - 2018 Academic Year					
Institution Name	PLYMOUTH STATE UNIVERSITY						
Institution Code	3690						
State	New Hampshire						
				May, 28, 2019			
				Statewide			
Group	Number Taking Assessment¹	Number Passing Assessment²	Institutional Pass Rate	Number Taking Assessment¹	Number Passing Assessment²	Statewide Pass Rate	
All program completers, 2017-18	35	29	83%	466	410	88%	
All program completers, 2016-17	97	84	87%	606	534	88%	
All program completers, 2015-16	73	65	89%	586	514	88%	

Table 1: EPP Praxis II Content Scores by Cohort – May Updates (Table 2 in Self Study)

*Note: The self-study chart did not include 2017-2018 ETS data reports which were in their resolution period and made available in May of 2019.

The Foundations of Reading is an important data point we track, as on any given year Elementary Education and Early Childhood candidates make up 44-50% of our graduates. PSU is above the average NH state pass rate for the Foundations of Reading at this point in the pre-resolution period, exceeding initial gains made in the 2014-2017 cohort cycles presented in our self-study. Final assessment of these gains will be determined when the 2018-2019 data is made available. Our goal is to exceed the average NH state pass rates (see table 2 below).

Foundations of Reading with May Updates*



						Statewide			
Assessment Information ¹						Number Taking Assessment	Number Passing Assessment	Statewide Pass Rate	Statewide Average Scaled Score
FOUNDATIONS OF READING (ESP0090)						71	50	70%	244
All enrolled students who have completed all nonclinical courses, 2017-18						240	240	100%	240
Other enrolled students, 2017-18						100	58	58%	239
All program completers, 2017-18						240	209	87%	248
All program completers, 2016-17						320	269	84%	248
All program completers, 2015-16						328	277	84%	249

Table 2: EPP ITP Cohort Foundations of Reading State and National Pass Rates – May Updates (Table 5 in Self Study)

*Note: The self-study chart did not include 2017-2018 ETS data reports which were in their resolution period and made available in May of 2019.

2. Develop a process to consistently identify, implement and evaluate early, varied and consistent field placement across all programs.

II.B.2 EPP RESPONSE - JANUARY 31, 2019

ITP programs in Elementary and Early Childhood Education require a 3 week practicum prior to their capstone internship grounded in co-teaching onsite with PSU faculty in PDS schools during mid-level courses, observation and early co-teaching small groups in early experiences. K-12 programs in Music, Health, Art and PE require two eight-week teaching internships in the program's final year in addition to opportunities to teach in mid-level [Year 2-3] courses as well observe and teach small groups in early experiences [Year I]. Social Studies, English, Science and Mathematics offer a sustained culminating student internship in addition to mid-teaching experiences [Year 2-3] as well as observation and small group teaching in early experiences [Year 1]. Advanced programs [non- ITP] work with in-service professionals that have an identified full-time academic placement to complete practicum requirements. The EPP identified and addressed concerns on early experiences in our ITP Graduate programs in 2016. This resulted in all advanced ITP programs merging with their UG equivalents to strengthen early clinical experiences and insure common expectations for ITP [GRAD] students, which was reflected in a joint 01.2017 ITE Program Coordinator Revisions, adopted by the EPP.

Music, Art and Mathematics ITP education programs are working with the Holmes Center in collaboration with the CEP to develop a more effective graphic organizers to communicate early, mid and culminating practicum and internship expectations across the EPP. In addition, they are revising syllabi to more explicitly identify the early and mid-level experiences. These modifications will be available for review in our July 31, 2019 Priority Report. Table 9 (below) is a current overview of field experiences.

Table 9: ITP Program Filed Experiences Courses Est. 2013 (Revised 2017) (Next Revision-May 2019) Evaluation*	Early HRS	Mid HRS	Culminating WKS(HRS)
	YR 1-2	YR 2-3	YR 4
ART EDUCATION K-12			
AE 1000 Introduction to Art Education	10		
AE 2000 Foundations of Art Education	10		
AE 3050 Methods and Materials for Art Education		10	
AE 3060 Instructional Planning & Pedagogy for Art Edu		10	

AE 3100 Curriculum and Assessment for Art Education		10	
AE 4950: Art Edu Internship in Teaching: K-12		120	
AE 4970: Art Edu Internship in Teaching: Elementary			8
AE 4960: Art Edu Internship in Teaching: Secondary			8
Program Totals	30	150	16 (640)
Music Education K-12			
ME 1100 Intro to Music Education	40		
ME 3110 Elementary School Music Methods		80	
ME 4200 Secondary School Music Methods		80	
ED 4300 Internship in Student Teaching			8
ED 4400 Internship in Student Teaching			8
Program Totals	40	160	16 (640)
Physical Education Teacher Certification K-12			
PE 3600: Adapted Physical Education	10	10	
PE 3020/PE 3050: Instructional Strategies I: Elementary Physical Education		40/40(80)	
PE 4040/PE 4050: IS II: Teaching Secondary Physical Education		48/48 (96)	
PE 4710: Internship in Teaching			8
PE4720: Internship in Teaching			8
Program Totals	10	186	16 (640)
Physical Education/Health Education Teacher Certification K-12			
PE 2415: Introduction to Physical Education & Health Ed	10		
PE 3600: Adapted Physical Education		10	
HE 3105: Teaching Strategies, Methods & Resources in Health Education		30	
PE 3020/PE 3050: Instructional Strategies I: Elementary Physical Education		40/40(80)	
PE 4040/PE 4050: IS II: Teaching Secondary Physical Education		48/48(96)	
PEHE 4710: Internship in Teaching			8
PEHE 4720: Internship in Teaching			8
Program Totals	10	186	16 (640)
Early Childhood K-3			
ER 2200: The Constructivist Approach to Early Care & Edu	10		
ER 2800: Preschool - K Curriculum Instruction	135		
RL 3500: Reading, Writing, and Language Arts in the Primary Grades		20	
ER 3700 Learning and Teaching in the Primary Grades		15	
ER 4290 Title Primary Grade Practicum			3
ER 4410 Title K-3 Internship in Teaching in an Inclusive Classroom			16
Program Totals	145	35	19 (760)
Elementary Education K-6/K-8			
ED 3055: Foundations of Teaching Practicum	96		
ED 3080: Teaching in the Content Areas Practicum		96	
ED 4300 Internship in Student Teaching			3
ED 4400 Internship in Student Teaching			16
Program Totals	96	96	19 (760)
English Education (UG, ADV)			
EN 2900: Introduction to English Teaching	96		
EN 4555/5870: Teaching Literature to Secondary Students			

		96	
<i>EN 4310:/5640: Teaching Writing to Secondary Students</i>			8
<i>EN 4320/5900: Internship in Teaching</i>			8
Program Totals	96	96	16 (640)
Mathematics (UG)			
<i>MA 3050: Introduction to Mathematics Education</i>	20		
<i>MA 4020: The Cultural and Psychological Aspects of Mathematics Learning</i>		12	
<i>MA 4040 Teaching and Learning Mathematics in the Secondary and Middle School</i>		18	
<i>MA 4965 Internship in Teaching</i>			16
Program Totals	20	30	16 (640)
Mathematics (ADV)			
<i>MG5320: Number, Quantity, and Algebra for Middle/Secondary School Teachers</i>	2-3 Lessons in each course were delivered in the candidate's home School (80)		
<i>MG5330: Functions and Modeling for Middle/Secondary School Teachers</i>			
<i>MG5340: Geometry for Middle/Secondary School Teachers</i>			
<i>MG5350: Stat and Probability for Middle/Secondary School Teachers</i>			
<i>MG5320: Number, Quantity, and Algebra for Middle/Secondary School Teachers</i>		2-3 Lessons in each were delivered in the candidate's home School (80)	
<i>MG5330: Functions and Modeling for Middle/Secondary School Teachers</i>			
<i>MG5340: Geometry for Middle/Secondary School Teachers</i>			
<i>MG5350: Stat and Probability for Middle/Secondary School Teachers</i>			
<i>MG5960 Mathematics Teaching Internship</i>			16 (640)
Program Totals	24	24	16
ITP Totals (Hrs)	471	963	6000
ITP Averages (Hrs)	52	107	667
Social Studies	Aligning to new SPA Standards		
TESOL	Aligning to new SPA Standards		

*75% of course practicums and internships are evaluated/mentored by teacher supervisors, 25 % are by PSU faculty. Culminating experiences are additionally monitored by the Holmes Center in TaskStream and reported in the SPA key assessment data (see table 13).

<i>Table 10: ITP Program Field Experiences by HRS and Context</i>	Total # HRS	Context
ART EDUCATION	820	K-12
Music Education	840	K-12
Physical Education Teacher Certification	836	K-12
Physical Education/Health Education Teacher Certification	836	K-12
Early Childhood K-3	940	Integrated Focus
Elementary Education K-6/K-8	952	Integrated Focus
English Education (UG, ADV)	832	Content Focus
Mathematics (UG) (5-8) (7-12)	690	Content Focus

Mathematics (ADV) (5-8)(7-12)	688	Content Focus
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- PSU K-12 education programs have a relatively consistent practicum and internship experience.
- K-3, K-6 and K-8 education with an integrated curriculum focus are required to have added expertise in child development and family engagement and have a relatively consistent practicum and internship experience.
- Content education programs have the greatest range of experiences. Mathematics is conducting a program review and self-study to assess modifications and changes to their curriculum to move to a minimum of an 832-836 practicum and internship range with a goal of reorganizing courses to leverage our PDS district partnerships for possible yearlong placements in their culminating year, raising their Total # of hrs. into the 900 range.

I.B.II EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

See Internship in Teaching Significance Review (attachment)

2019 Intern, Mentor and Supervisor Satisfaction Survey

3. *The Holmes Center for School Partnerships and Educator Preparation will provide annual updates of progress on partnerships.*

II.B.3 EPP RESPONSE – JANUARY 31, 2019

See Section II A.2 Response

II.B.3 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

See Internship in Teaching Significance Review (attachment)

2019 Intern, Mentor and Supervisor Satisfaction Survey

Section III: Quality Control System: Candidate Assessment System and Program Assessment System

The Institution's Candidate Assessment System

A. The Institution's Program Assessment System

Recommendations that Require Responsive Action

The five programs receiving the SPA National Recognition with Conditions are conditionally recognized by the New Hampshire Department of Education. Thus, each of the following programs will submit their annual updated SPA Report, including CAEP's responses to said report, as a part of their NHDOE/CTE Priority Progress Reports, due January 31, 2019 and July 31, 2019:

1. *Special Education Administrator (Ed 506.07) – Nationally Recognized with Conditions Resubmit March, 2019*
2. *Elementary Education (Ed 612.04) (UG, PB) – Nationally Recognized*
3. *Mathematics, 7-12 (Ed 612.18) – Not Recognized- Full self-study due March 2019*
4. *Education Technology Integrator (Ed 612.19) – Nationally Recognized with Conditions Resubmit March, 2019*
5. *Social Studies, 5-12 (Ed 612.28). – Nationally Recognized*

III.A.1:5 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

See Appendix b1-5

All the following programs are nationally accredited by AAQEP through 2026 (letter attached.)

- *Special Education Administrator (Ed 506.07) – Nationally Recognize*
 - *Elementary Education (Ed 612.04) (UG, PB) – Nationally Recognized*
 - *Mathematics, 7-12 (Ed 612.18) –Nationally Recognized through 2021-Conditions. Conditions have been addressed (increased practicums with content *see IV.M.2 practicum chart, p.23*). Please note this program is being taught out and being replaced with a 4+1 program as the needed content and practicums were difficult for students to complete in 4 years. It has been replaced by a Math Education (no-cert) pathway that will lead into our postbac math option.*
 - *Education Technology Integrator (Ed 612.19) – Nationally Recognized with Conditions-ISTI has left CAEP and to continue to apply for national **recognition** is cost prohibitive (\$6,000.00) at this time. As this is **not a requirement** for state or national accreditation PSU will not continue to apply for National SPA Recognition for this program. It is nationally accredited and recognized by AAQEP (letter attached.)*
 - *Social Studies, 5-12 (Ed 612.28). – Nationally Recognized*
1. *Full implementation of TaskStream in a timely manner to ensure consistent collection and analysis of data across all programs, to monitor and improve the programs of study, the facilitation of learning, the quality of field experiences, the assessment of candidates and the overall performance of programs.*

III.A.6 EPP RESPONSE

PSU's EPP programs have made data driven decisions to improve program quality assurance elements and processes and operational effectiveness toward continuous improvement as evidenced through our University Review & Strategic Allocation (URSA) evaluation and accreditation processes, which were presented in our CAEP AIMS reports and SPA reports noted in this document. The URSA process began in 2014 and is now foundational to the EPP Cluster Model which has driven our implementation process and provides the context under which we are approaching continuous improvement. The empirical data reviewed during this process directly informed four EPP decisions that developed our current quality assurance system, TaskStream. The following plan was developed and implemented as an outcome of the URSA process:

- **Establish a Center for School Partnerships and Educator Preparation (Fall, 2016)** [SS.p.30] with 4 focus areas [SSAE8]: (1) Clinical Experiences: develop school partnerships rather than placements, (2), Professional Development: align with school improvement policies and respond to identified school needs (3) Scholarship and Innovation: support programming in our new Cluster model and (4) Accreditation and Assessment: migrate from our current quality

assurance system Qualtrics, Tracdat and Banner to a technology-based system, TaskStream to meet CAEP standards.

- **Adoption and Migration to the NH TCAP (2016)** to replace individual program Teacher Work Samples (TWS) across the EPP to the NH TCAP in collaboration with the NH IHE Network aligned to InTASC and state standards.
- **Merger of ITE Certification Programs** (UG-Postbac) to strengthen early clinical experiences and insure common expectations for ITE graduate students which was reflected in the joint 01.2017 ITP Program Coordinator Revisions adopted by the EPP.
- **Adoption and Migration to TaskStream (Summer 2017)** as a Data-hub to allow efficient, real time monitoring by students and faculty of the road to certification requirements, dispositional evaluations, GPA and formative evaluations. This is in addition to program level advising and SPA data collection and replaced the current quality assurance system using Qualtrics, Tracdat and BANNER.

TaskStream is our quality assurance system. TaskStream was in beta testing during our 2017 CAEP accreditation site visit and the implementation process reported as part of our CAEP PSU SIP Response. In addition, TracDat and Qualtric were used with Mahara to track program and EPP data from 2013-2017 and that data was submitted in required annual SPA reports through CAEP's AIMS webportal. DatTrac, Qualtric and Mahara did not interface, therefore data extraction and merging were done manually in excel spreadsheets and electronic files for every student which were then transferred to our Banner reporting system. The EPP recognized this system was not efficient and required large commitments of human capital prompting our adoption of Taskstream in the spring of 2017. With full support of our President and Provost's Office fiscal and human capital were allocated in support of the Holmes Center and Taskstream adoption and migration.

"TaskStream, a data management system, was purchased in late spring 2017 for \$81,000. The same amount will be budgeted for the 2018-2019 academic year. Both the Learning Achievement Tools (LAT) and the Assessment Management System (AMS) modules were purchased. The Holmes Center for School Partnerships and Educator Preparation (Center) is taking the lead on implementing the LAT module. The Center hired a part-time consultant to focus on the implementation of the LAT. This part-time position is funded through June 30, 2018 [and has been extended through June of 2019]. Continued funding for this position will be requested throughout the budget process." [SSA.p1]

TaskStream was beta tested using the New Hampshire Supervision Evaluation Elementary Education in the fall of 2017. As our largest teacher preparation program, Elementary Education provided the opportunity to assess professional learning needs for students; faculty and school districts, which informed our implementation for the fall of 2018 and full online deployment for the fall of 2019, [NHDOE state visit, 03.28.18, Appendix a].

<i>Table 11: TaskStream Implementation Pilot Plan Goals and Targets Status</i>			
Timing	Task	Resource Allocation	Status

S17	TaskStream Purchased	Annual Funding Budgeted \$81,000.00	Met
S17	Consultant Hired-Onboarded	Term Funding Budgeted \$50,000.00	Met
F17	Mentor/University Supervisor Training	Coordinator of Clinical Experiences	Met
12.18	Candidate Supervision Evaluations DRFs Field Placement Database Built	Coordinator of Clinical Experiences TaskStream Consultant	Met
01.18	<ul style="list-style-type: none"> PSU Student Information System Faculty Orientation to TaskStream 	Coordinator of Clinical Experiences TaskStream Consultant	Met
S.18-F.18	<ul style="list-style-type: none"> Faculty Orientations to TaskStream Mentor Teacher Database Built SPA Key Assessment DRF Built NH TCAP DRF Import Phase out of Qualtrics Completed Archival of TracDat Completed EDA Disposition DRF Import* 	Coordinator of Clinical Experiences TaskStream Consultant	Met
S19	<ul style="list-style-type: none"> SPA Key Assessment DRF Built-Advanced Programs 		
F19	<ul style="list-style-type: none"> Full On-line Deployment** 	Coordinator of Clinical Experiences TaskStream Consultant	Met
<p>*Approved by the CEP Dispositions Subcommittee</p> <p>** Programs continue to submit key assessment data to the Holmes Center via excel and Qualtrics during the migration period. 2018-2019 Cohort Key Assessment Data will be reviewed at the May Council for Educator Preparation (CEP) annual data retreat and available for reporting in the July 2019 report.</p>			

Our system has 4 components: (1) Dispositions tracking at 4 decision points. (2) Decision Points for GPA, and Praxis Core, (3) Clinical Experiences and (4) SPA Program Reports with Key Assessments, and the NH TCAP. The SPA review process is critical to our progress monitoring and quality assurances as they provide the needed support to **analyze content expectations** across **unique programs** but have CAEP, SPA, InTASC and NH state alignments. The Key Assessments and NH TCAP DRFs have migrated to TaskStream to allow for more granular analysis of individual indicators within standards across programs.

What is a SPA?

A Specialized Professional Association (SPA) is overseen by the Association of Special Professional Associations (ASPA).

“ASPA is the authoritative voice of specialized and professional accreditation. ASPA provides a collaborative forum and a collective voice for organizations that assure the quality of specialized and professional higher education programs and schools.” ([ASPA](#))

Why is National SPA recognition important?

“Unlike institutional accreditation, which applies to a college or university as a whole, programmatic accreditation conducts an **in-depth assessment of specialized or professional programs** that may be available through a college, a university or an independent institution. Specialized and professional accreditation **closely examines and evaluates measures of learning or competence** that are fundamental to the discipline or profession.” (Appendix d). 85% (17) of PSU programs have national recognition, 10% (2) are responding to conditions for national recognition, and 5%

(1) is engaging in a new self-study to address refined assessments and of diversity placements (see section IV-Math 5-8.)

PSU	Program	Next Review Cycle
ITP	Mathematics 5-8	2025
ITP	Social Studies for Grades 5-12.	2025
ITP	Elementary Education	2024
ITP	Early Childhood Education	2025
ITP	Physical Education	2025
ITP	English Language Arts Grades 5-12	2025
ITP	TESOL	2025
ITP	Special Education Programs	2025
ITP	Health Education	2025
ITP	Education Technology Integrator	ISTE Left CAEP
ITP	Mathematics 7-12 (UG)	2021
ITP	Mathematics 7-12 (PB)	2021
ADV	School Psychologist	2025
ADV	School Principal	2021
ADV	Superintendent of Schools	2021
ADV	Library Media	2025
ADV	School Counseling	2025
ADV	Special Ed Administrator	08.2019

Table 12: National SPA Recognition Status

All education programs at PSU conferring NHDOE Certification are required to have a minimum of 5 Key Assessments, which must include tracking of GPA and Teaching Internship

Evaluations. Programs that require Praxis II or national board certifications are required to review that data on an annual basis and report it as part of their SPA annual reports. Programs can add two optional key assessments to Taskstream and to their national SPA reports. These optional assessments are often new assessments programs want feedback on through the SPA evaluation process. This alignment and data collection system was established in 2009 to meet national NCATE accreditation standards for our 2103 NCATE accreditation visit (see table 13 below) and is updated annually during our [May data retreats](#).

III.A.1:6 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

Password: AAQEP2019 – It will prompt you each time you open a doc, just ‘save’ the password and it will begin to auto open.

Reports are divided into 5 sections:

- **Road to Teacher Cert:** 4 reports
- **EDA:** 2 reports; one has individual pilot programs and other has combined data.
- **TCAP:** reports for each program grading with the TCAP. Will update with music and Special Ed program data soon.
- **Internship data for K-12 programs:** Separate reports for each program for Spring 2018, Fall 2018, Spring 2019
- **Internship data for 5-12 programs:** Separate reports for each program for Spring 2018, Fall 2018, Spring 2019
- **Internship data for K-6 and K-3:** Separate reports for each program for Spring 2018, Fall 2018, Spring 2019

Program Key Assessments in Taskstream	#1	#2	#3	#4	#5	#6	#7	Optional	Optional
Art K-12	Spring 2019 Migration	Spring 2019 Migration	Spring 2019 Migration	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects		
Music K-12	Lesson plan - Instrumental Lab	2 L.P.s. Music Methods, elementary / secondary	UbD Unit	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects	Pedagogy Project	Electronic Portfolio
PE K-12	Skill Fitness Competency	Unit plan	Student Learning Project	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects	Digital Video	
HE K-12	Content Exam	Planning Assignment	Student Learning Project	GPA	Teaching Internship Evals	IHE TBA		PSA	
Early Childhood Education	Child Study	Integrated Unit	Reading Lesson Plan	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects	Becoming a Professional Project	
Elementary Education (UG, ADV Equivalent)	4 UbD Units	Student Case Study	Transcript Analysis	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects		
Social Studies - 5-12	Spring 2019 Migration New SPA Standards	Spring 2019 Migration New SPA Standards	Spring 2019 Migration New SPA Standards	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects		
English 5-12 (UG, ADV)	Spring 2019	Spring 2019	Spring 2019	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects		
Math 5-8 / 7-12 (UG, ADV)	3 Lesson Plans for MA 4020	Research Paper	Course Grades for MA 2550, MA 2560, MA 3540, MA 3120	GPA	Teaching Internship Evals	TCAP	Praxis II - subjects		
TESOL (ADV)	Resource portfolio	Ability to plan instruction	Impact on Student Learning Analysis	GPA	Teaching Internship Evals	IHE TBA	Praxis II - subjects	Philosophy of Teaching	
Special Ed	Collaboration Action Team Project	Portfolio	Unit Plan	GPA	Teaching Internship Evals	TCAP		Content Assessment	
Special Ed Admin (ADV)	Collaboration Action Team Project	Portfolio	Unit Plan	GPA	Teaching Internship Evals	TCAP		Content Assessment	
Ed Tech	Long Range Planning	Reflection	Digital Storytelling	GPA	Teaching Internship Evals	IHE TBA		Eportfolio	Internship Portfolio includes Exam, student learning project, eportfolio
Library Media (ADV)	Long Range Plan for Leadership & Mgt	Catalog Lesson	Pathfinder in Resource Selection and Instruction	GPA	Teaching Internship Evals	IHE TBA		Kid Lit Research Paper	Practicum Portfolio includes LMS Test, Eportfolio, Student Learning Project, Practicum Eval
Counseling Education (ADV)	Spring 2019 Migration	Spring 2019 Migration	Spring 2019 Migration	GPA	Teaching Internship Evals	IHE TBA			
School Psychology (ADV)	Spring 2019 Migration	Spring 2019 Migration	Spring 2019 Migration	GPA	Teaching Internship Evals	IHE TBA	National Certification		
Curriculum Administrator (ADV)	Spring 2019 Migration	Spring 2019 Migration	Spring 2019 Migration	GPA	Teaching Internship Evals	IHE TBA	National Certification		

Table 13: Key Assessments System by Program and TaskStream Migration Status

Key assessments are reviewed annually by programs, modified and or replaced based on current SPA standards and feedback. 87% (20) of our education programs with NHDOE certification seek national SPA recognition. 13% (3) of our education programs are in self-studies to seek SPA national recognition noted in table 9 as ‘state’ accredited. *It should be noted that SPA recognition is not required in the state of NH or for national CAEP accreditation and requires annual data collection in addition to annual CAEP data collection reports to maintain national recognition.*

In 2013, all New Hampshire institutions of higher education (IHEs) that prepare educators voted unanimously to adopt, pilot and validate a common assessment of teacher interns. All IHE's were committed to adopting a common assessment tool that would evaluate teacher candidates' preparedness for the classroom, and simultaneously serve as a tool for candidate and programmatic learning. To that end, the IHE Network adopted the California PACT for New Hampshire classrooms. A central goal of the NH TCAP is to act as an assessment of learning as well as an assessment for learning. In 2014 a statewide IHE Network sub-committee was formed as a formal position statement published NH TCAP Position Statement. The NH TCAP is aligned to InTasc and NH standards. The IHE Network provides support in training and calibration.

Table 14: NH TCAP ITP Pilot Plan Migration Goals and Targets Status

Timing	Task	Resource Allocation	Status
SP14	Elementary Education, graduate program	PSU Faculty IHE Network	Met
F15	Elementary Education (EE)	PSU Faculty IHE Network	Met
SP16	Elementary Education, NCTCP	PSU Faculty IHE Network	Merged EE
F16	English Education Mathematics Education	PSU Faculty IHE Network TaskStream Consultant	Met
SP17	Music Education Social Studies Education Health Education and Physical Ed	PSU Faculty IHE Network TaskStream Consultant	Met
2017- 2018	Early Childhood Education Special Education Special Ed Admin Art Education	PSU Faculty IHE Network TaskStream Consultant	Met
2018- 2019	EdTechnology Integrator (IHE-TBA)* Library Media (IHE-TBA)* Health K-12 (IHE-TBA)* TESOL (IHE-TBA)*	PSU Faculty IHE Network TaskStream Consultant	In-progress

*TCAPs are not currently available for these ITP programs. PSU will work with the IHE network to migrate their current portfolios to TCAP once developed

The NH TCAP replaces teacher work samples and student learning projects historically used in our SPA reports. By pooling calibration data across institutions, we will be able to assess reliability and validity with higher confidence intervals.

III.A.6 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

See Internship in Teaching Significance Review (attachment)

III.A.6 TASKSTREAM EXHIBIT ROOM

Here is [the link](#):

Password: AAQEP2019 – It will prompt you each time you open a doc, just ‘save’ the password and it will begin to auto open.

Reports are divided into 5 sections:

- **Road to Teacher Cert:** 4 reports

- **EDA:** 2 reports; one has individual pilot programs and other has combined data.

- **TCAP:** reports for each program grading with the TCAP. Will update with music and Special Ed program data soon.

- **Internship data for K-12 programs:** Separate reports for each program for Spring 2018, Fall 2018, Spring 2019

- **Internship data for 5-12 programs:** Separate reports for each program for Spring 2018, Fall 2018, Spring 2019

- **Internship data for K-6 and K-3:** Separate reports for each program for Spring 2018, Fall 2018, Spring 2019

2. Develop a process to consistently identify, implement and evaluate early, varied and consistent field placement across all programs.

III.A.7 EPP RESPONSE

See Section IIB.2 Response

Section IV: Specific Certification Programs: Full Review

School Counselor

Program Number: Ed 614.03

Progress Report to Address the Following Recommendations

1. *The School Counselor Program collects and analyzes data of current students, employers, site supervisors, recent alumni, internships and course evaluations utilizing paper and electronic spreadsheets. It is recommended that PSU fully implement TaskStream, in a timely manner, to ensure consistent collection and analysis of data to better support this program. Progress on the full implementation of TaskStream will be addressed in Priority Progress Reports*

IV.SC.1 EPP RESPONSE

See Section II A.2 Response

2. *Provide more robust data on the internship experiences to measure efficacy of program.*

IV.SC.2 EPP RESPONSE

After reviewing the current data collection and analysis system, consulting with their national accreditation specialized professional association, where they currently hold ***national accreditation*** from ([Council for the Accreditation of Counseling and Related Educational Programs \(CACREP\)](#)), a request has been made to the NHDOE CTE visiting team to offer additional guidance and concrete examples on how they could improve the current internship data collection system. It was unclear in the report what methods of data collection and analysis were missing. [Link to March Site Visit Counselor Education Self Study and national SPA documents.](#)

Curriculum Administrator (K-12)

Program Number: Ed 614.13

Recommendations that Require Responsive Action

The institution will submit a total of two priority progress reports, due January 31, 2019 and July 31, 2019, with the purpose of addressing specific findings:

1. *A more formalized system of data collection and analysis is needed to track and monitor student progress and to evaluate program efficacy. It is recommended that PSU fully implement TaskStream, in a timely manner, to ensure consistent collection and analysis of data to better support this program. Progress on the full implementation of TaskStream will be addressed in the 2019 NHDOE/CTE Annual Report.*

IV.CA.1 EPP RESPONSE

See Section II A.2 Response

III.CA.1:5 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

All advanced programs have engaged in a self-study in preparation for their 2021 CAEP Review (attached). ***It should be noted that all Advanced Programs are currently accredited through CAEP. ITP and Advanced Programs have two separate review cycles.***

2. *Formalize the K-12 practicum and internship process, to ensure that candidates are getting a comprehensive experience that spans all grade levels. Progress on expanding the field experiences across the K-12 grade range.*

IV.CA.1 EPP RESPONSE

The current practicum placement for the curriculum administrator program is a k-12 placement. Candidates work with the individual in a school district that is responsible for district-wide curriculum. Subsequently, they work at all levels during their 300-hour experience. In order to provide clarity to that, beginning in the spring of 2019 students will be required to provide documentation in their portfolios of work completed at the elementary (k-5), middle (6-8), and high school (9-12) levels. Additionally, students are currently required to spend, as documented in the syllabus for the course, at least 10% of their 300 practicum experience hours outside of their home district. This requirement has been in place in order to ensure that students are exposed to ideas outside of their current reality. Again, in order to add clarity to this student will be required to complete a formal reflection on those 30 hours and to include that documents in their portfolio.

Section IV: Specific Certification Programs: Paper Review

Mathematics, 5-8

Recommendations that Require Responsive Action

The institution will submit a total of two priority progress reports, due January 31, 2019 and July 31, 2019, with the purpose of addressing specific findings:

1. Full implementation of TaskStream in a timely manner to ensure consistent collection and analysis of data across all programs, to monitor and improve the programs of study, the facilitation of learning, the quality of field experiences, the assessment of candidates and the overall performance of programs.

IV.M.1 EPP RESPONSE

See Section II A.6

2. Develop a process to consistently identify, implement and evaluate early, varied and consistent field placement across all programs.

IV.M.2 EPP RESPONSE

See Section II B.2 Response

Music, Art and Mathematics ITP education programs are working with the Holmes Center in collaboration with the CEP to develop a more effective graphic organizers to communicate early, mid and culminating practicum and internship expectations across the EPP. In addition, they are revising syllabi to more explicitly identify the early and mid-level experiences. These modifications will be available for review in our July 31, 2019 Priority Report.

IV.M.2 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

Modifications to programming are highlighted in red.

Table 9: ITP Program Filed Experiences Courses Est. 2013 (Revised 2017) (Next Revision-May 2019) Evaluation*	Early HRS	Mid HRS	Culminating WKS(HRS)
	YR 1-2	YR 2-3	YR 4
ART EDUCATION K-12			
<i>AE 1000 Introduction to Art Education</i>	35		
<i>AE 2000 Foundations of Art Education</i>	35		
AE 3050 Methods and Materials for Art Education		50	
AE 3060 Instructional Planning & Pedagogy for Art Edu		50	
AE 3100 Curriculum and Assessment for Art Education		50	
AE 4970: Art Edu Internship in Teaching: Elementary			8
AE 4960: Art Edu Internship in Teaching: Secondary			8
Program Totals	70	150	16 (640)
		220	Total (860)
Music Education K-12			
<i>ME 1100 Intro to Music Education</i>	40		
<i>ME 3110 Elementary School Music Methods</i>		80	
<i>ME 4200 Secondary School Music Methods</i>		80	
<i>ED 4300 Internship in Student Teaching</i>			8
<i>ED 4400 Internship in Student Teaching</i>			8
Program Totals	40	160	16 (640)
		200	Total (840)
Physical Education Teacher Certification K-12			
<i>PE 3600: Adapted Physical Education</i>	10	10	
<i>PE 3020/PE 3050: Instructional Strategies I: Elementary Physical Education</i>		40/40(80)	
<i>PE 4040/PE 4050: IS II: Teaching Secondary Physical Education</i>		48/48 (96)	
<i>PE 4710: Internship in Teaching</i>			8
<i>PE4720: Internship in Teaching</i>			8
Program Totals	10	186	16 (640)
		196	Total (836)
Physical Education/Health Education Teacher Certification K-12			

<i>PE 2415: Introduction to Physical Education & Health Ed</i>	10		
<i>PE 3600: Adapted Physical Education</i>		10	
<i>HE 3105: Teaching Strategies, Methods & Resources in Health Education</i>		30	
<i>PE 3020/PE 3050: Instructional Strategies I: Elementary Physical Education</i>		40/40(80)	
<i>PE 4040/PE 4050: IS II: Teaching Secondary Physical Education</i>		48/48(96)	
<i>PEHE 4710: Internship in Teaching</i>			8
<i>PEHE 4720: Internship in Teaching</i>			8
Program Totals	10	216	16 (640)
		226	Total (866)
Early Childhood K-3			
ER 2200: The Constructivist Approach to Early Care & Edu	10		
ER 2800: Preschool - K Curriculum Instruction	135		
RL 3500: Reading, Writing, and Language Arts in the Primary Grades		20	
ER 3700 Learning and Teaching in the Primary Grades		15	
ER 4290 Title Primary Grade Practicum			3
ER 4410 Title K-3 Internship in Teaching in an Inclusive Classroom			16
Program Totals	145	35	19 (760)
		180	Total (940)
Elementary Education K-6/K-8			
<i>ED 3055: Foundations of Teaching Practicum</i>	96		
<i>ED 3080: Teaching in the Content Areas Practicum</i>		96	
<i>ED 4300 Internship in Student Teaching</i>			3
<i>ED 4400 Internship in Student Teaching</i>			16
Program Totals	96	96	19 (760)
		192	Total (952)
English Education (UG, ADV)			
<i>EN 2900: Introduction to English Teaching</i>	96		
<i>EN 4555/5870: Teaching Literature to Secondary Students</i>		96	
<i>EN 4310:/5640: Teaching Writing to Secondary Students</i>			8
<i>EN 4320/5900: Internship in Teaching</i>			8
Program Totals	96	96	16 (640)
		192	Total (832)
Mathematics (UG*)			
<i>MA 3050: Introduction to Mathematics Education</i>	35		
<i>MA 4020: The Cultural and Psychological Aspects of Mathematics Learning</i>		40	
<i>MA 4040 Teaching and Learning Mathematics in the Secondary and Middle School</i>		40	
<i>MA 4965 Internship in Teaching</i>			16 (640)
Program Totals* Program being taught out.	35	80	16 (640)
		115	Total (755)
Mathematics (ADV)			
<i>MG5320: Number, Quantity, and Algebra for Middle/Secondary School Teachers</i>	2-3 Lessons in each course were delivered in		
<i>MG5330: Functions and Modeling for Middle/Secondary School Teachers</i>			

<i>MG5340: Geometry for Middle/Secondary School Teachers</i>	the candidate's home School (80)		
<i>MG5350: Stat and Probability for Middle/Secondary School Teachers</i>			
<i>MG5320: Number, Quantity, and Algebra for Middle/Secondary School Teachers</i>		2-3 Lessons in each were delivered in the candidate's home School (80)	
<i>MG5330: Functions and Modeling for Middle/Secondary School Teachers</i>			
<i>MG5340: Geometry for Middle/Secondary School Teachers</i>			
<i>MG5350: Stat and Probability for Middle/Secondary School Teachers</i>			
<i>MG5960 Mathematics Teaching Internship</i>	80	80	16 (640)
Program Totals	80	80	16 (640)
		160	Total (800)
Social Studies (UG)			
<i>SSE 2515 Planning, Management, and Organization of Social Studies Curriculum</i>	15		
<i>SSE 3515 Technology and Assessment in Education</i>		20	
<i>SSE 4515 Advances in Social Studies Pedagogy</i>		30	
<i>SSE 4640 Internship in Social Studies</i>	15	50	17 (680)
Program Totals	30	100	17 (680)
		140	
ITP Totals (Hrs)	612	1199	6680
ITP Averages (Hrs)	61.2	119.9	668
ITP Averages (Hrs)		181.1	

3. The Holmes Center for School Partnerships and Educator Preparation will provide updates on Partnership Agreements for Field Experiences and Placements.

IV.M.3 EPP RESPONSE

See Section II A.2 Response

The Holmes Center Coordinator of Clinical Experiences can provide signed copies of our MOUs upon request, as they contain personal information.

Music Education, K-12

Program Number: Ed 612.20

Recommendations that Require Responsive Action

The institution will submit a total of two priority progress reports, due January 31, 2019 and July 31, 2019, with the purpose of addressing specific findings:

1. Developing and/or presenting a course grid that shows all the required courses for the degree listed in sequence by semester.
2. Developing performance standards and criteria for each level of private instruction.
3. Adding a section on English Language Learners to the accommodations section of the Lesson Plan.
4. Completing the missing section of the accommodation section of the Lesson Plan Rubric.

IV.ME EPP RESPONSE

See Appendix c

Visual Arts Program

Program Number: Ed 612.01

Recommendations that Require Responsive Action

The institution will submit a total of two priority progress reports, due January 31, 2019 and July 31, 2019, with the purpose of addressing specific findings:

1. *Full implementation of TaskStream in a timely manner to ensure consistent collection and analysis of data across all programs, to monitor and improve the programs of study, the facilitation of learning, the quality of field experiences, the assessment of candidates and the overall performance of programs.*

IV.VA.1 EPP RESPONSE

See Section II A.2 Response

2. *Develop a process to consistently identify, implement and evaluate early, varied and consistent field placement across all programs.*

IV.VA.2 EPP RESPONSE

See Section II B.2 Response

Music, Art and Mathematics ITP education programs are working with the Holmes Center in collaboration with the CEP to develop a more effective graphic organizers to communicate early, mid and culminating practicum and internship expectations across the EPP. In addition, they are revising syllabi to more explicitly identify the early and mid-level experiences. These modifications will be available for review in our July 31, 2019 Priority Report.

See IV.M.2 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

Please note: a new professor was hired to direct the art education program and has modified all field experiences as reflected in the IV.M.2 chart.

3. *The Holmes Center for School Partnerships and Educator Preparation will provide updates on Partnership Agreements for Field Experiences and Placements.*

IV.VA.3 EPP RESPONSE

See Section II A.2 Response

The Holmes Center Coordinator of Clinical Experiences can provide signed copies of our MOUs upon request, as they contain personal information.

IV.VA.3 EPP UPDATES TO JANUARY 31, 2019 RESPONSE - JULY 31, 2019

[Link to Holmes Center Professional Development Schools Advisory. schools and school districts.](#)

**Response to July 2019 Plymouth State University Second Priority Progress Report
Submitted by Chris Ward (UVEI) and Laura Thomas (Antioch)
September 5, 2019**

Introduction:

On July 31, 2019, Plymouth State University submitted their second of two priority progress reports as a condition of their 2018 state approval review and decision. The first progress report was submitted in January 2019 and discussed at the March 2019 CTE meeting. Broadly, the intention of the second report was to provide an update on how the institution was continuing to address the recommendations for responsive action related to clinical partnerships and practice and candidate assessment systems for the following programs: School Counselor, Curriculum Administrator, Mathematics 5–8, Music Education, and Visual Art Education. Chris Ward and Laura Thomas met with Mary Earick from Plymouth State University in June 2019 to discuss what specific updates to the first priority progress report would be useful in the second report. Following the submission of the report, the two reviewers met in August of 2019 to craft a unified response, which is found below.

Summary Response:

We found the second priority progress report to sufficiently address both the recommendations for responsive action raised in the 2018 full review and the suggestions by the review team in response to the first priority progress report. The second report clearly documents progress made on collecting candidate performance, candidate disposition, and graduate satisfaction data and its management, analysis, and use; migration of key assessment data into Taskstream; and clinical partnerships and field experiences. Specifically, significant progress was made on migrating assessment data into Taskstream, which facilitated the monitoring of candidate progress through program checkpoints, and the aggregation and disaggregation of data by program and demographics. We were keenly interested and satisfied with the inclusion of assessment data from the advanced programs (Curriculum Administrator and School Counselor) into Taskstream at this time.

Recommendation to the Council:

Our recommendation, in accordance with NH Ed 602.13(g)(2), is that the CTE accept the report and recommend full approval for the following five programs: School Counselor, Curriculum Administrator, Mathematics 5–8, Music Education, and Visual Art Education.

(provided by Chris Ward 11/15/2019)



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
Division of Education Analytics and Resources
Office of Nonpublic Schools
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-2831

June 2020

State Board of Education Meeting
Commissioner's Nonpublic School Approval Designation Report
Executive Summary

A. Action Needed

A vote is needed to accept and approve the recommended designations for a NH non-public school(s). **Four schools seek to renew their attendance approval status (AA Status). Six schools seek to renew their program approval status (AP Status).**

B. Rationale for Action

The Code of Administrative Rules Ed 401.02 provide for the following school approval categories, one of which shall be recommended for each school in the Designation Report to the State Board:

Approved (3 years or 5 years) – a school seeking continued approval meets all of the applicable requirements of Ed 403 or 404.

Preliminary Approved (1 year) – a school does not meet some of the standards of Ed 403 or 404 prior to opening but can adequately meet the needs of its students.

Conditionally Approved (1 year) – a school seeking continued approval does not meet some of the standards of Ed 403 or 404 and has identified deficiencies and a timetable for corrections.

Delay in Full Compliance – a school recommended for denied approval shall have 10 days to make a request for a grievance hearing before the Nonpublic School Advisory Council Committee in accordance with Ed 406.

Denied Approval – a school has failed to meet the requirements of Ed 403 or Ed 404 and has failed to be approved after 3 years of being conditionally approved.

C. Effects of this Action

Approval of this Report allows existing schools approved for attendance only purposes or attendance and program purposes to operate for a period of 3 years or 5 years respectively, **or for a shorter period of time, as recommended by the Office of Nonpublic Schools, if a school is approved on a conditional basis.**

D. Possible Motion

I move that the State Board accept and approve the following school(s) for Conditional Approval Status for the period of **July 1, 2020 through August 31, 2020:**

Cardinal Lacroix Academy

I move that the State Board accept and approve the following school(s) for continued Attendance Approval Status for the period of July 1, 2020 through June 30, 2023:

Kid's Connections

Lupine Montessori

Victory Baptist School

I move that the State Board accept and approve the following school(s) for continued Attendance and Program Approval Status for the period of July 1, 2020 through June 30, 2025:

Estabrook School

New Hampton School

St. Thomas Aquinas High School

Tri-City Christian Academy

Trinity Christian School (Concord)

White Mountain School

NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: Estabrook Christian School	Phone Number: 603-675-2455	Application Type: AP
About the School: Estabrook Christian School was originally built by members of the West Lebanon New Hampshire Seventh-day Adventist Church in 1934 to provide Christian education for children of that congregation and to offer faith-based education to families of the local community. The school, now in its 82nd year of operation, is supervised by the Northern New England Conference of Seventh-day Adventists, located in Westbrook, Maine. Situated on 74 acres in a rural setting, the school continues to offer distinctive, faith-based education. Its mission is "for every learner to excel in faith, learning, and service, blending biblical truth and academic achievement to honor God and bless others."		
Principal Address: 1050 Route 12A, Plainfield, NH 03781		
Mailing Address: PO Box 249, Plainfield, NH 03781		
Head of School: Alissa Wright, Principal	Email: estabrookschool@gmail.com	
Date Application Received: 4/24/2020	Expiration Date: 6/30/2020	
Grade Levels: 1-12	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 10 for Academic Year 2019-2020	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Approved	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	4/24/2020	School is accredited by the Association of Seventh-day Adventist Schools, Colleges, and Universities, which expires in June 30, 2025.
<input checked="" type="checkbox"/>	Other Memberships	4/24/2020	North American Division Commission on Accreditation, National Council for Private School Accreditation, The Commission on International and Trans-Regional Accreditation
<input checked="" type="checkbox"/>	School Calendar	4/24/2020	Submitted and includes first and last day of school, end of quarters, holidays and vacations, parent teacher conferences.
<input checked="" type="checkbox"/>	School Hours Survey	4/24/2020	First day of scheduled classes is August 26, last day is June 11. School provides a total of 1043 instructional hours to all grades. Figure complies with Ed 401.03. Overage for snow days/unforeseen circumstances is built into schedule.
<input checked="" type="checkbox"/>	Grade Level	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Program of Studies	4/24/2020	Teachers offer a cohesive curriculum enabling students to see connections seen in the many fields of learning by integrating faith in learning, in building connections within a subject and to other areas. A typical course of study includes Bible, Integrated Language Arts, Mathematics, Science and

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			Health, Social Studies, Fine and Practical Arts, Physical Education, Second Language, and Integrated Technology.
<input checked="" type="checkbox"/>	Program Opportunities	4/24/2020	Music is an integral part of the program. Music studies provide a significant base to learning and academic success.
<input checked="" type="checkbox"/>	Supporting Services	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Student Handbook	4/24/2020	Submitted and includes mission, entrance policy, transfers, medical, immunizations, emergencies, school hours, attendance, closings, finances, tuition, withdrawal, curriculum, technology, visitors, code of behavior, disciplinary problems, harassment and bullying (definitions and examples).
<input checked="" type="checkbox"/>	Grievance Policy	5/19/2020	<p>Acts of sexual, racial, religious harassment, or <i>bullying</i> by a student or an employee are required to be reported. An investigation and a representative of the Education Board of the accrediting agency will discuss the problem and outcome include disciplinary actions. Definitions and examples of bullying are further outlined.</p> <p><i>Faculty</i> and staff are held under the same code of behavior as the students.</p> <p>Students are considered enrolled in school and will continue to be responsible for all <i>tuition</i> payments until official withdrawal at the school office. Any refund of tuition payments will be pro-rated. Registration fees are not refundable.</p> <p>If there were an incidence that a student became violent, the school will not use <i>physical restraints</i> in any way to restrain the child. Instead it will use behavior methods that have been put in place to help the student. If all measures have been taken, and the child is still unable to gain control of himself, then police and parents/guardians will be notified.</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Criminal Records Check	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Governing Board	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Staff List	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Budget & Operating Statement	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	4/24/2020	No changes since last filing.

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<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	4/24/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	5/20/2020	Bill Taylor of the Plainfield Fire Chief conducted an inspection of the school on 5/19/2020. The school failed in submitting building inspection documentation with respect to annual fire alarm and sprinkler reports. The corrective action is for the school to submit proof of testing to the Fire Department moving forward. A re-inspection of the facility is not required.
<input checked="" type="checkbox"/>	Health Inspection Report	5/22/2020	Stephanie M. Schell, Director of Community Resources for the Town of Plainfield, NH, completed a health inspection for Estabrook Christian School on 5/19/2020. Schell remarked that there were no corrective actions required. The school received a passing grade in all applicable categories.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	4/24/2020	Submitted, active as a tradename under <i>Northern New England Conference Association of Seventh-Day Adventists</i> which is in good standing.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	12/19/2020	Submitted late.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	6/19/2020	Submitted on time.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	12/20/2020	Submitted late.
<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	6/19/2020	Submitted on time.
<input checked="" type="checkbox"/>	Facilities	4/24/2020	No changes since last filing.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/28/2020	The Office of Nonpublic Schools determines that <i>Estabrook Christian School</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance and program purposes. With the approval of the State Board of Education, a letter will be provided to the school indicating the approval good through June 30, 2025.

*Clarification: There are two types of approvals that are granted by the Bureau of Education Analytics and Resources, Office of Nonpublic Schools (ONPS). And there is one type of approval granted by the Bureau of Student Support (BSS). Specifically they are:

1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: Kid's Connection	Phone Number: 603-586-4324	Application Type: AA
About the School: Kid's Connections is a multi-age (K-6) environment that incorporates a kinesthetic, multi-sensory approach. Its owner/director, Bonnie Hicks, is a 36-year NH-licensed teacher, who taught in the NH public school system for 20 years. Ms. Hicks states: "We believe that families are the learning center and are committed to the individual development of each student."		
Principal Address: 18 Meadows Road, Jefferson, NH 03583		
Head of School: Bonnita F. Hicks, Director/Teacher	Email: bonniehicks4324@gmail.com	
Date Application Received: 3/17/2020	Expiration Date: 6/30/2020	
Grade Levels: K-6	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 12 for Academic Year 2019-2020	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Received	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	School Calendar	3/17/2020	Submitted, includes number of hours of school per month, first and last day of school, holidays and vacations. The school meets four days a week, Mon-Thu. Every Friday is blocked off as a makeup day in the event of weather or unforeseen events.
<input checked="" type="checkbox"/>	School Hours Survey	3/17/2020	Submitted and includes first and last day of school, 582.5 hours of instruction provided to GrK, 945 hours of instruction provided to Gr1-6. Figures comply with Ed 401.03.
<input checked="" type="checkbox"/>	Grade Level	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Program of Studies	3/17/2020	<i>Methods of Evaluating Student Achievement</i> was submitted. It outlines the issuance of report cards, the grading scale, and method for evaluating student work, including portfolios, standardized tests, essays, reports (written and oral), open responses, projects, and student creations.
<input checked="" type="checkbox"/>	Program Opportunities	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Supporting Services	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Student Handbook	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Grievance Policy	5/5/2020	The Grievance Procedures were submitted. Parents can report concerns to the director. A framework for the <i>Code of</i>

TO BE COMPLETED BY DOE UPON RECEIPT OF APPLICATION

			<p><i>Conduct</i>, explanations, and discipline are outlined for <i>students, teachers</i>, and parents.</p> <p>The <i>bullying</i> policy was added to the school's <i>Conduct Expectations</i>. The term was defined, prevention methods outlined, examples included, and disciplinary outcomes.</p> <p><i>Tuition repayment</i> falls in the Grievance Procedure; parents can report a concern relative to tuition, an appointment is made, a written solution is crafted, and follow up meeting is scheduled if required. In the event that irreconcilable differences occur, services will be discontinued and a <i>refund</i> will be made if applicable. Refunds will be made within 30 days and shall be prorated upon the number of days in the applicable calendar month.</p> <p>School has added the policy on <i>child restraint</i> in accordance with 126-U including what does and does not constitute restraint, the circumstances in which restraint is allowable, how it keeps other students safe, the protocol including movement of students to a safe location.</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	3/17/2020	Will be stored with the NH DOE.
<input checked="" type="checkbox"/>	Graduation Requirements	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Criminal Records Check	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Governing Board	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Budget & Operating Statement	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	3/17/2020	No change since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	3/17/2020	Christopher Milligan of the Jefferson Fire Department conducted a fire safety report of the school on 9/5/2019. The school received a passing grade in all applicable categories. Corrective actions/re-inspection is not required.
<input checked="" type="checkbox"/>	Health Inspection Report	3/17/2020	Paul Ingersoll of the Town of Jefferson conducted an inspection on 3/13/2020. The school received a passing grade in all applicable categories. Corrective actions/re-inspection is not required.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	5/4/2020	Submitted application for tradename. Status is active.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	9/5/2019	Submitted 4 days late.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	6/28/2019	Submitted on time.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	9/21/2019	Submitted on time.

TO BE COMPLETED BY DOE UPON RECEIPT OF APPLICATION

<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	6/28/2019	Submitted on time.
<input checked="" type="checkbox"/>	Facilities	3/17/2020	No change since last filing.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/5/2020	<p>The Office of Nonpublic Schools determines that <i>Kid's Connections</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance purposes only. With the approval of the State Board of Education, our office will provide a letter to the school indicating approval good through June 30, 2023.</p> <p>The school understands that it will receive approval for the purpose of satisfying New Hampshire's compulsory attendance law only and not the school's educational program. The school understands that it may neither claim or imply that their educational program has received the approval of the State Board of Education.</p>

*Clarification: There are two types of approvals that are granted by the Bureau of Education Analytics and Resources, Office of Nonpublic Schools (ONPS). And there is one type of approval granted by the Bureau of Student Support (BSS). Specifically they are:

1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: Lupine Montessori School, LLC	Phone Number: 603-575-5316	Application Type: AA
About the School: Lupine Montessori School serves children 2 years-6 years in a multi-age Montessori environment. Preschool and Kindergarten is a mixed classroom with one head teacher and an assistant. The school has a Toddler Program, Primary Program, and they are developing a Lower Elementary Program. The curriculum and philosophy of Lupine Montessori are based on the work of Maria Montessori. They believe in hands-on, child-led learning and in educating the whole child. They believe in providing a safe healthy environment where the youngest members of the community can learn and grow.		
Principal Address: 75 Bronson St. Littleton NH 03561		
Head of School: Emily Robarts, Director	Email: lupinemontessorischool@gmail.com Phone: 603-728-5658	
Authorized to Represent School: Sabrina Rines, Co-Owner		
Date Application Received: 5/1/2020	Expiration Date: 6/30/2020	
Grade Levels: PreK-3	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> For Profit <input type="checkbox"/> Nonprofit	
Enrollment Total: 26 for Academic Year 2020 - 2021	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Approved	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	School Calendar	5/1/2020	Submitted and includes first and last day of school, holidays and closings, vacations, professional development, parent teacher conferences, open house. A built-in overage of hours ensures compliance with Ed 401.03 relative to inclement weather/unforeseen circumstances.
<input checked="" type="checkbox"/>	School Hours Survey	5/1/2020	<p>1105 instructional hours are provided to Grade K-3. GrK requires 450 hours and Gr1-3 requires 945 hours. At least 160 hours provides overage for days the school is closed due to weather or unforeseen circumstances. Figures comply with Ed 401.03.</p> <p>Notably, the school has incorporated the implications of Remote Learning into their handbook. It is stated that “due to the possibility of a COVID-19 related closing during the school year we would switch to remote learning for all children aged 3 years and up. The NH Dept. of Education would determine school closing and we would follow their guidance. Teachers will provide group Zoom lessons, one-on-one Zoom language and math lessons and age-appropriate work that can be completed at home.”</p>
<input checked="" type="checkbox"/>	Grade Level	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	5/1/2020	No changes since last filing.



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<input checked="" type="checkbox"/>	Program of Studies	5/1/2020	Submitted and includes the categories: practical life, sensorial (GrK) language, math, and cultural studies.
<input checked="" type="checkbox"/>	Program Opportunities	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Supporting Services	5/1/2020	Food is provided by families. Teachers are trained in First Aid and CPR. Local school district assists in referral for Speech, OT, etc. School does not provide transportation. They utilize community resources for library services.
<input checked="" type="checkbox"/>	Student Handbook	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Grievance Policy	5/12/2020	<p>The definition, goal, guidelines and resolution of a grievance policy is outlined in the handbook, including actions to take if a <i>staff</i> member is involved.</p> <p>A <i>bullying</i> policy follows; the school indicates the right of all students to a safe and healthy environment, and that the community has an obligation to promote mutual respect, tolerance, and acceptance. A list of intolerable behaviors is provided, in addition to reporting incidents, investigations, prevention, and staff development training. A <i>Student Code of Conduct</i> dives into the matter.</p> <p>The school utilizes RSA 126-U in formulating their <i>restraint and seclusion</i> policy, wherein only trained personnel are allowed to use techniques in the event of immediate bodily harm to the child or others.</p> <p><i>Tuition repayment</i> is calculated based on the last day a student is enrolled at the school (pro-rated).</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Criminal Records Check	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Governing Board	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Budget & Operating Statement	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	5/1/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	5/1/2020	Sabrina Rines and Emily Robarts.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	5/1/2020	On 1/24/2020, Captain Chad Miller of the Littleton Fire Rescue conducted an inspection of the school. The school received a passing grade.
<input checked="" type="checkbox"/>	Health Inspection Report	5/22/2020	Milton Bratz of the Town of Littleton inspected all buildings used by students. In one location, the school is required to take corrective action in addressing presence of garbage beneath a sink by 8/15/2020. The school is also required to

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			post signs noting the prohibition of smoking on school grounds, to be completed by 8/15/2020. No other remarks were noted.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	5/1/2020	Submitted and in good standing.
N/A	Emergency Operations Plans Uploaded – due Sept 1 each year	N/A	New school – Has not yet completed a full year to warrant the submission of a plan.
N/A	A3N General Statistics for Nonpublic Schools – due June 29 each year	N/A	New school – Has not yet completed a full year to warrant the completion of the survey.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	12/31/2020	Submitted late.
N/A	Restraint/Seclusion Report – due June 30 each year	N/A	New school – Has not yet completed a full year to warrant the completion of the survey.
<input checked="" type="checkbox"/>	Facilities	5/1/2020	No changes since last filing.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/27/2020	<p>The Office of Nonpublic Schools determines that <i>Lupine Montessori School</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance purposes only. With the approval of the State Board of Education, our office will provide a letter to the school indicating approval good through June 30, 2023.</p> <p>The school understands that it will receive approval for the purpose of satisfying New Hampshire’s compulsory attendance law only and not the school’s educational program. The school understands that it may neither claim or imply that their educational program has received the approval of the State Board of Education.</p>

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NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: New Hampton School	Phone Number: 603-677-3400	Application Type: AP
About the School: Nearly 200 years old, New Hampton School is “a close-knit and supportive learning community of boarding and day students, faculty, families, and staff.” The school’s curriculum is centered around “the complexity of a world made up of interconnected economics, ecosystems, and cultures”. Students are trained to be life-long learners who will serve as active global citizens. The mission guides both the academic and student life on and off campus. The academic program is individualized and allows students to balance challenging courses and project-based experiences, and it is geared toward “helping students develop informed perspectives on today’s global world, along with the critical thinking, technological, communication, and social skills to solve problems and promote innovation wherever they go.”		
Principal Address: 70 Main Street, New Hampton, NH 03256		
Head of School: Joseph P. Williams	Email: jwilliams@newhampton.org Phone Number: 603-677-3426	
Date Application Received: 2/19/2020	Expiration Date: 6/30/2020	
Grade Levels: 9-12	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 336 for Academic Year 2019-2020	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Received	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	2/19/2020	<i>New England Association of Schools and Colleges (NEASC). A letter director to Joseph Williams, Head of School, by Jay S. Stroud, Director of the Commission, indicated that the association reviewed the Five-Year Interim Evaluation Report in November of 2018, which was accepted without reservation. Mr. Stroud indicated that the school’s enrollment is particularly noteworthy given that the school has seen a distinct increase in both American day and boarding students while continuing to strengthen its focus on the integration of international students into the student body and improve international programming, committed to the idea of “one world” and living in a global society. The next responsibility regarding accreditation is the visit scheduled for 2023.</i>
<input checked="" type="checkbox"/>	Additional – Member of Associations	2/19/2020	<i>Independent Schools Association of Northern New England (ISANNE), Association of Boarding Schools (TABS), National Association of Independent Schools (NAIS), National Business Officers Association (NBOA).</i>
<input checked="" type="checkbox"/>	School Calendar	2/19/2020	A calendar for 2020-2021 was submitted, and includes registration, orientation, the beginning of the first semester, holidays and vacations, exam periods, and the last day of school. Inclement weather policy is outlined on page 36 of the Student Handbook.
<input checked="" type="checkbox"/>	School Hours Survey	2/19/2020	The total number of instructional hours in a calendar year for the school is 1344. This exceeds the minimum requirements set forth in Ed 401.03 and accounts for the additional 30 hours required due to potential inclement weather/unexpected circumstances.
<input checked="" type="checkbox"/>	Grade Level	2/19/2020	No change since last filing.

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<input checked="" type="checkbox"/>	Enrollment Cap	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	2/19/2020	The <i>2019-2020 Curriculum Guide</i> was provided and includes the school's mission and core values, academic departments and programs, attendance, requirements for graduations, grade promotions, academic policies, and academic assessment. The academic program incorporates teaching <i>Habits of Mind</i> into each classroom, highlighting essential skills such as preparation and self-management, collaboration, striving for clarity and precision, perseverance, creating, imagining, and innovating. The <i>Academic Support Program</i> oversees the provision of classroom accommodations for students with documented learning differences.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Program of Studies	2/19/2020	Also found in the <i>2019-2020 Curriculum Guide</i> , the school lists the academic departments, course list and description. These include Visual Arts, Performing Arts, English, History and Social Sciences, Mathematics, Science, and World Languages, in addition to the existence of an Academic Support Program and an international baccalaureate Diploma Program.
<input checked="" type="checkbox"/>	Program Opportunities	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Supporting Services	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Student Handbook	2/19/2020	The <i>Student Handbook of 2019-2020</i> includes community expectations, student life curriculum, advisor program, attendance and participation expectations, student activities, health services, athletic training services, counseling services, substance use prevention, safety, child abuse, parent involvement, boarding student life, fire safety and inspections, day student life, inclement weather policy, major school expectations and standards of conduct, bullying and harassment, discipline process, withdrawal, and technology use policy and resources.
<input checked="" type="checkbox"/>	Additional – <i>Employee Handbook</i>	2/19/2020	The 2019-2020 edition includes the school's organizational chart, accommodations for individuals with disabilities, hiring and categories of employment, background checks, authorization to work, licenses and certification, compensation policies, leave policies, tuition remission, tuition reimbursement, professional development, inclement weather and emergency closings, use of school and personal property, safety standards, bullying, harassment, emergency situations, use of physical restraint, corrective action, faculty evaluation, academic roles and responsibilities, advisor program, and residential programs.
<input checked="" type="checkbox"/>	Grievance Policy	2/19/2020	The policy on <i>bullying</i> is identified in multiple sections of the <i>Student Handbook</i> . It is described within the contexts harassment, use of technology, retaliation, inclusivity and gender identity, student life curriculum, and standards of conduct. The term is defined as stated in RSA 196-F:3. Page 51 of the <i>Employee Manual</i> also identifies the term, lists

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			<p>examples, how to recognize the action, and to whom to report.</p> <p><i>Teacher misconduct</i> is outlined in the <i>Manual's</i> safe school zone law, policy against harassment and discrimination (race, color, national origin, religious, sexual orientation, disability, sexual), reporting procedures, retaliation, and investigation.</p> <p>Page 15 of the <i>Handbook</i> indicates that students are encourage to purchase <i>tuition refund</i> insurance.</p> <p>Lastly, <i>child restraint</i> is addressed on page 61 of the <i>Manual</i> and indicates that employees should use physical restraint only in very limited situations, and be used only by trained personnel if physical action of a student creates a substantial risk of bodily harm to self or others and all other interventions have failed or deemed inappropriate. Dangerous restraints techniques are identified and not to be used (e.g. restraint that obstructs breathing and circulation).</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	2/19/2020	Summer programs offered in 2020 include Synergy Dance School Recital, Sua Sponte Girls and Boys Lacrosse Camps, Next Level Girls Basketball Camp, Elite Hockey Camp, SkillzCheck Soccer Camp, Co-Ed, Okaroh's USA Soccer Camp, Co-ed, Winnipiesaukee Playhouse Camp, Winnipiesaukee Playhouse High School, and IB Summer Experience.
<input checked="" type="checkbox"/>	Criminal Records Check	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	2/19/2020	Page 10 of the <i>Employee Handbook</i> indicates the Board of Trustees at the center, followed by the Head of the School, and all of the deans/directors circling those two entities, including the Director of Students, Studies, Enrollment Management, Athletics and Co-Curriculars, Finance, College Counseling, Advancement, Communications, Technology, Dean of Faculty, and Dean of Students.
<input checked="" type="checkbox"/>	Governing Board	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Additional – Professional Growth Process	2/19/2020	Objectives of the school's professional growth process include to create a shared vision among its members, to develop a transparent system to assess the work, to support the full range of each person's work, to develop resources that provide members with feedback and encouragement, and to illustrate evidence of growth. Participation is had by all members of the community, including teachers, coaches, advisors, house parents, etc.
<input checked="" type="checkbox"/>	Additional – Staff Selection	2/19/2020	The school lists the characteristic of a New Hampton School Faculty Member, which include modeling lifelong learning, empathy for adolescence, community participation, consistency of explanation, adaptability, accessibility, and engagement in school initiatives. Processes were included, including vetting candidates, day before, of, and after the

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			campus visit by the candidate, and a detailed schedule of the day of.
<input checked="" type="checkbox"/>	Budget & Operating Statement	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	2/19/2020	No change since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	2/19/2020	Jill Duncan, CFO, jduncan@newhampton.org Joe William, Head of School, jwilliams@newhampton.org
<input checked="" type="checkbox"/>	Fire and Life Safety Report	3/11/2020	An Inspection Report by the New Hampton Fire Department (represented by Fire Fighter and Paramedic Matthew O'Neill and Fire Chief Michael Drake) was completed over the course of two months (October-November). Each facility on campus, including residential halls, was inspected. Various delinquent items required action or a plan of action within 30 days of the inspection of the following streets: Caswell Lane, Main Street, Shingle Camp Hill Road, Dr. Child Road, and Academy Drive. In a conversation with Chief Drake on 3/11/2020, it was indicated to our office that the items were of minor concern and that the school took immediate action or created a plan of action for each one.
<input checked="" type="checkbox"/>	Health Inspection Report	5/13/2020	Thomas O'Shea of the New Hampton Health Office conducted an inspection on 5/13/2020 of all facilities used on the campus by students. It was noted that water fountains and hot water were shut off due to the pandemic virus and absence of students. The New Hampton Village Precinct conducts ongoing lead water testing under the supervision of DES. The Officer concluded his report indicating that the school is an impeccably clean, orderly and safe health facility with ongoing maintenance. The dining hall meets all food safety and sanitation requirements. All health safety measures are in effect even without student presence. O'Shea lastly noted that the school takes a lead in energy efficiencies and resource conservation.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	3/10/2020	In good standing.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	8/30/2019	Submitted on time.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	7/26/2019	Submitted late.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	9/12/2019	Submitted on time.
<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	7/26/2019	Submitted late.
<input checked="" type="checkbox"/>	Facilities	5/7/2020	Acquisition of Gordon-Nash Library and all of the following private residences in New Hampton: 55 Main Street, 52 Main Street, 46 Main Street, 20 Shingle Camp Hill Road, 23 Shingle Camp Hill Road, 23 Dr. Childs Road. The school understands that a fire and life safety report, health inspection report, occupancy permit, zoning verification, emergency response plan, and DOE walk through is required prior to students occupying any new facility. The school also provided me with the following update on these facilities: <ul style="list-style-type: none"> Gordon-Nash Library: January 1, 2020 – Closed for Renovation; School will obtain Certificate of

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			<p>Occupancy from Town upon completion and submit all relevant materials to the DOE.</p> <ul style="list-style-type: none"> • 55 Main Street: Nov 27, 2018 Faculty Residence. • 52 Main Street: July 1, 2019 Faculty Residence. • 46 Main Street: August 8, 2019 Residential property torn down, land only. • 20 Shingle Camp Hill: March 1, 2019 Residential property scheduled to be torn down, currently vacant. • 23 Shingle Camp Hill: August 18, 2019 Residential property torn down, land only. • 23 Dr. Child's Road: June 14, 2017 Residential property with life tenancy of prior owner.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/19/2020	<p>The Office of Nonpublic Schools determines that <i>New Hampton School</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance and program purposes (AP Status). With the approval of the State Board of Education, our office will provide a letter to the school indicating the explicit approval for an AP Status, good through June 30, 2025.</p>

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2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
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NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: St. Thomas Aquinas High School	Phone Number: 603-742-3206	Application Type: AP
About the School: In September 1960, St. Thomas Aquinas High School opened its doors to 295 freshmen. Seven School Sisters of Notre Dame, two Diocesan Priests and one coach made up the first faculty to carry out the mission: “[To transform] the lives of students through a rigorous Catholic education, guided by the light of the Gospel – developing their unique gifts, strengthening their personal faith and integrity, and fostering within them a commitment to justice, service, and moral leadership.” During the early years, activities and clubs included Student Council, National Honor Society, Drama, Chorus, A Capella Choir, Aquinews, Glee Club and Debate Team. “Penny sales, operettas and bike-a-thons not only benefited the school financially, but promoted class unity and school spirit as well.”		
Principal Address: 197 Dover Point Rd, Dover, NH 03820		
Head of School: Daniel S. Soller, President	Email: dsoller@stalux.org	Phone Number: 603-609-1455
Authorized to Represent School: Kevin J. Collins, Principal	Email: kcollins@stalux.org	Phone Number: 603-742-3206
Date Application Received: 3/10/2020	Expiration Date: 6/30/2020	
Grade Levels: Gr9-12	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 393 for Academic Year 2019-2020	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Approved	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	3/10/2020	In 1988, St. Thomas Aquinas High School was accredited by the <i>New England Association for Schools and Colleges</i> . The school submitted a Certificate of Accreditation dated 2/4/2019 indicating continued membership.
<input checked="" type="checkbox"/>	School Calendar	3/10/2020	Submitted and includes first and last day of class, holidays and vacations, early release days, final exams. The last day is June 16 pending snow days.
<input checked="" type="checkbox"/>	School Hours Survey	3/10/2020	Total number of instructional hours include 77.6 for partial days and 925.75 for full days. Aggregate is 1003.35 hours. Figure complies with Ed 401.03.
<input checked="" type="checkbox"/>	Grade Level	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Program of Studies	3/10/2020	Submitted for academic year 2020-2021 and includes detailed list of department, courses, and descriptions. Minor changes were indicated by Kevin Collins.
<input checked="" type="checkbox"/>	Program Opportunities	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Supporting Services	3/10/2020	No changes since last filing.

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<input checked="" type="checkbox"/>	Student Handbook	3/10/2020	Parent-Student Handbook was submitted. It includes mission, core expectations, organization and communication, academics, student life, attendance procedures, grading system, school security, conduct and discipline, technology, health, athletics, financial policies, and emergency plan.
<input checked="" type="checkbox"/>	Grievance Policy		<p>A disciplinary code outlines rules of conduct that are based on every student having the right to a protected environment and personal safety, a properly maintained facility, and an atmosphere conducive to person growth. Disciplinary actions include a warning, detention, suspension, expulsion. P.23 of the handbook defines and outlines <i>bullying/hazing/harassment</i> policy, false reporting and retaliation, reporting incidents, and response to reports.</p> <p>The <i>Code of Ministerial Conduct</i>, which includes <i>Promise to Protect, Pledge to Heal Policy for the Protection of Children and Young People</i>, a publication updated in November 2019, applies to all Church personnel employed or engaged in ministry for the Diocese of Manchester, its parishes, schools, institutions, and agencies. It identifies teacher misconduct such as sexual harassment, sexual exploitation, conflict of interest, reporting incidents, investigations, administrative leave, and disciplinary actions.</p> <p><i>Tuition repayment</i> is outlined on p.41 in that families who withdraw from STA may be eligible for tuition reimbursement based on a prorated schedule.</p> <p>Relative to a <i>child restraint policy</i>, it is indicated that the school does not employ behavioral interventions such as physical restraint, placement of child in an unsupervised room from which the child cannot exit without assistance, and physical restraint, unless in response to a threat of imminent, serious, or physical harm.</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	3/10/2020	Mainstay Technologies
<input checked="" type="checkbox"/>	Graduation Requirements	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Criminal Records Check	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Governing Board	3/10/2020	Selection of advisory council members is in process.
<input checked="" type="checkbox"/>	Budget & Operating Statement	3/10/2020	Submitted a Statement of Financial Position for 2018 and 2019. The aggregate of current, fixed and other assets was \$6,512,516 for 2019. Liabilities totaled to \$2,930,445. Total net assets was \$3,582,071.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	3/10/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	3/10/2020	An inspection certificate was granted to the school on 2/27/2020 by Steve Zimmerman of the R.B. Allen Company,

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			Inc. indicating that a fire and life safety system inspection was performed in accordance with applicable NFPA Standards.
<input checked="" type="checkbox"/>	Health Inspection Report	5/21/2020	Health Officer Jaimie Donovan of the City of Dover conducted an inspection on 5/21/2020. A vending machine license renewal is due in July 2020. Donovan noted that "Any products in the vending machines that are outdated need to be removed for credit or disposed of. They are currently present due to the COVID-19 pandemic during the school year that forced closure." Additional remarks included that hand sanitizing machines were present throughout the building.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	5/20/2020	School operates under the purview of Roman Catholic Bishop of Manchester, which is in good standing. The school's name was officially filed with the Secretary of State as a tradename on 5/20/2020.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	8/26/2019	Submitted on time.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	5/15/2019	Submitted on time.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	10/11/2019	Submitted on time.
<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	5/15/2019	Submitted on time.
<input checked="" type="checkbox"/>	Facilities	3/10/2020	New turf field is under construction for field sports. Details were provided with respect to contract and specs.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/27/2020	The Office of Nonpublic Schools determines that <i>St. Thomas Aquinas High School</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance and program purposes. With the approval of the State Board of Education, our office will provide a letter to the school indicating the approval good through June 30, 2025.

*Clarification: There are two types of approvals that are granted by the Bureau of Education Analytics and Resources, Office of Nonpublic Schools (ONPS). And there is one type of approval granted by the Bureau of Student Support (BSS). Specifically they are:

1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: Tri-City Christian Academy	Phone Number: 603-692-2093	Application Type: AP
About the School: Tri-City Christian Academy (TCCA) serves children from pre-kindergarten through high school. The school's mission is to "guide students in academic achievement and in Christian character maturation, as these aspirations are derived and articulated from the Word and Sacrament ministries of the Church Universal." From its beginning in 1985, the school has been an integral ministry of Tri-City Covenant Church. Its dual goals are academic excellence and Christian character training. They indicate that instruction in each subject area is "based upon the Holy Scriptures as the absolute standard of revealed truth and consequently [the school] is wholly dedicated to the proposition that Jesus Christ is Lord over every area of life."		
Principal Address: 150 West High Street, Somersworth, NH 03878		
Head of School: Rev. Paul T. Edgar	Email: pedgar@tcca-nh.com	
Authorized to Represent School: Claudette Lewis	Email: clewis@tcca-nh.com	
Date Application Received: 3/26/2020	Expiration Date: 6/30/2020	
Grade Levels: PreK-12	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 128 for Academic Year 2019-2020	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Approved	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	3/26/2020	Accredited by the <i>New England Association of Schools and Colleges</i> (NEASC). Member Since: 2014. Confirmed via Directory of Accredited Independent Schools.
<input checked="" type="checkbox"/>	Additional Associations	3/26/2020	<i>Granite State Christian Schools Association</i>
<input checked="" type="checkbox"/>	School Calendar	4/28/2020	Submitted and includes holidays, vacations, first and last day of school, and a minimum of 30 hrs. added to the end of the school year in the event of an unforeseen circumstance. Complies with Ed 401.03.
<input checked="" type="checkbox"/>	School Hours Survey	3/26/2020	Total number of instructional hours for GrK is 860, for Gr1-6 is 957, for Gr 7-12 is 1044. Figures comply with Ed 401.03 minimum standards.
<input checked="" type="checkbox"/>	Grade Level	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Program of Studies	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Program Opportunities	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Supporting Services	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Student Handbook	4/13/2020	Submitted and includes attendance, absenteeism, accommodations, testing, admissions, athletics, community

TO BE COMPLETED BY DOE UPON RECEIPT OF APPLICATION

			service, communication, curriculum, detention, discipline, extra-curricular activities, financial policies, high school program, inclement weather, insurance, nursing office, mission statement, progress reports, physical education, security of property, student conduct, suspension.
<input checked="" type="checkbox"/>	Grievance Policy	4/13/2020	<p>P. 17 of the <i>Student Handbook</i> outlines the disciplinary process and prohibited behaviors. This includes <i>bullying</i>, defined as physical or verbal. Serious offenses may result in the student having to meet with the <i>Disciplinary Committee</i>, which may result in the suspension of a student. P. 37 of the faculty handbook indicates that under no circumstances will a teacher ever impart corporal punishment to a student, or touch a student in any manner related to discipline.</p> <p><i>Teacher misconduct</i> is discussed in the <i>Faculty/Staff Handbook</i> on p. 91. The ethics policy states that harassment, misconduct, physical abuse, neglect, lack of supervision, emotional maltreatment, educational maltreatment, and moral-legal maltreatment of children are prohibited. Definitions of each and the implementation of the policy is discussed, to include screening and training.</p> <p>P. 118 of the <i>Faculty/Staff Handbook</i> outlines the use of <i>restraints and seclusions</i>, to include its definition and exclusions. The procedure for managing student behaviors indicates consistency with applicable laws and school policy. Circumstances in which restraint may be used are indicated, such as to ensure the immediate physical safety of any persons.</p> <p><i>Tuition refund</i> policy is outlined on the rate sheet, computed according to a short-rate calculation method, with a refund percentage reduction for each quarter.</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Criminal Records Check	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Governing Board	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Budget & Operating Statement	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	3/26/2020	No change since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	3/26/2020	James Drakopoulos of the Somersworth Fire Department (SFD) inspected <i>12 Rocky Hill Road</i> on 10/20/2019. The school received a passing grade in every applicable category. It was indicated that corrective actions were not required.



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			Mr. Drakopoulos inspected <i>West High Street</i> on 10/11/2019. The school failed in compliance with NFPA 101 Assembly Occupancies – Egress/relocation drills are conducted prior to all public events in assembly occupancies. Notwithstanding this item, corrective actions were not required. An update provided on 4/13 indicates that since 3/1/2020, the school now provides instruction on egress and relocation prior to all public assembly events held on premises. This is in addition to the regular program of school fire drills carried out and documented in conjunction with the SFD.
<input checked="" type="checkbox"/>	Health Inspection Report	3/26/2020	Tim Metivier of the City of Somersworth conducted a health inspection of West High Street Campus and Rocky Road Hill Campus on 3/10/2020. The school receive a passing grade for each category.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	4/24/2020	Submitted and in good standing.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	12/20/2019	Submitted late.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	10/21/2019	Submitted late.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	10/4/2019	Submitted on time.
<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	10/21/2019	Submitted late.
<input checked="" type="checkbox"/>	Facilities	3/26/2020	No change since last filing.
NA	Date of Visit by the Department of Education	NA	NA
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/19/2020	The Office of Nonpublic Schools determines that <i>Tri-City Christian Academy</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance and program. With the approval of the State Board of Education, our office will provide a letter to the school indicating approval good through June 30, 2025.

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1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: Trinity Christian School	Phone Number: 603-225-5410	Application Type: AP
About the School: Trinity Christian School (TCS) a ministry of Trinity Baptist Church designed to train students academically, socially, and spiritually for lifelong service to Christ. TCS began in August of 1984 with forty-eight students in grades K-5. The school added one grade per year and saw its first graduating class in 1989. The school believes that the goal of TCS and the goals of each family involved must be in harmony for proper development in a child's life.		
Principal Address: 80 Clinton Street, Concord, NH 03301		
Head of School: Michael Kingsley, Administrator	Email: tcsoffice@tbcnh.org	
Date Application Received: 3/26/2020	Expiration Date: 6/30/2020	
Grade Levels: PreK-12	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 224 for Academic Year 2019-2020	*DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Received	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	3/26/2020	Trinity Christian School is a member of the following associations: (AACS) <i>American Association of Christian Schools</i> , (ACSI) <i>Association of Christian Schools International</i> , (NEASC) <i>New England Association of Schools and Colleges</i> . Trinity Christian School is regionally accredited under the NEASC Commission for Independent Schools. Term is in effect until 2020. Anticipated reaccreditation begins in Fall 2020.
<input checked="" type="checkbox"/>	School Calendar	3/26/2020	Submitted for Academic Year 2020-2021 and includes first and last day of school, professional days, vacations and holidays, end of marking periods, and an indication that the last day of school is pending no excess of weather cancellations.
<input checked="" type="checkbox"/>	School Hours Survey	3/26/2020	Total number of instructional hours for GrK is 592, for Gr1-6 is 992, for Gr9-12 is 1063. These figures are in conformance with Ed 401.03.
<input checked="" type="checkbox"/>	Grade Level	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	3/26/2020	If elementary classes go over 20, an aid is hired for the class based on interaction/capacity. Maximum occupancy is 30.
<input checked="" type="checkbox"/>	Curriculum/Objectives	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	United States and NH Flag Displayed	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Program of Studies (academic content)	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Program Opportunities (e.g. art, athletics)	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Supporting Services (e.g. health, guidance)	3/26/2020	No changes since last filing.

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<input checked="" type="checkbox"/>	Student Handbook	4/3/2020	Submitted a copy and includes processes and policies on admissions, tuition, attendance, health and safety, security, academic, and conduct.
<input checked="" type="checkbox"/>	Grievance Policy	4/3/2020	<p>On p.43 and p.49 of the handbook, school sets forth policies on <i>bullying</i>, hazing, respect for authorities and among peers, discipline, detention, and expulsions.</p> <p>Kingsley indicated the following student <i>restraint</i> policy: The school does not employ behavioral interventions such as physical restraint, placement of child in an unsupervised room from which the child cannot exit without assistance, and physical restraint, unless in response to a threat of imminent, serious, or physical harm.</p> <p>The faculty manual indicates the following on <i>teacher misconduct</i>: Specifically forbidden is any form of direct or indirect harassment of a sexual, physical, racial, or ethnic nature. The manual continues to define harassment. In addition, staff members are strictly prohibited from engaging in any financial, dating, romantic, or sexual relationship with students.</p> <p>If a student withdraws before the end of the school year, <i>tuition</i> will not be reimbursed for the month of withdrawal. TCS will prorate tuition for families who have paid their tuition in full.</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Criminal Records Check	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Governing Board	4/3/2020	Trinity Christian School has oversight by the Trinity Christian School Board composed of representative and organizational members voted upon annually. They can be contacted by emailing schoolboard@tbcnh.org .
<input checked="" type="checkbox"/>	Budget & Operating Statement	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	3/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	3/26/2020	On 10/30/2019, Kenneth Kiehl of the Concord Fire Department conducted an inspection of the facility and noted that the school is in general conformance with the applicable codes and standards.
<input checked="" type="checkbox"/>	Health Inspection Report	5/8/2020	Gwen Williams of the City of Concord conducted a health inspection on 5/8/2020. Williams requested that the school send the city a copy of the lead water testing. She indicated that stained tiles be replaced and monitored for future leaks. Items

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			are to be completed by 7/30/2020. There were no others comments.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	4/21/2020	Trinity Christian School filed as a tradename under Trinity Baptist Church of Concord, New Hampshire. Submitted and active.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	9/2/2019	Submitted 1 day late.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	8/20/2019	Submitted late.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	10/2/2019	Submitted on time.
<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	8/20/2019	Submitted late.
<input checked="" type="checkbox"/>	Facilities- <i>Additional Note</i>	3/10/2020	Concord Citywide Community Center is used for basketball practices.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/19/2020	The Office of Nonpublic Schools determines that <i>Trinity Christian School</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance and program purposes (AP Status). With the approval of the State Board of Education, our office will provide a letter to the school indicating approval good through June 30, 2025.

*Clarification: There are two types of approvals that are granted by the Bureau of Education Analytics and Resources, Office of Nonpublic Schools (ONPS). And there is one type of approval granted by the Bureau of Student Support (BSS). Specifically they are:

1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

NONPUBLIC SCHOOLS - CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: Victory Baptist School	Phone Number: 603-434-2215	Renewal Type: AA
<p>About the School: Victory Baptist School is a private high school in the Town of Londonderry dedicated to the task of giving students a good education in a Christian environment. Its mission is to “first and foremost lead each student to acknowledge Jesus Christ as his personal Lord and Savior.” School objectives include: To develop in each student a sense of patriotism in preparing him to become a good American citizen; To encourage each student to think clearly, logically, and independently; To assist each child in the mastery of the tools of learning and communication; To prepare each student for more than just an ordinary life by teaching each one how to be a spiritual leader in the home, the church, the school, the community, the state, the nation, and the world; To lead each student to cultivate an understanding, appreciation, and a contribution to the arts.”</p>		
Principal Address: 78 Litchfield Road Londonderry, NH 03053		
Head of School: Doug Fuller, Principal	Email: office@vbcnh.org	
Authorized to Represent School: Ashlee Kiser, Secretary	Email: office@vbcnh.org	
Date Application Received: 1/29/2020	Expiration Date: 6/30/2020	
Grade Levels: GrK-12	Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> For Profit <input checked="" type="checkbox"/> Nonprofit	
Enrollment Total: 60 for School Year 2019-2020	DOE Approved Provider of SPED Program: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Approved	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	1/29/2020	No change since last filing. (School is not accredited).
<input checked="" type="checkbox"/>	Other Agency Affiliations	4/29/2020	A member of the <i>American Association of Christian Schools (AACCS)</i> , <i>New England Association of Christian Schools (NEACS)</i> , and <i>New Hampshire Christian School Association (NHCSA)</i> .
<input checked="" type="checkbox"/>	School Calendar	1/29/2020	The calendar for school year 2019-2020 was submitted and indicates the first and last day of school, events, holidays, and vacations.
<input checked="" type="checkbox"/>	School Hours Survey	1/29/2020	The school provides 609 instructional hours for grade level K, 990 instructional hours for grade levels 1-6, and 1080 instructional hours for grade levels 7-12. Therefore, the school complies with the minimum requirements as set forth in Ed 401.03.
<input checked="" type="checkbox"/>	Grade Level	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Phys. Ed Credit on High School Transcript	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	US-NH History, RSA 189:11	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Budget	1/29/2020	No change since last filing.

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<input checked="" type="checkbox"/>	Criminal Records Check	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Board Members List	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	4/30/2020	<p>Brian Johnson of the Londonderry Fire Department inspected the school on 4/29/2020. The school failed in the following areas: Emergency lighting was not properly installed, tested and functional; The hood suppression system was not cleaned and inspected within the last 6 months; All fire extinguishers were not properly charged, marked and accessible; Documentation was not available for the visual and annual inspection of fire extinguishers nor for emergency lighting; The commercial kitchen hood was not cleaned and inspected within the past 6 months. As such, corrective actions are required. An approved plan of correction is not required to be submitted to the fire department by the school. A re-inspection of the facility is required.</p> <p>On 5/20/2020 the school was re-inspected. All violations were corrected on this day.</p>
<input checked="" type="checkbox"/>	Health Inspection Report	4/30/2020	Richard Canuel of the Town of Londonderry conducted a health inspection of the school on 4/30/2020. The school received a passing grade in all applicable categories.
<input checked="" type="checkbox"/>	Secretary of State Certificate of Good Standing	4/28/2020	Applied for and was granted tradename, submitted as d/b/a under Victory Baptist Church which is in good standing.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Receive Funds from Local District	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	United States Flag Displayed	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Student Handbook	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Supporting Services	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Student Handbook	4/30/2020	Submitted and includes non-discriminatory policy, admission policy, articles of faith and doctrinal information, attendance, absences, athletics, field trips, grading system, report cards, graduation requirement, testing, plagiarism, tuition, discipline, detentions and suspensions, school equipment and property.
<input checked="" type="checkbox"/>	Grievance Policy	4/30/2020	Submitted, thorough, and includes a <i>child restraint policy</i> , circumstances in which it would be necessary to use restraint on student, namely if there was imminent dangerous behaviors to protect the students or any other person around them. Sections on the following comprise the policy: when restraint or seclusion should not be used, when it may be used, the difference between chemical and mechanical restraint and applicability, interventions to prevent restraint, actions during and after restraint, reporting, records, support for those involved, post-

TO BE COMPLETED BY DOE UPON RECEIPT OF APPLICATION

			<p>incident de-escalation strategies and planning for the future.</p> <p><i>Tuition</i> is due monthly. If a student leaves the school for any reason, or enters after the school year has begun, then charges are prorated according to number of days enrolled. Withdrawal must be made in writing and effective when notice has been received.</p> <p>The handbook indicates that <i>bullying</i> of any kind will not be tolerated and will be cause for immediate suspension. Detentions, suspensions, and expulsions are given for the offenses listed.</p> <p>On <i>teacher misconduct</i>, the school indicates that teachers that “handle children inappropriately or handle situations with parents inappropriately will be brought in front of the school board” for review and consequences which may include: probation, suspension, or being released from their position.</p>
<input checked="" type="checkbox"/>	Student Records Location Upon School Closing	1/29/2020	No change since last filing.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	8/29/2019	Submitted on time.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	10/25/2019	Submitted late.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	1/7/2020	Submitted late.
<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	10/25/2019	Submitted late.
<input checked="" type="checkbox"/>	Facilities	1/29/2020	No change since last filing.
N/A	Date of Visit by the Department of Education	N/A	N/A
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/27/2020	<p>The Office of Nonpublic Schools determines that <i>Victory Baptist School</i> complies with the minimum requirements set forth in Ed 400 relative to its status for attendance purposes (AA Status). With the approval of the State Board of Education, our office will provide a letter to the school indicating approval good through June 30, 2023.</p> <p>The school understands that it will receive approval for the purpose of satisfying New Hampshire’s compulsory attendance law only and not the school’s educational program. The school understands that it may neither claim or imply that their educational program has received the approval of the State Board of Education.</p>

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1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

NONPUBLIC SCHOOL CHECKLIST FOR RENEWALS

Reviewed By: Shireen Meskoob

School Name: White Mountain School	Phone Number: 603-444-2928	Application Type: AP
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ABOUT THE SCHOOL: Founded in 1886 and set in the White Mountains of northern New Hampshire, the White Mountain School is a coeducational college-preparatory boarding and day school for students grades 9-12/PG. Its mission statement references the school's dedication to engagement with the liberal arts and authentic inquiry. They "embrace student-driven inquiry as the driving philosophy behind [their] approach to teaching and learning." They emphasize the value of students relationships with their teachers and their community. Courses while aligned with college preparatory curriculums extend beyond the classroom. Students engage in international service trips, practice forest stewardships to manage their 240 acres campus property, and design their own trail projects.

Principal Address: 371 West Farm Road, Bethlehem, NH 03574

Head of School: John Drew Email: john.drew@whitemountain.org

Authorized to Represent School: Robert Constantine, CFO Email: rob.constantine@whitemountain.org

Date Application Received: 2/26/2020 Expiration Date: 6/30/2020

Grade Levels: 9-12 Co-Educational: Yes ☒ No ☐

Boarding School: Yes ☒ No ☐ ☐ For Profit ☒ Nonprofit

Enrollment Total: 135 for Academic Year 2019-2020 DOE Approved Provider of SPED Program: Yes ☐ No ☒

Approved	Required Documents	Date Received	Comments
<input checked="" type="checkbox"/>	Accrediting Agency	2/26/2020	School is accredited by the <i>New England Association for Schools and Colleges</i> (NEASC). In a letter addressed to the Head of the School, dated Feb 22, 2016, William Bennett, the Director of the Commission, indicated that the school was granted continued accreditation having successfully completed the Self-Study and hosting the visiting committee. Commendations and Recommendations were cited. The next scheduled evaluation visit will be in 2025, with a Five-Year Report due in 2021.
<input checked="" type="checkbox"/>	School Calendar	2/26/2020	The 2020-2021 calendar was submitted to include the first day and last day of each semester, orientation, holidays and breaks. The school currently has 1/2 day of classes every other Saturday - in the event of needing to make up hours they plan to first extend those 1/2 day Saturdays and second to add additional Saturdays if further needed. (The school does not currently build extra days into its schedule beyond the last day of school - as a boarding school it is difficult for students traveling from around the country and internationally to not have a definitive end date for the year.)
<input checked="" type="checkbox"/>	School Hours Survey	2/26/2020	School provides 12 partial days of 3 hours of instructions, and 163 full days of 6 hours of instructions. A total of 1014 hours of instruction are provided, meeting the minimum requirements set forth in Ed 401.03 for grades 9-12.
<input checked="" type="checkbox"/>	Grade Level	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Enrollment Cap	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Curriculum/Objectives	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	US-NH History Taught, RSA 189:11	2/26/2020	No changes since last filing.

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<input checked="" type="checkbox"/>	United States and NH Flag Displayed	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Program of Studies	4/15/2020	The <i>Essential Skills and Habits</i> course content and rubric were introduced, including topics such as Critical Thinking, Communication, Organization, Study, Quantitative Reasoning, Curiosity, Persistence, Collaboration, and Reflection.
<input checked="" type="checkbox"/>	Program Opportunities	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Supporting Services	4/15/2020	The availability of an advisor program provides students with an advocate who supports them in all aspects of school life. The Chaplain provides spiritual support of students, faculty and staff. The Health Service Office promotes the health and well-being of students physically, mentally, physically, and spiritually. And the Student Assistance Program is one designed to provide early intervention to students in need of emotional, behavioral or mental health support.
<input checked="" type="checkbox"/>	Student Handbook	4/15/2020	The <i>2019-2020 Community Handbook</i> submitted included policies related to attendance, graduation requirements, grading system, major school rules, discipline, emergency management plan, safety and security inspections, fire safety rules, harassment policy, use of technology, residential, financial issues, student records, community service, cultural events, advisors, health services, faculty and staff directory, and school calendar.
<input checked="" type="checkbox"/>	Grievance Policy	4/15/2020	<p>The harassment policy in the <i>2019-2020 Community Handbook</i> details the rejection of any type of harassment or <i>bullying</i> of students or <i>employees</i> by anyone. Harassment through text, email, voicemail, social media, and the internet is not tolerated. No matter the form, whether verbal, written, physical, graffiti, epithets, or remarks that stereotype individuals, harassment is not tolerated.</p> <p>In regard to <i>tuition</i> repayment, students dismissed as a result of disciplinary decisions will not receive a tuition refund. Tuition Refund Insurance is available through the Business Office.</p> <p>In regard to <i>restraint and seclusion</i>, the school has adopted the following policy and will include it in their handbook going forward: “The White Mountain School does not employ behavioral interventions such as physical restraint, placement of child in an unsupervised room from which the child cannot exit without assistance, and physical restraint, unless in response to a threat of imminent, serious, or physical harm.”</p>
<input checked="" type="checkbox"/>	Location of Student Records Upon Closing	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Graduation Requirements	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Summer School/Programs	4/15/2020	The Summer Dance Intensive at White Mountain was introduced, an eight-day residential summer program for dancers entering grades 6-10.

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<input checked="" type="checkbox"/>	Criminal Records Check	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Administrative Organization	2/6/2020	New Head of School is John Drew.
<input checked="" type="checkbox"/>	Governing Board	2/26/2020	A list of the Board of Trustees was provided, and includes when each member was first elected, the expiration of their current term, their contact information, and the committee(s) on which they serve. Deborah Lowham is the Chair of the Board, Deborah McKenna the Vice Chair.
<input checked="" type="checkbox"/>	Budget & Operating Statement	2/26/2020	The school's budget to actuals indicates that as of 1/31/2020, its operating income (tuition, deposits, interest, endowment draw, contributions) is \$5,808,082. The forecasted income for FY 2019-2020 is \$6,554,146. As of 1/31/2020, operating expenses (personnel, supplies, contracted services, travel, events, marketing, communications, taxes) is \$3,275,711. The forecasted expense for 2019-2020 is \$6,295,397. As of 1/31/2020, the net value of the school's operations is \$2,532,371. The 2019-2020 academic year has not concluded. The school's annual budget indicate a net figure of \$258,749.
<input checked="" type="checkbox"/>	Federal Tax Exempt Status	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Receipt of Public Funds	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Authority to Sign Financial Documents Bonded	2/26/2020	No changes since last filing.
<input checked="" type="checkbox"/>	Fire and Life Safety Report	2/26/2020	Chief Jack Anderson of the Bethlehem Fire Department inspected the school on 12/12/2019. Inspector Anderson commented that there are "several new sprinklers in the buildings. Improvement is needed in the documentation of Required Building Inspection. This item was discussed with the administrator and it was agreed that maintenance would begin this procedure as needed. The only other item was that the Fire Extinguishers needed to be properly mounted and marked. Overall the school has shown good improvement over the past few years."
<input checked="" type="checkbox"/>	Health Inspection Report	4/22/2020	David Wiley of the Town of Bethlehem conducted a health inspection of the Hill House, Carter, McLane, Steele, Boroughs, Solar Gym, and Houghton on 4/10/2020. Since the buildings were built before 1978, the school maintains its facilities as required assuming there is some lead present. Wiley indicated that like all schools in NH, the White Mountain School is currently closed. 15 international students are unable to travel home and so do still reside on campus, but facility access is limited. Despite decrease student numbers and limited facilities use, all student areas, currently used and those not currently being used, are maintained to health and safety standards.
<input checked="" type="checkbox"/>	Secretary of State, Certificate of Good Standing	2/26/2020	Submitted and is in good standing.
<input checked="" type="checkbox"/>	Emergency Operations Plans Uploaded – due Sept 1 each year	11/18/2019	Submitted late.
<input checked="" type="checkbox"/>	A3N General Statistics for Nonpublic Schools – due June 29 each year	10/24/2019	Submitted late.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools – due Oct 15 each year	10/24/2019	Submitted late.

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<input checked="" type="checkbox"/>	Restraint/Seclusion Report – due June 30 each year	10/24/2019	Submitted late.
<input checked="" type="checkbox"/>	Facilities	Anticipated	Construction of a new residence hall is scheduled for completion in upcoming year. COVID-19 pandemic has put the project on hold. School has been informed that prior to use of new residence hall, a fire, health and DOE inspection must be conducted. Occupancy Permit must be provided.
<input checked="" type="checkbox"/>	Date of Visit by the Department of Education	Anticipated	Please see “Facilities”
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	5/19/2020	The Office of Nonpublic Schools determines that <i>White Mountain School</i> complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance and program purposes. With the approval of the State Board of Education, a letter will be provided to the school indicating approval good through June 30, 2025.

*Clarification: There are two types of approvals that are granted by the Bureau of Education Analytics and Resources, Office of Nonpublic Schools (ONPS). And there is one type of approval granted by the Bureau of Student Support (BSS). Specifically they are:

1. The approval by the ONPS to operate a nonpublic school for attendance purposes;
2. The approval by the ONPS to operate a nonpublic school for program and attendance purposes; and
3. The approval by the BSS to become a special education private provider.

Our website further publishes the nonpublic approval status and expiration date of each nonpublic school.

June 11, 2020

EXECUTIVE SUMMARY*Heartwood Charter School Request to Extend the School Startup Period***A. ACTION NEEDED**

A vote is needed from the State Board of Education to extend *Heartwood Charter School's* startup period for one (1) year so that the school developers may continue to seek and secure funding while laying the foundation for the school's opening.

B. RATIONALE FOR ACTION

The process of a charter school's progress report submission and decision by the state board to withdraw the charter or extend the startup period is required by:

- RSA 194-B:3-IX
A chartered public school which has not initiated operation within 2 years of the issuance of the charter shall submit a progress report to the state and school board. The state board may withdraw its approved charter if substantial progress has not been made towards opening the charter school.

On November 18, 2018, *Heartwood Charter School* was granted a charter to operate a New Hampshire State Chartered Public School, located in the city of Lancaster, for a five-year period, beginning August 29, 2019. However, to date, the school has been unable to secure funding to open in August of 2019, and in August of 2020.

On May 26, 2020, the Department of Education received a progress report from *Heartwood Charter School* with a request to extend the startup period to allow the school to continue their fundraising efforts and to prepare for school opening once funding is secured

C. EFFECTS OF THIS ACTION

Heartwood Charter School will be able to extend the startup period for one (1) year as they continue to work towards securing startup funding and opening the school

D. POSSIBLE MOTION

Pursuant to RSA 194-B:3, XI, I move that the State Board of Education authorizes *Heartwood Charter School* to extend the startup period for 1 year.

OR:

I move that the State Board of Education _____
(indicate some other action)



www.heartwoodeducation.org | 17 Winter St. Lancaster, NH 03584 | (603) 616-8157

29 May 2020

To Whom It May Concern:

On behalf of the Heartwood Public Charter School Board, we wish to extend the startup period of our Charter School. Since our approval, we have been working to lay the foundation of Heartwood.

Since 2018, we have met with realtors and private sellers, and explored sites in and around Lancaster to rent or buy, exploring everything from historic buildings to portable classrooms and yurts. Additionally, we were making connections with our local school districts, both formally and informally. While some local partners believe in school choice personally, they fear stating so publicly.

We also worked to secure funding for the start up of the school. With the status of the NH grant uncertain in summer 2019, we worked to apply for the federal grant, which we did submit. Since Heartwood does not have its own 501(c)3 designation, we worked with the Arts Alliance of Northern NH to be our fiscal sponsor. When the NH DOE received the grant, our application became inert. When NH received the grant, we were very excited, but the potential constraints of the NH grant (specifically not being eligible for salaries) meant retooling our budget. We were repeatedly disappointed when the legislature voted to not accept the \$43 million grant.

Once we receive startup funding we plan to hire an individual to oversee the preparations for the opening of Heartwood Public Charter School. This will include securing a rental property for the school, hiring faculty and staff,



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providing professional development, and Place-based training opportunities for our new hires with field experts David Sobel and Ann Stires. We will also be purchasing all of the necessary items outlined in our budget.

Without start up funds, Heartwood cannot exist. By extending the potential start-up of our Charter, we hope that with the NH DOE or Heartwood itself will be able to obtain start-up funding to make Heartwood a reality.

Thank you,

Courtney Vashaw

And the rest of the Heartwood board

*Ann Auger
99 Wentworth Ave.
Berlin, NH 03570*

*Bethany Bond (Co-Project Director)
1603 Vt. Rt. 105
Bloomfield, VT 05905*

*Lyn Schmucker
1174 Vt. Rt. 102
Maidstone, VT 05905*

*Courtney Vashaw (acting Head of School and Co-Project Director)
159 Jefferson Road
Whitefield, NH 03598*

*Stacey Zemla (Co-Project Director)
17 Winter Street
Lancaster, NH 03584*

Charter School Concerns from 2018-2019 Annual Progress Report

6.1.2020

1. Compass	Academics	Low Proficiency in Math and ELA
2. Gate City	Annual Financial Audits	Outstanding for 2018
	Academics	Low Proficiency in Math
3. Great Bay	Academics	Low Proficiency in Math and ELA in both middle (SAS) and high school SAT tests. Slightly lower than NH graduation average. *The school is successfully meeting its mission to serve and graduate educationally disadvantaged and at-risk students.
4. LEAF	Reporting	Late Reports: Quarterly Financial Statements, Audit, DOE 25, i4see and ESS Submissions
5. Ledyard	Academics	Low proficiency in Math and ELA. Below NH graduation average. *The school is successfully meeting its mission to serve and graduate educationally disadvantaged and at-risk students through 4 and 5 year cohorts.
5. Mountain Village	Academics	Low Proficiency in Math
6. Next	Academics	Low proficiency in Math and Reading on SATs. Below NH graduation average. *The school is successfully meeting its mission to serve and graduate educationally disadvantaged and at-risk students through 4 and 5 year cohorts.
7. PACE	Academics	Low SAT scores in Science, Math and ELA, Low Graduation Rate *School is meeting its mission to provide remedial academic, social/emotional and life skills support for disadvantaged high risk students to prepare them for graduation or careers.
8. Polaris	Academics	Slightly Below NH State proficiency averages in ELA and Math
9. Robert Frost	Academics	Low Proficiency in Math
10. Strong Foundations	Academics	Low Proficiency in Math and ELA
11. The Founders	Academics	Low proficiency in Math Grades 6,7,8

New Hampshire
State Board of Education
Minutes of the May 14, 2020 Meeting
Meeting held telephonically due to the COVID-19 State of Emergency

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:00 AM. The meeting was held telephonically due to the COVID-19 state of emergency. Drew Cline presided as Chair.

Members present: Drew Cline, Chair, Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro, and Helen Honorow. Cindy Chagnon was not able to attend due to another commitment. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner were also in attendance.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Chair Drew Cline led the Pledge of Allegiance.

AGENDA ITEM III. PUBLIC COMMENT

No public testimony was submitted for this meeting.

AGENDA ITEM IV. COUNCIL FOR TEACHER EDUCATION (CTE)

Laura Stoneking, NHDOE Administrator of the Bureau of Educator Preparation and Higher Education, presented the Council for Teacher Education (CTE) items.

A. 2019 Peer Review: Annual Report

The CTE has added a peer review to the annual report and Ms. Stoneking provided a summary to the Board. Sally Griffin noted that she found it interesting, but cumbersome. Kate Cassady liked the report in terms of the feedback and seeing where everybody is up to date.

Helen Honorow also liked it, but found it difficult when the report referred to last year's report, which was not provided. She also had a concern on the last page where the section on continuous improvement was blank for UNH. Ms. Stoneking promised to look into that.

Chair Cline noted that he was not sure how useful or actionable it was for the Board as an oversight body to see what the institutions' aspirations were, especially as a lot of it was out of context. Phil Nazzaro felt there was no context that would allow him to analyze what was presented. Chair Cline also did not want to overburden the Board and wondered whether the peer review could be

presented more as a small booklet or white paper that looked holistically at each school.

B. Master Professional Educator Preparation Program (PEPP) Roster

Ms. Stoneking has been working on a list of all the programs the Board has approved, including how and when they were approved. The list is constantly changing and Ms. Stoneking reported that there are four programs that she needs to add to New England College's roster. Ann Lane said she found this to be out of context and would like more of a report on accreditations, etc., which would prevent things like what happened at Southern New Hampshire University (SNHU) from sneaking up on the Board. Chair Cline questioned whether Ms. Lane might have meant Plymouth State University (PSU) instead of SNHU. He also felt that it would be valuable input if the peer reviews could identify programs that are doing well, those that need help, and those that are really struggling.

Chair Cline said he really liked the Master Professional Educator Preparation Program [PEPP] Roster and it showed the magnitude of what is offered in New Hampshire, broken down by different institutions. Going forward, he felt it would be beneficial to think about how the State Board of Education should oversee so many programs that are constantly in flux. Can the peer review process be improved?

It was asked why some of the University of New Hampshire's programs are approved by the Council for the Accreditation of Educator Preparation (CAEP) and some by the Department of Education? Ms. Stoneking responded that under the Ed 600 rules, institutions have the option of selecting how CTE reviews their programs. If they have a national accreditation such as from CAEP, the CTE uses that review to make recommendations to the Board.

Ms. Honorow said in terms of the peer review, it is always good to know that people are policing their own. If context can be provided around the goals and how people did in relation to those goals, that would be very helpful. She is also glad that Ms. Stoneking put together the master roster. Ms. Honorow suggested that every time the Board gets a program to review, it might be useful for the members to have the roster to understand the context in which a program is being reviewed. She wondered when someone gets a conditional approval, for example, does Ms. Stoneking's department make sure that the required report is done? What happens behind the scenes when there is not a straight approval? Ms. Stoneking responded that institutions with conditional approval are required to submit a progress report to the Board every six months until they meet conditions. Ms. Stoneking also confirmed that she would be the person who monitored this.

Ms. Stoneking noted that for the last few months, she has been trying to encapsulate the historical aspect of institutions and programs when bringing

something to the Board for a decision. Chair Cline noted that he loves the historical backgrounds because of the context they provide.

C. Southern New Hampshire University (SNHU) Amendment to Recent Substantive Change

Southern New Hampshire University asked the Board to table the amendment to recent substantive change until the following month because they could not be present for today's meeting. The institution wants to phase out their bachelor-level programs for their secondary education licensure and move them into a clinical Masters in Education (M. Ed) program. After further research and the receipt of the Board's feedback, they have reconsidered phasing out the bachelor's, so they can offer a financially responsible option, but also allow for the rich in-depth master's level for students who already hold a bachelor's degree. A mandatory meeting for fall SNHU planning conflicted with their attending today's Board meeting. Ms. Stoneking noted that if approved, the Board would put the consideration of the amendment on the July agenda, not the June one.

Chair Cline said that considering he was concerned about the institution dropping the bachelor's programs, he was not sure they needed SNHU's explanation to consider the amendment. He asked whether anyone on the Board objected to the change. Ms. Stoneking said she wholeheartedly supported the amendment. Ms. Honorow said she did want to hear from SNHU because part of

their initial reasoning had to do with resourcing. She wants assurance that the resources will be available around good quality educators, content knowledge, etc. Chair Cline said the document the Board has been provided clearly states that undergraduate and graduate programs will continue to be provided at the current high quality level with the infrastructure SNHU already has in place. Chair Cline believes it would be appropriate to approve them.

Ann Lane noted that her daughter is in limbo currently, not knowing when her education will resume, so as a parent of a college-age student, Ms. Lane would support approving the amendment at today's meeting. Students need to know what is available to them.

Mr. Nazzaro believes that the discussions SNHU are having at their own meeting today (*the reason they can't be at the Board meeting*) will impact what SNHU and its campus looks like moving forward, so it would be good to hear from them. If the Board moves to approve, however, he will support that as it is not mandating anything.

With respect to the limbo question, Ms. Honorow noted that the original proposal was a "teach-out" and students in the programs were going to be able to complete them. She then asked whether it would be possible to add SNHU to the June agenda and Ms. Stoneking said that it could be added instead of waiting to July. Ms. Lane said that her concern was not with students in the program, but

those coming in to begin their undergraduate program. Chair Cline shared that concern, although he is okay with tabling this issue until June.

MOTION: Helen Honorow made the following motion, seconded by Sally Griffin, that the State Board of Education honor Southern New Hampshire University's request to table their amendment to recent substantive change and that they be placed on the June agenda.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

D. Plymouth State University (PSU) Extension Request

The meeting was joined by two representatives from Plymouth State University (PSU): Dr. Mary Earick and Brian Walker. Ms. Stoneking explained that PSU has several situations around the current expirations for programs. At today's meeting, PSU is asking for two extensions for the programs listed in the Board materials. One extension, made to align with a CAEP review, requests that the expiration be moved to August 2020. The second, made to align with a different part of their CAEP review, requests the expiration be moved to February 2022.

Dr. Earick stated that the first request was made so that an official letter about the CAEP review could be presented to the Board at the June meeting (*the letter will not be received until late June*). The second request was made because the next accreditation cycle for PSU's advanced programs is spring 2021. PSU is bringing all of its national accreditation into alignment with CAEP.

Chair Cline asked for more background on the CAEP review for the first group of programs. Dr. Earick stated that PSU passed every standard in its targeted CAEP report, with two areas for improvement, which is not uncommon and does not prevent approval. PSU's board will vote on the report, resulting in one of two outcomes: full approval or approval with a stipulation for an additional report within a 24-month period.

Ms. Honorow stated that in her view there has been a history of PSU not being cooperative or responsive to the issues raised by the Board and the Department. She recalled a disagreement about the CAEP review where PSU pulled out and said they would do a different review. She also pointed out that the meeting materials note that PSU's 2019 Intuition of Higher Education (IHE) CTE Annual Report is marked "not submitted."

Dr. Earick responded that the Department of Education did an onsite visit in March 2018. She was told that with the onsite visit and a report submitted, PSU

did not need to submit an annual report that year. Ms. Stoneking explained that she was not in a position to speak to that as it was before her tenure at the Department. Ms. Honorow asked whether that happens generally and Ms. Stoneking said there is some confusion with a singular institution with clusters of programs with different expiration dates. An onsite review could address some programs and not others if the programs have different expiration dates.

Brian Walker said he is the representative for PSU on the Council for Teacher Education (CTE). He attended the Board meeting in November 2019 regarding a progress report and spoke with Chris Ward. The understanding was that PSU did not have to put forth number 4a [*on the printed materials provided to the Board at today's meeting*].

Ms. Stoneking asked whether Dr. Earick could provide any documentation that PSU did not need to submit an annual report for those outlying programs. Dr. Earick responded that that information came from the administrative assistant who supported the person in the job before Ms. Stoneking. Angela Adams stated that Marie Blanchard is no longer in that position and has not been for over two years. Dr. Earick said she would go through her emails, but also wondered if she could reach out to the chair of the CTE that year.

Ms. Honorow asked Dr. Earick whether she could just submit the CAEP report she did for that year and Dr. Earick replied that she could do that

immediately. Ms. Stoneking noted that the annual report for the Department is completed electronically through Survey Monkey, however, and the window for 2019 has closed. Also, what CAEP requires is vastly different from that of the Department and CTE annual report. The next window to submit will not be until fall, for the 2020 annual report. Ms. Stoneking already has the CAEP report from PSU, but she would have to pull out and extrapolate all the applicable information. Dr. Earick also emailed the CAEP report to Ms. Stoneking while this discussion was taking place.

Ms. Honorow remarked that the CAEP report is not what should be submitted for an annual report. Dr. Earick clarified that she fills out Survey Monkey for the CTE, using the data that she sends to CAEP. She did not do this in 2018, however, because she was advised that it was not necessary to do that second step.

Ms. Honorow asked for an assurance that the Board will get complete compliance and cooperation from PSU with all of the Department's and CTE's requirements. Dr. Earick replied, "Absolutely," but noted that PSU has no control over CAEP and its dates. In addition, the Department is invited to come to all of PSU's national meetings. For the past two-and-a-half years, PSU has been trying to align all of its programs on one calendar with its national accreditation.

Chair Cline noted that in 2018, PSU communicated that they were not going to go with CAEP, so he is happy that the school is re-engaging with them. Dr. Earick clarified that PSU is now dual nationally accredited with CAEP and Association for Advancing Quality Educator Preparation (AAQEP).

Chair Cline said he did not see a problem granting the extension for the first programs, but the last four programs were ones that the Board had conditionally approved due to certain issues. He wondered what assurance the Board has that PSU has addressed those issues? Dr. Earick stated that those four programs were on a separate timeframe with the National Council for Accreditation of Teacher Education (NCATE), who has extended their accreditation through December 31, 2021. Dr. Earick is fine with having another onsite visit if the Board wanted to do that in the fall. In addition, on an annual basis, Dr. Earick will be reporting all of PSU's data to the Department. If the Board wants additional reports or assurances, she is willing to provide those annually.

Chair Cline asked about follow-up that the Board was supposed to have received on the four programs that were approved conditionally in August 2018. Dr. Earick said that she had sent two progress reports to the CTE. Ms. Stoneking said that based on the Board's meeting minutes, the first progress report was submitted on time in May 2019. The date for the second to be submitted was July 2019 and presented to the Board at the November 2019 meeting. Chair Cline

apologized for not having that November report at the Board's fingertips, but recalled that it was largely positive.

Ms. Lane said that she was uncomfortable providing an extension before the CAEP approval. If PSU were not to receive the CAEP approval, what are the consequences should that happen? Dr. Earick stated that that could not happen under CAEP's rules, as you have to fail one or more standards. She said that PSU will either get full accreditation or full accreditation with a stipulation for additional data in two years. A final letter from CAEP should arrive no later than June 25. Ms. Stoneking shared a recent communication from Chris Ward, CTE chair, who also is involved with CAEP, although Ms. Stoneking could not recall his title. It cautioned that while in most cases the recommendations are passed through and accepted by CAEP, there are no guarantees. While they hope and expect that CAEP will vote to change PSU's probationary accreditation to full accreditation based on the recommendations in the site visit report, it is possible for CAEP to come to a different conclusion.

Dr. Earick responded that while it is correct that they can add a stipulation, it will come from the Areas for Improvement (AFIs). If you have a stipulation, then you can fail a standard. PSU did not go into the final review with any stipulations. On April 25, the final report was submitted and there are no stipulations listed, although there are two AFIs. She did note that they could create a stipulation based on those AFIs. Dr. Earick discussed possible outcomes with Ben Frattini, Senior

Accreditation Associate with CAEP, and determined that there are two possibilities: 1) full accreditation or 2) changing the AFIs to stipulations. In this latter case, PSU would still have accreditation and probation would be removed.

Sally Griffin asked whether it would be possible for the Board to grant an extension until the next Board meeting, at which point PSU would have all their CAEP reports. Dr. Earick replied that that would be fabulous and confirmed with Chair Cline that PSU would have their CAEP accreditation decision for the next Board meeting.

Ms. Cassady asked why PSU is late if the report expires on May 31? Dr. Earick said that it is a function of CAEP only holding a meeting once a year. Moving forward, Dr. Earick would like to get decisions a year early, so the decision letter comes in six months prior to having to go to the Board. Ms. Cassady reiterated her concern with PSU meeting deadlines

Ms. Stoneking said there might be confusion between the CAEP accreditation timeline and what that means for Board approval. She believes whatever pathway the institution selects, that information has to go forward to the Board. The information from national accreditors can be used, but the date is the one that the Board grants, regardless of CAEP or any other national accreditor's deadlines.

MOTION: Sally Griffin made the following motion, seconded by Kate Cassady, that the State Board of Education grant Plymouth State University a one-month extension of 15 programs to June 30, 2020.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

Chair Cline asked Angela Adams to send the entire Board the PSU progress report that was in the November 2019 Board meeting materials packet. He also asked Ms. Stoneking to provide to the Board any other updates or follow-up material that occurred at the state level relevant to PSU since November. Dr. Earick stated that the response from CTE to PSU's progress report might be relevant in this context.

AGENDA ITEM V. LEGISLATIVE UPDATES

A. Initial Proposal: Remote Instruction—Basic Instructional Standards and School Year (Ed 306.14 and Ed 306.18(a)(7))

Amanda Phelps, NHDOE Administrative Rules Coordinator, began with a summary of the process around the emergency rule that is in place versus the proposal in front of the Board at today's meeting. The emergency rule for Ed 306.18(a)(7) will be in effect until September 8, 2020, at which point it would revert to its original wording, which would require school districts to submit a plan to the commissioner. The approval of the initial proposal for Ed 306.14 and Ed 306.18(a)(7) would begin the process of implementing a regular rule. The Board would hold a public hearing for the rule in July and if all goes smoothly, the rules could be adopted as early as September 10, 2020, just two days after the emergency rules expire. If the rules got held up, there is no statute preventing the adoption of another emergency rule while the regular rulemaking process is finalized. These rules are designed to provide flexibility for school districts while the School Transition Reopening and Redesign Taskforce (STRRT) works on providing preliminary recommendations about return to school. If the Board finds that the work coming out of that taskforce requires rulemaking, recommendations could be implemented during the final proposal phase.

Ms. Honorow asked about the modification in the emergency rule, where it states, "the plan shall include procedure for participation by all students." She asked why that was done with the concerns about students with disabilities? Ms. Phelps stated that everything was taken out of Ed 306.18(a)(7) and put into Ed 306.14. Ms. Honorow questioned whether "accessibility by and inclusion for both individual and school-wide uses" is the same as "participation of all students"? Ms.

Phelps stated that in the original rule, they took out “participation by all students”. Chair Cline stated that the intent is to absolutely include those students, so if tightening of that language needs to be done, they are open to that.

Ms. Honorow stated that “participation by all students” did not sound as robust as “accessibility for all students.” She also noted that although accessibility certainly applies to students with disabilities, it also needs to encompass students who do not have iPads, for example.

Chair Cline responded that it includes “accessibility” and “inclusion” because the “accessibility” was supposed to address the issue without regard to defining it too narrowly, whether it is a student with an IEP or a child without a computer. In addition, “for both individual and school-wide uses” means that districts should be able to do both school-wide remote instruction, but should also be able to offer individual remote instruction. The Department is looking at returning to school in the fall and there needs to be options available to children with individual issues that do not allow them to safely come back until there is a vaccine.

Ms. Honorow suggested adding “for all students” to the phrase. After further discussion on the exact wording, there was consensus that it would work to restate the beginning of 9 as “remote instruction for all students which shall include”, followed by the a), b), and c) statements. Chair Cline worried that an administrator

might feel like they had to offer remote instruction for the entire district and it might be better to state, "remote instruction accessible to all students, which shall include."

Ms. Honorow asked if the intent of the policy is to have every school district provide remote instruction to any student who wants it, regardless of whether or not they have a medical issue. Chair Cline replied that they would need to look at that going forward, because the uncertainty may last a year or two or three. He felt that what the rule is trying to accomplish is for districts to have the capability to offer remote instruction if needed. The intent was also a permanent rule that would do away with districts having to get permission from the state to do remote instruction beyond a five-day weather emergency. The goal is to give districts the ability and structure to offer remote learning on a permanent basis that is not tied to emergency orders.

Ms. Honorow stated that to her, the rule as written, says that the districts would have to offer remote learning to anybody, without limitation, beyond the emergency situation we find ourselves in. It was noted that people cannot be forced to disclose HIPAA-related information, including medical information relative to a child, parent, grandparent, or caregiver.

Chair Cline noted that they did not want to tie this to an emergency order, weather declaration, or pandemic because they want the remote learning

capabilities to be available and accessible and not something that has to be suddenly ramped up or even created from scratch.

Ms. Honorow reiterated that she worried about telling districts they have to offer *a la carte* education. There might be cases where a family wants remote learning because of an unresolved bullying situation, for example. Chair Cline agreed they could work on the language to make it clearer, while noting he is reluctant to write in language that restricts based on emergency, health status, etc. They want this to be accessible to all children going forward. He suggested putting in language about the district working with the family if it is not a school-wide issue.

Commissioner Edelblut noted that there may be educators who today may not feel comfortable being in instructional environments but are quite capable of providing a remote instruction option to the students they serve. Again, the Department has to be sensitive of not soliciting information because they do not have the right to adjudicate people's health information.

Ms. Honorow then wanted to make clear that she was not suggesting that remote learning should be offered to a student who felt they were being bullied as there are many other options in the current education system. Her worry is that the current language tells the district "you must". She would not be reluctant to include some parameters on remote instruction. She feels the way it is written, if a student

wanted remote learning for three weeks while they went on vacation with their family, the district would have to provide that.

Mr. Nazzaro said that while he is all for granting districts the ability to offer remote instruction, he wants to ensure that the Department is not creating an unfunded mandate that forces districts to do two distribution channels at all times. While he is not inclined to provide a list of things that allow a district to go to remote instruction—a list that might not have included a pandemic six months ago—he would like to see some way to ensure that districts are not required to have two distribution channels, which could be financially burdensome.

Ms. Lane noted that under “remote instruction for all students which shall include,” item c) is confusing in terms of whether the students are assessing themselves or the students are being assessed. The language under c) needs to be made clearer that it is student work that is being assessed and not students who are assessing. Chair Cline accepted Ms. Lane’s point about c) and suggested it could read “assessment of all student work.”

Second, Ms. Lane has a concern about how the state would know that districts are actually complying, especially as it pertains to students with individual learning plans, students with economic disadvantages, and minority and English language learners. In a more permanent remote learning situation, how would the Board know it is being delivered to the most vulnerable students? Chair Cline said

that was an issue that is ever present. You cannot monitor that in a real-time way and you find out by complaint.

Chair Cline is happy to work on the language in these areas, but is reluctant to put in a checklist of when to offer remote learning. The districts need to scale up this capability and have it ready to deploy. This is the beginning of a process to get the rules in place and we have until September to tweak the language.

Ms. Honorow said that her concern was not coming up with a list, but that the current wording requires the school districts to have a remote learning program in a very broad way. She feels it needs some limiting language, such as “remote instruction when necessary.” The mandate would be a huge burden for districts to contend with when eventually they are back to instruction within the brick-and-mortar school building.

Chair Cline disagreed with the characterization of this being an unfunded mandate. The Department requires districts to have instructional materials and all kinds of things. In addition, the districts are all doing remote instruction already.

Chair Cline is not opposed to putting in limiting language, but he does not know what that would be at the moment.

Commissioner Edelblut said that the Department is planning for all kinds of eventualities, so the more tools in the toolbox, the more helpful. He recommended moving forward in order to help the superintendents know what September will look like, even if the language will become more precise later.

Mr. Nazzaro likes the policy so that the local districts do not have to come to the state every time [they might need to go to remote instruction], but his comment about an unfunded mandate referred to the districts having to move from a single distribution channel (all brick-and-mortar or all remote learning) to needing to maintain two distribution channels simultaneously.

Ms. Honorow asked whether it might be worded, “In remote instruction, when necessary,”? Chair Cline said he would be open to that, although he was not sure how one would define “necessary.” Ms. Honorow responded that the school district would be the one coming up with the plan. Mr. Nazzaro suggested language authorizing the local administrations to make the call on switching to remote instruction.

Ms. Cassady asked why they can’t just write these emergency instructions and policies solely for COVID-19? Chair Cline said it was because they wanted it to encompass additional future viruses, weather events longer than five days, and future events that cannot be anticipated now. It also has to encompass children who might have health vulnerabilities to COVID-19 or other diseases who would

continue to be at risk even after the expiration of an emergency order. Ms. Cassady said she shared Ms. Honorow's worry about potentially presenting an option to students and their families to stay home one day and go to school the next or take remote learning while vacationing in Europe for three weeks.

Chair Cline said that was why they want to hear from superintendents. He also asked why wouldn't you want a student who was home with the flu for a week to have remote instruction? Remote instruction is not being defined as video access to the school. A lot of the remote instruction taking place now is essentially homework assignments. Chair Cline believes that adding "when necessary" would be beneficial, for example in stopping instances where a child just does not feel like going to school that day.

Chair Cline explained that this is an initial proposal and will be widely distributed for input from the field. He does not anticipate that the final rule will look anything like the current initial proposal. There is a balance to be found between going too far and restricting things too tightly.

Mr. Nazzaro said he would agree with the idea to add "when necessary" after "remote instruction." He would word it "when deemed necessary by the local school board," so it is not open to interpretation as to who decides what is necessary. Chair Cline thought it may come to that, but he is reluctant to reference the local school board or the state at this point.

In preparation for a motion, Ms. Phelps read the rule with the amendments that had been proposed during the discussion:

Remote instruction for all students, when necessary, which shall include a) academic work equivalent in effort and rigor to typical classroom work; b) accessibility by and inclusion for both individual and school-wide uses; and c) assessment of all student work completed during remote instruction.

Ms. Cassady stated that she was still not comfortable with the word “necessary” because it is open to interpretation. Chair Cline agreed, but said it provides some tightening and it will probably be tightened further as the process moves forward. It eliminates some willy-nilly requests for remote instruction.

Ms. Honorow said she liked what Mr. Nazzaro proposed in referencing “as necessary by the school district or school board.” Chair Cline said he does not like that at this point in the process because it cuts parents out of the discussion. It provides no recourse for a parent who, for example, might have a child with a medical issue. He reiterated that this is an initial proposal and he would strongly oppose giving *carte blanche* to the state or district to determine “necessary.”

Chair Cline invited the Board members to send further thoughts on this topic to him, Ms. Adams, the Commissioner, or all three of them.

MOTION: Ann Lane made the following motion, seconded by Sally Griffin, that the State Board of Education approve the initial proposal for Ed 306.14 and Ed 306.18(a)(7), Remote Instruction—Basic Instructional Standards and School Year as amended.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

Ms. Cassady asked when the wording would next be worked on. Chair Cline replied that the initial proposal will go out to the superintendents and stakeholders and Ms. Phelps will solicit feedback. Chair Cline does not want to mess with the wording until that feedback starts coming in. There will be a public hearing in July, which would leave May to July to take that feedback.

AGENDA ITEM VI. PUBLIC SCHOOL APPROVAL

A. School Year Waiver Requests in Response to the COVID-19 State of Emergency

Nate Greene, Administrator of the NHDOE Bureau of Educational Opportunities, provided an overview of the waiver requests. The Department let public and non-public schools know that if they were not in a position to complete the minimum requirements for a standard school year, they would need to request a waiver from the Board.

A number of schools and districts reached out for waivers based on the 180-day calendar, but it turned out they were more than meeting the minimum requirements for instructional hours.

Two nonpublic schools would require a waiver of time in order to end school on the days they were requesting for this year. They are St. Thomas Aquinas and Cardigan Mountain School.

Ms. Lane asked whether there were any requests from public schools, and Mr. Greene replied that the requests from public schools all turned out to be far above the minimum requirement for instructional hours. The requirement for school districts is either/or, so those schools did not require a waiver.

Ms. Lane asked whether Mr. Greene had any reason why the Board should not approve the two waivers for St. Thomas Aquinas and Cardigan Mountain School and he replied that he did not.

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approve the school year waiver requests in response to the COVID-19 state of emergency for Cardigan Mountain School and St. Thomas Aquinas.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

In closing, Mr. Greene noted that the speed with which New Hampshire moved to remote instruction kept instruction rolling and helped eliminate the need for a large number of end-of-school-year waivers.

AGENDA ITEM VII. NONPUBLIC SCHOOL APPROVAL

A. Commissioner's Nonpublic School Approval Designation Renewal Report

Shireen Meskoob from the NHDOE Bureau of Educational Opportunities presented her office's review of 23 renewal applications from schools whose approvals expire June 30. A vote is needed to accept and approve the

recommended designations for the 23 nonpublic schools. Eighteen of the schools seek to renew their attendance approval status and five schools seek to renew their program approval status.

An important clarification is that each of the 23 renewal reports included in the Board members' packets has boxes that were left unchecked. Unchecked boxes are not an indication that a school failed to submit relevant information for its renewal, but merely indicate that there were no changes in that category since the school's last filing. To avoid confusion, Ms. Meskoob will make sure that every section of the checklist is marked from now on.

Ms. Honorow noted that some schools are approved for attendance only, but then it also says they are approved to have special education students attend. She asked for a clarification on how the districts can send special education students to a school whose program is not approved. Ms. Meskoob replied that there are two different kinds of program approvals. If the Department approves a program for special education, it means it has worked with the Bureau of Student Support to ensure that they have special education programs that qualify to take in students. Program approval for nonpublic schools, on the other hand, is completely separate from special education and deals with accreditation.

Ms. Honorow said she thought she understood that schools can be specially approved to take special education placements, but she thought it was no longer

permitted to have a student with an IEP attend an unapproved program. She also asked about the language that stated the schools were receiving approval for compulsory attendance only and that the school may neither claim nor imply that their educational program has received the approval of the State Board of Education. While generally Ms. Honorow would be happy about that language, she wondered what would happen, for example, in the case of a parent who asks whether a program is approved when it is offered at their IEP meeting? How is that distinction around the special education program piece being made to parents?

Mr. Greene replied that the special education approval is done through the Bureau of Student Support, which is separate from this approval process and is far more rigorous. The Bureau of Student Support has a list, which it posts on its website and provides to school districts and parents, that indicates which of the nonpublic schools has the special education program approval designation.

Commissioner Edelblut explained that these approvals are approvals of a school for attendance, whereas the special education approvals are for the approval of the special education programs.

Moving forward, Ms. Meskoob said she will be very explicit in saying “nonpublic school approval” versus “approval of special education program by the Department.”

Ms. Lane noted that the report states that Pioneer Junior Academy follows the [Northern] New England Conference calendar. She asked how the Department will receive confirmation that their calendar satisfies 180 days as all the Board can approve them for is attendance? Ms. Meskoob said that the school submits a copy of the calendar. In fact, it is an added assurance to also have the Northern New England Conference making sure that Pioneer abides by New Hampshire law.

Ms. Lane noted that four schools submitted their requirements on time, for which they should be commended. In addition, five of them mention the recently approved code of conduct in their handbooks, which Ms. Lane was pleased to see, but was curious why other schools do not mention the code of conduct, although she acknowledged they are not required to.

Finally, if the measure is approved, Ms. Lane would like to see Hampshire Country School, the Pioneer Junior Academy, and Sant Boni School all have a stipulation attached to their approval that states that in future, it would be greatly appreciated if they submitted their requirements on time because it puts an unreasonable burden on the Department when they are months late. Ms. Meskoob promised to relay that to those schools. Also, the schools have the General Statics of Nonpublic Schools (A3N) form and Restraint and Seclusion reports due at the end of June so she will focus on getting the schools to submit those on time.

Caitlin Davis, NHDOE, Director, Division of Education and Analytic Resources stated that they started adding late submission dates for informational purposes because the Department does not have any recourse for nonpublic schools when they fail to meet various reporting requirements. They were hoping the extra level of visibility may incentivize schools to report on time.

Ms. Lane reiterated that a note could be included with their approval letters that the Board recognizes that they have not been timely and, in the future, it would be appreciated if they were. Ms. Meskoob said she would do that.

Ms. Meskoob also noted that in reference to the code of conduct, she and Mr. Greene are working with the Department attorney to make sure with every school that there is guidance available and references to things such as the code of conduct in ensuring that the grievance policy on public disclosures is thorough and well-thought out.

MOTION: Ann Lane made the following motion, seconded by Kate Cassady, that the State Board of Education accept and approve the following schools for continued attendance approval status for the period of July 1, 2020 through June 30, 2023: Bethlehem Christian School, Dublin Christian Academy, Granite Hill School, Laconia Christian Academy, NFI North, Inc. - Davenport School, NFI North, Inc. -

Contoocook School, Parker Academy, Pine Haven Boys Center, RSEC – Academy, RSEC – Longview, RSEC - Vista Learning Center, Second Start, Spaulding Youth Center, The Cornerstone School, Wediko Children Services, Inc., White Mountain Waldorf School, Windham Woods School, and Woodland Community School

MOTION: Ann Lane made the following motion, seconded by Kate Cassady, that the State Board of Education approve the following schools for continued attendance and program approval status for the period of July 1, 2020 through June 30, 2025: Bishop Brady High School, Hampshire Country School, Pioneer Junior Academy, Sant Boni School, and Shaker Road School.

VOTE: The motions were approved as a slate by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

AGENDA ITEM VIII. CHARTER SCHOOL REPORTS/UPDATES

A. Amendment to Northeast Woodlands Public Charter School's Charter

Jane Waterhouse, NHDOE Charter School Administrator, explained that Northeast Woodlands Public Charter School wishes to amend their charter by adding a preschool program. She introduced Jesse Badger, Chairman of the Board of Trustees of the Northeast Waldorf Education Foundation, to speak about the amendment.

Chair Cline wanted to first note that the State Board of Education has no oversight of pre-K programs. This charter request would not give the Board any authority to regulate that as an educational program. Mr. Badger confirmed that this amendment is a business organizational issue and not an education issue for the Board.

Mr. Badger stated that Northeast Woodlands is well into the hiring process for faculty and administrators and they have nearly 100 applications already through open enrollment for next fall. It has been brought to their attention that the school would be better served to have a pre-K program that accompanies their charter, for not only charter student siblings, but also as a feeder into the charter.

Mr. Greene noted that standalone pre-K's and daycare centers fall under the authority and licensing of the Department of Health and Human Services (DHHS). There is a statute, however, that states that if you are attaching a preschool or daycare center to a K-12 institution, you are now exempt from the

DHHS licensing requirement. It tosses the ball back toward the Department of Education. As a result, at some point the Board may want to have a discussion around that and the associated authority.

In this specific case, because the Board has the final authority on charter schools, they wanted to bring it forward, even though the Board does not have oversight over any academic programs or aspects of a preschool program per sé.

Ms. Cassady congratulated Mr. Badger and Northeast Woodlands for an excellent job. She also liked the preschool idea with the associated transition to kindergarten.

MOTION: Kate Cassady made the following motion, seconded by Phil Nazzaro, that the State Board of Education authorize Northeast Woodlands Public Charter School to amend the charter to include an early childhood preschool program and to change the school's growth plan to allow for an increase in enrollment of 15 students each year.

VOTE: The motions were approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

AGENDA ITEM IX. COMMISSIONER'S UPDATE

Commissioner Frank Edelblut shared some of the work being done by the newly formed School Transition Reopening and Redesign Taskforce (STRRT), which is scheduled to have its first meeting later today.

STRRT is very broad and is structured with workgroups focused on specific domains and two members from the workgroups are members of the larger taskforce. There are approximately 60 people, providing input from across the community. The Commissioner recognizes that local control is strong in New Hampshire and the districts have quite a bit of autonomy in managing their districts.

STRRT will make recommendations to the governor to use in his decisions about health policy and to the Department to support schools and school leaders. The information will be framed by data and input that STRRT receives from Health and Human Services, who is a participating member in this work.

The workgroup domains are instruction, student wellness, operations, and technology and an additional two crosscutting workgroups comprised of associations and students/student input.

The number one goal for September is safety for students. Because risk can be reduced but not eliminated, what will that look like? Another goal is comfort. When you are not able to eliminate 100% of the risk, how do you create a system to that accommodates students, families and educators who are approaching education with various information that the Department may or may not be able to ask about? Can the Department support all of its learners and educators recognizing that risk tolerance is going to be different for different people?

STRRT also wants to be responsive to the information that has been gleaned through the current remote instruction process. If a similar pivot to remote instruction has to be done again in future, it should be easier and less disruptive.

It is somewhat odd to have a taskforce developing recommendations for an ambiguous future, ranging from full access to buildings to limited cohort access to buildings or no access to buildings. In addition, the circumstances may change over the months.

STRRT is also focused on the opportunities to raise quality standards across the board with remote instruction and to lessen the variability in the experiences of students, families and educators. That variability occurs not just from one school system to another, but even within a school.

STRRT is going to survey its constituent communities extensively and pull that information together. They hope to have some summary recommendations to school leaders and the governor by the end of June. That will then be followed up by a more detailed report.

STRRT is working with the Region 1 Comprehensive Center, which is a company funded by the US Department of Education to provide support to state educational agencies. They are providing professional facilitators to help with meetings and some of the surveying.

Commissioner Edelblut does not expect a homogenous response as they move forward, as some districts will have certain protocols in place and other districts will have other protocols. As a result, STRRT is trying to equip local school leaders to be as effective as possible.

Ms. Honorow asked whether it is possible to get a draft version of the [remote instruction] rule that is being proposed to the appropriate STRRT work group at today's meeting? Commissioner Edelblut said he would bring it, but he was not sure if it would be appropriate to introduce it now. It probably should be introduced first at the workgroup level to get input. He also felt it was important to get input from across the domain groups as it is relevant to most of them. He said he would make sure that STRRT has an opportunity to weigh in on it.

Ms. Honorow then referred to Commissioner Edelblut's comments at the last Board meeting about trying to devote some resources and time to assess the gaps for students when they return to [brick-and-mortar] school. Ms. Honorow reported that she is hearing from a number of educators who are demoralized because some students have checked out or are "sick of it." The educators are doing the best they can, but are feeling like there are limitations. She asked the commissioner to update the Board on assessing the gaps and whether professional development might play a part.

Commissioner Edelblut said the Department is putting together a professional development program for educators to access remotely. It is a formative assessment for the educators themselves to determine the knowledge and skills gaps a student might have and then formulate a curriculum to meet those needs. The universal design for learning platform is being used as a framework.

From a top down level, the Department is continuing to plan for its spring assessment, which is an open URL assessment that students, families, and educators can use. The Department is currently negotiating with the vendor on what the output will look like because they have not been happy with how it was coming out.

The Department is still having conversations relative to the approach they will take in the fall in terms of measuring student learning gaps that may have developed during the pandemic.

Ms. Lane said that she has a close friend who is a reading specialist that works in a lower socioeconomic district. The reading specialist reports that when the children are in the building and she has access to them, she has reasonable success. Now that the students are not in the building, she is challenged to even have contact with her students. If remote learning continues, Ms. Lane is greatly concerned about the progress that these children will make due to the limited access to them.

Commissioner Edelblut said that was a concern that many people across the state and probably across the nation share. He did not have an easy answer, but he reiterated the professional development he spoke to Ms. Honorow about, which includes tools for the remote world. Also, on a recent school leader call, they had DHHS on the call and they shared materials relative to contact with students. They want to make sure that no students are falling off the radar.

Ms. Griffin commended the commissioner for his extraordinary work in these unpredictable and challenging times. She is eager to see the results of the STRRT.

AGENDA ITEM X. OPEN BOARD DISCUSSIONS

Ms. Lane asked about a piece of the charter school law that states that every November 1, whoever oversees the charter school law develops a report [194-b:21 Oversight Report]. She asked whether that happened last November and whether the Board could get access to that report? Caitlin Davis reported that the report is prepared by the Charter School Oversight Committee of the legislature and they did not meet last year. They met one time this spring with the intention of meeting again after that, but then the COVID-19 state of emergency happened. She and Mr. Greene attended one meeting where they did not have a quorum, so they rescheduled. The rescheduled meeting was subsequently cancelled. Ms. Davis believes that the last time they filed a report was around 2012 or 2014.

Ms. Lane found that curious as the law states they are supposed to submit it yearly. She asked when the next report was expected? Ms. Davis stated that they cannot make the legislature meet. The fact that they were not meeting came to light when the charter school grant went to the fiscal committee. The Department received a whole list of questions, including "what is the status of the report?", which was odd since it was not the Department's report to file. At that point, the legislature discovered that they were supposed to be meeting and hurried to hold a meeting.

Ms. Lane requested that the Board be kept apprised of the status of that future report. Ms. Davis reported that she did not believe they would know, as it is entirely in the hands of the legislature. She noted that Ms. Cassady sits on the committee. When Ms. Davis and Mr. Greene attended the committee meeting that did not have a quorum, she discovered that the committee had been emailing a State Board member that had not been on the board for years and provided the committee with Ms. Cassady's contact information.

Ms. Cassady reported that she heard from the committee on March 10. They were going to meet but it was cancelled because of the state of emergency. She had a great talk with a woman from the committee. Ms. Cassady reported that the committee does not understand what charter schools are about or the strict requirements.

AGENDA ITEM XI. TABLED ITEMS

A. Capital City Public Charter School Status Change Request

This item remains tabled.

AGENDA ITEM XII. CONSENT AGENDA

B. Meeting Minutes of April 9, 2020

Chair Cline listed two small amendments to the meeting minutes of April 9, 2020.

C. Rollinsford School District Withdrawal from SAU #56 Approved by Voters

D. Strafford School District Withdrawal from SAU #44 Approved by Voters

E. Timberlane School District Withdrawal from SAU #55 Approved by Voters

MOTION: Phil Nazzaro made the following motion, seconded by Sally Griffin, that the State Board of Education approve the Consent Agenda, with the meeting minutes as amended.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

AGENDA ITEM XIII. NONPUBLIC SESSION

MOTION: Phil Nazzaro made the following motion, seconded by Kate Cassady, that the State Board of Education move to nonpublic session under RSA 91-A:3, II(c).

VOTE: The motion was approved at 1:02 PM by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, Phil Nazzaro and Helen Honorow with the Chair abstaining.

Phil Nazzaro had to leave the meeting before returning to public session due to another commitment.

MOTION: Helen Honorow made the following motion, seconded by Sally Griffin, that the State Board of Education to leave nonpublic session and return to public session at 2:34 PM.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, and Helen Honorow with the Chair abstaining.

MOTION: Helen Honorow made the following motion, seconded by Kate Cassady, to seal the minutes of the nonpublic session.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady, and Helen Honorow with the Chair abstaining.

AGENDA ITEM XIV. ADJOURNMENT

MOTION: Kate Cassady made the motion, seconded by Sally Griffin, to adjourn the meeting at 2:35 PM.

VOTE: The motion was approved by unanimous roll-call vote by State Board of Education Members Sally Griffin, Ann Lane, Kate Cassady and Helen Honorow with the Chair abstaining.

Secretary

**Pinkerton Academy and Chester School District
AGREEMENT**

THIS AGREEMENT made this – 10th day of April, 2015 by and between the CHESTER SCHOOL DISTRICT, situated in the County of Rockingham, State of New Hampshire (hereinafter called the "District"), and PINKERTON ACADEMY of Derry, County of Rockingham, State of New Hampshire (hereinafter called the "Academy")

WHEREAS the District does not maintain a high school, and is desirous having the pupils who seek a high school education attend high school in said Academy; and

WHEREAS in order to provide a high school education and career and technical education, the Academy must hire teachers and other personnel, and must construct, equip and maintain buildings and facilities as needed; and

WHEREAS the District and the Academy entered into a contract in 1962, which was superseded by a contract in 1987, and again superseded by a contract in 2000; and

WHEREAS the District and the Academy desire that this Agreement shall replace and supersede the contract entered into on March 4, 2000; and

WHEREAS the Academy is willing to receive the pupils and afford them such courses of instruction at a tuition to be determined annually on the basis of the per pupil cost of current expenses of operation and the cost of retiring debt for capital expenditures; and

WHEREAS the Academy would not undertake the maintenance, construction and equipping of buildings and facilities and would not incur any loans therefore unless the contract with the District is of sufficient term to allow the amortization of such loans.

WHEREAS it is understood that communication and flexibility to meet the respective needs and obligations set forth under the Agreement is crucial to the cooperative endeavor being entered between the parties.

NOW THEREFORE in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. Non-Contracting Districts - Children of the Academy faculty and staff and other tuition paying students may be admitted by the Academy from non-contracting districts.

Further, that those students enrolled at the date of this agreement from non-contracting districts will be allowed to complete their program of studies until graduation.

2. Academy Accreditation - The Academy agrees that during the term of this contract, it will provide a course of studies for grades 9-12 and such facilities and equipment so that at all times during the term of this agreement, the Academy (1) is approved and at all times meets criteria for qualification as an approved high school according to New Hampshire statutes (NH RSA 194:22 and RSA 194:23) and (2) is accredited by the New England Association of Secondary Schools and Colleges, Inc. by the Commission on Independent Schools.

3. Special Education and Enrollment Outside the Academy

(A) Beginning in the school year 2015/16 and for each school year thereafter, the parties agree that the District will send, and the Academy will accept, all of the pupils who are qualified to attend grades 9 through 12 to said Academy during the remainder of the term of this contract, except for educationally disabled and exceptional students requiring special schools or special facilities; students who desire special vocational training not offered at the Academy and students subject to the change of assignment or manifest educational hardship provisions or NH RSA 193:3. Eighth grade students who are qualified may be admitted early to take one or more classes at Pinkerton Academy. Those who attend the Academy on less than full-time will have their tuition, as calculated under Paragraph 11, pro-rated.

(B) It is specifically agreed, however, that from time to time the School Board of the District for whatever reason it deems valid may allow up to 10% of its total incoming 9th grade population to enroll in another public high school provided that the Academy's total student population from all the Districts is not less than 2,500 students at the time of the request. However, the District must notify the Academy in writing of the number of students who plan to attend another high school by October 1st of the year preceding the student's departure. The District may in such cases pay tuition for such students to such other public high schools, and shall have no obligation to pay tuition to the Academy for such students.

(C) The Academy, as a service provider to the District as the LEA (Local Educational Agency), shall comply with both substantive and procedural state and federal law in the provision of special education and Section 504 accommodations to

enrolled District students. It is the Academy's intention to provide schooling for all educationally disabled and exceptional students as defined in the details of the student's Individualized Education Program (IEP) when not requiring special schools or special facilities. In addition, the Academy shall, at the request of the district, offer facilities and programs comparable to those offered by public high schools of like size in New Hampshire necessary to meet the defined IEP requirements or Section 504 accommodations for educationally disabled and exceptional children. Specifics of each individual student's IEP or required accommodations and the associated services shall be reviewed and finalized by the District's Director of Special Services in conjunction with the Academy's Dean of Pupil Services/Designee each year. The District shall be charged the costs of such programs for each pupil from the District enrolled in the programs.

4. Foreign Exchange Students - Each year the Academy agrees to accept a maximum of two (2) foreign exchange students residing in the District. The number of foreign exchange students so enrolled will not be used in the calculation of the number of students for tuition purposes, as called for in Appendix A. It is the intent of the parties that the foreign exchange students may attend the Academy for up to one year. To the extent that there is a change in federal law to allow a foreign exchange student to attend for longer than one year and the District allows such student to do so, such student will be used in the calculation of the number of students for tuition purposes.

5. District and Board of Trustees Meetings - The parties agree that the Board of Trustees of the Academy and the School Board of the District will meet at least three (3) times each year at the Academy and at such other times as the parties shall agree, so that the Trustees may have the benefit of the suggestions and recommendations of the School Board on curriculum, financial matters and policies of the Academy and the sending districts. These meetings will be held on Thursday of the last full week of the fall and winter terms and spring terms.

The Pinkerton Academy Board of Trustees will designate not less than two (2) trustees of the Board who are residents of the District at all times during the term of this contract.

6. Career Guidance Services - Career Guidance Services by the Academy shall be made available to all high school pupils of the District as well as for grade placement and subject placement, at the Academy.

7. Students Records - The District shall have reasonable access to educational records for pupils residing within the District, consistent with the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g. Without limiting the generality of the foregoing, the Board of Trustees of the Academy shall, at the request of the District, provide the District with report cards, attendance records, SAT scores, other

achievement test scores, advance placement and honors class enrollment, honors awarded, and college placement for District students. Pinkerton Academy and the District further agree to work cooperatively and communicate regarding class advancement as set forth below.

(A) Class Advancement Notification: Pinkerton Academy shall provide student report cards to the District following each term. When credits are awarded, Pinkerton Academy shall also provide a report to the District within 30 business days which identifies any student who may not be on target to adequately complete any educational or credit requirements for advancement into the next grade level. Credits are awarded at the end of each semester.

8. Discipline - The Academy will be legally responsible for student discipline in accordance with NH RSA 193:13 Suspension and Expulsion of Pupils, while students are under the jurisdiction of the Academy and any matters arising out of such discipline, including any alleged violations of students' rights, will be the sole responsibility of the Academy. Pinkerton Academy and the District further agree to work cooperatively and communicate regarding disciplinary hearings and expulsions as set forth below.

(A) Annually at a meeting with the sending town Superintendents, the Headmaster will review policy and procedure with respect to suspensions.

(B) Expulsion: At such time that any student and/or parent is provided with written notice of an upcoming disciplinary hearing before the Pinkerton Academy Board of Trustees for gross misconduct or neglect or refusal to conform to the rules or regulations of the school for which expulsion may be the result, Pinkerton Academy shall also send a copy of such letter to the District superintendent. Any such expulsion hearing shall be held pursuant to the rules and regulations set forth in the Pinkerton Academy Student Planner and shall result in notification of the District Superintendent of the outcome.

9. Construction/Planning Committee - From time to time, the Academy may borrow money, may refinance any loans; may lease real and personal property, acquire real estate, construct and reconstruct buildings.

Whenever any capital expenditure in excess of \$750,000 is contemplated, a Planning Committee shall be formed composed of four members of the Board of Trustees from the Academy, two Administrators from the Academy, a member of the School Board from each sending district, and one Superintendent chosen by and from the sending districts. The Planning Committee will study the need for such a capital expenditure

and will participate in the planning for such capital expenditure. The Academy will share the possible sources of funding. The Planning Committee will make its recommendations to a joint meeting of representatives of the Board of Trustees of the Academy and of the School Boards from the sending districts. If, in the opinion of the Board of Trustees, there is an emergency for such capital expenditure, the Planning Committee shall complete its recommendations and submit the same for consideration at a joint meeting of the Board of Trustees and School Board members within 30 days of the date the Board of Trustees of the Academy request the School Boards to create a Planning Committee.

Notwithstanding the foregoing, the Board of Trustees reserves the right to make the final decision regarding the above capital expenditure which it determines to be in the best interest of the contracting parties and to include the expense thereof pursuant to paragraph 11 in the annual billings to the District.

10. Payment Schedule - The Academy will make a "good faith" effort annually to supply the School Board of the District and the State Board of Education a written estimate of the tuition charges for each pupil to be made by the Academy for the succeeding school year. Said estimate will be incorporated into the District's annual budget. Further said, the estimate shall be based upon the total costs estimated pursuant to the following paragraph 11, divided by the estimated number of students attending the Academy. The District agrees to pay to the Academy such estimated tuition during the school year in the following installments:

October 15	50%	of the estimated tuition
February 15	25%	of the estimated tuition
April 15	25%	of the estimated tuition

The payments on October 15, February 15, and April 15 will be based on the total number of students from the District enrolled at the Academy on the third Friday in September, January, and March, respectively, and will be adjusted to reflect the daily pro rata tuition charge for students who enroll or withdraw between.

- (1) The first day of school and the third Friday in September.
- (2) The Monday following the third Friday in September and the third Friday in January;
- (3) The Monday following the third Friday in January and the third Friday in March, respectively;

An additional adjustment of the estimated tuition will be made to reflect the daily pro rata tuition charge for students who enroll or withdraw between the Monday following the third Friday in March and the 180th school day. The District will be notified of the adjustment on or before June 30 and settlement will be made on or before July 15. The daily pro rata tuition is equal to 1/180th of the estimated tuition or one part of the total number of school days required in a given school year by the State Board of Education as outlined in the State Standards for High Schools.

11. (A) Accounting Requirement - On or before September 30th of each year, the Treasurer of the Academy shall deliver to the School Board of the District and to the State Board of Education an itemized accounting for the prior school year. This will detail actual operating expenditures and amortization of all bonded capital expenditures and shall include principal and interest payments made by the Academy.

(B) Tuition Calculation - The Treasurer of the Academy shall also determine the actual tuition charge for the school year ended the prior June 30th which shall be computed by dividing the actual average number of students enrolled in the Academy during the school year into the expenses computed in accordance with paragraph 11 (A).

(C) Student Computation - The actual average number of students shall be computed by adding the actual number of students from the District enrolled in the Academy on the Friday of each week, beginning with the third Friday in September and ending with the second Friday in June, and dividing the sum thereof by the number of weeks during that period.

(D) Daily Tuition Rate Calculation - The District will pay the Academy the tuition computed in accordance with (A) and (B) for each student enrolled for the entire school year and the daily pro rata amount of the tuition for any student enrolled for less than the entire school year.

(E) Tuition Adjustments - In the event that the amount paid by the District during the preceding school years is less than the actual tuition due the Academy computed in accordance with this paragraph, the District shall pay such amount to the Academy on the following October 15, in addition to the payment of the estimated tuition due on that date. In the event that the tuition paid by the District during the preceding school year exceeds the actual tuition due the Academy, the Academy shall credit such sum on the payment of the estimated tuition due on the following October 15th.

(F) **Tuition Refund** - In the event that the term of this contract is not extended, any amounts due either party by reason of the fact that the estimated tuition was overestimated or underestimated, shall be paid to the other party on or before September 15th next following the termination of the contract.

12. Tuition Due Dates - The parties agree that tuition payments are due twenty (20) days from the date of the bill or the dates set forth in paragraph 10, whichever is later. The District agrees that if a payment is not made on or before the date called for above, the District shall pay to the Academy, in addition to such payment, interest at the New York prime rate as reported in the Eastern section of the Wall Street Journal, on the date the payment was due. Such interest shall accrue daily as of the date payment is due to the Academy.

13. Term -

(A) The initial term of this agreement shall be for a period of 20 years commencing July 1, 2015.

(B) In July of 2020 and every 5 years henceforth, the term of this agreement will be extended by 5 years unless either party notifies the other in writing prior to March 30 of that year of their intent not to extend the term by the additional 5 years.

14. Contract Language Change - In July of 2019 and every 5 years thereafter, either party may give notice, as provided above, of a desire to change some language in the contract. If such changes are agreed to by the parties, the contract will be so amended. Any and all such changes to the contract language shall be agreed upon and made on or before June 30 of that year. In the event that no agreement can be reached as to the contract language changes, the contract will remain in force for the remainder of the term, unless otherwise amended, by mutual agreement of the parties on a subsequent 5-year anniversary of the contract.

15. Authorization - The District agrees that the School Board of the District is duly authorized to take any and all action and do any and all things necessary or convenient to carry out this contract, and any such action taken by the School Board shall be binding upon the District.

16. Financial Reporting - The written estimate of the proposed tuition charge called for under paragraph 10 and the itemized accounting called for under paragraph 11 shall be in the form of Appendix A.

17. State Board of Education Approval - The parties agree that this contract shall be binding after approval of the contract by the District School Board and after the execution of the contract by the Trustees of the Academy, subject to ratification by District voters and approval by the State Board of Education pursuant to NH RSA 194:22 and RSA 194:23.

18. Student Transportation - The District will be responsible for transporting students to and from the District and the Academy.

19. Required Administrative Meetings - The District shall be advised of any major changes in policies, curricula and other school programs and services at the Academy. Further, that the Headmaster or designee of the Academy shall meet twice annually with the superintendent of schools or other administrators from the Districts to advise on matters of policy, curricula, facilities, programs, and services.

The principals of the middle schools of the District will meet with the designated administrator for the Academy two times each year on matters of curricula, programs, and services.

20. Contract Dispute - In case of disagreement as to the interpretation or application of this agreement, Pinkerton Academy and the Chester School District agree that the controversy may be submitted by either party in writing to the State Board of Education, which, after notice to and hearing both parties, shall make a decision which is final and binding, consistent with the provisions of this agreement, subject to appeal to the New Hampshire Supreme Court.

IN WITNESS WHEREOF, the Academy and the School Board of the Chester School District have caused this Agreement to be executed by their duly authorized officers on the day and year first above written.

PINKERTON ACADEMY

Date 10/11/10

Bradford V. Ehl
By Its Duly Authorized Board Chair

C'HHSTBR SCHOOL DISTRICT

Date 10/11/10

Randy R. Ralston
By Its Duly Authorized Board Chair

AGREEMENT between Pinkerton Academy and the Chester School District

Approved by State Board of Education
Commissioner of Education

Date 10/11/10

!k

IN ADDITION, IN WITNESS WHEREOF, the Academy and the School Board of the Chester School District have caused language changes to this Agreement to be executed by their duly authorized officers on the day and the year written below.

Date: 3-10-2020

Date: 3/4/2020

Pinkerton Academy

-A.4.,;tr.
By Its Duly Authorized Chair

Chester School District

Ronald M. Rifenburg
By Its Duly Authorized Chair

Approved by State Board of Education

Date: _____

Commissioner of Education

RECEIVED

APPENDIX A

School Year, APR 14 2015

STATE OF OHIO
DEPARTMENT OF EDUCATION

INSTRUCTION:

Salaries • Teachers, Librarians, Nurse
Retirement & Group Insurance
Transportation
Social Security
Student Supplies
Textbook, (Net of Royalties)
Library, Audio-Visual • Capital Outlay
Athletics - (Net of Receipts)
Other Instructional • (Net of Receipts)
TOTAL

OPERATION AND MAINTENANCE:

Salaries Custodial, Grounds, Security
Custodial Supplies and Sewerage
Commodities
Repairs • Building / Equipment / Grounds
Fuel • School
Utilities • Heating, Electric, Heat
Water & Sewerage
Snow & Ice Removal
Miscellaneous
TOTAL

PERSONNEL AND ADMINISTRATIVE:

Salaries • Administrative, Security, Janitor
New Hire Program (Contract and Social Security)
Administration • (Net of Receipts)
Insurance
TOTAL

NEW EQUIPMENT:

TOTAL

COST OF NEW FACILITIES:

Direct Expenses
Amortization of Facilities - (Interest, Depreciation & Insurance)
Land & Building Improvements
TOTAL

TOTAL ACADEMY EXPENSES:

Number of Students
Cost per Student

Rev. 3-9-14

2020 Chester, NH School District Annual Meeting Minutes

The 2020 Chester, New Hampshire School District meeting was held in the Cafetorium at Chester Academy in Chester, New Hampshire on Tuesday, March 3, 2020 the meeting was called to order at 7:01 PM by Chester School District Moderator David Scott.

The meeting was Broadcast Live on Comcast Channel 22 and streamed live on Facebook.

The Pledge of Allegiance was recited.

Moderator Scott introduced the Chester School Board and School District officials. In attendance were School Board members Ms. Valerie Weider, Mr. Brennan Holmes, Chairman Royal Richardson, Mr. Jonathan Eckerman, and Vice Chairman Michael Romick, Superintendent Dr. Darrell J. Lockwood; School District Attorney Diane Gorrow from Soule, Leslie, Kidder, Sayward & Loughman; Principal Ms. Karen Lacroix ; Special Services Coordinator Ms. Jana Ruiz; School District Business Administrator Ms. Sheryl Rich; and School District Clerk Mr. Robert Grimm.

Moderator Scott explained the ground rules of the meeting:

- if anyone wished to speak to an article, they would need to approach the microphone at the back of the room stating their name and address
- A Ballot sheet was given out when registered to vote – a blue sheet with tear offs marked Secret Ballot #1 through #4 and each ballot had a choice of “YES” or “NO”.
- As per new State Statutes the District must record the name of the person making a motion and the person who seconds it.

Moderator Scott asked if there would be a motion to waive the reading of the entire warrant articles.

Motion made from the floor by Michael Weider “to waive the reading of the entire warrant and take one article at a time. “

Motion seconded from the floor by Jane Grimm. No discussion. Moderator Scott asked for a voice vote, MAJORITY VOICE VOTE, Motion carried.

ARTICLE 1 – GENERAL ACCEPTANCE OF REPORTS

Moderator Scott brought Article #1 to the floor and read the following:

“To hear the reports of agents, auditors, and committees or officers chosen.”

Motion made from the floor by Rhonda Lamphere “to accept the article as read.” Motion seconded from the floor by Michael Weider.

Since there was no discussion Moderator Scott re-read the article and asked for a voice vote, motion carried.

Article 1 PASSED, MAJORITY VOICE VOTE.

Moderator Scott Introduced School Board Chairman Richardson who gave the following year end remarks:

“We are pleased to report to you that the Chester School Board is highly confident that the District is very well positioned to continue to provide exceptional instruction and programs for the children of Chester. Further that the changes associated with the proposed budget will enable us to be well prepared to balance the financial challenges with the needs of the community during the 2020 – 2021 School Year.

Each year this meeting affords the Chester School Board the opportunity to recognize the many individuals from the community that contribute their time, energy and passion to our School District. As in past years, Chester Academy continues to be the beneficiary of significant community support and involvement. We

2020 Chester, NH School District Annual Meeting Minutes

thank each of you for your continued support.

In particular, we are pleased to have the support of the Chester Booster Club, the Chester PTA and multiple individual volunteers that provide their time throughout the year in support of the Chester Academy Staff and Students.

Also, we would like to take the time to recognize the members of the Chester Fire Department and Chester Police Department for their ongoing support of Chester Academy. We certainly value the work of Chief Greg Bolduc and Chief Aaron Berube and the members of their departments for their support, expertise and their participation in vital training for our staff and Chester Academy students. You can find just a few examples of that support on page 17 of this year's Annual report.

The past year was eventful for the Chester School District and Chester Academy in several ways.

Most notably, at the March 2019 Chester School District Meeting, the voters approved plans to implement a Full Day Kindergarten program at the start of the 2019 - 2020 school year.

We are pleased to report that the program was successfully launched, providing our students a relaxed, unhurried school day with more time for a variety of experiences for the students.

Of note, our enrollment projection for this year's class was accurate, with forty-six (46) students enrolled in the program in September and that number has held steady thus far.

Our teachers have reported that they are able to deliver much more individual and small group learning and student interaction as a result of the expanded hours that they are spending with the children.

The School Board would like to extend our appreciation to:

- Principal Karen Lacroix,
- Assistant Principal Ann Gaffney,
- the Kindergarten staff members Ms. Burke, Mrs. Taylor, Mrs. Kendall and Ms. Serrano and the para-professional support staff members who are providing a safe, stable and nurturing environment for the students to learn and grow both academically and socially.

Our staff also continues to implement new and innovative programs at Chester Academy.

Of note, this year saw the roll-out of the Responsive Classroom program across Chester Academy after some limited trials. Responsive Classroom is a student-centered, social and emotional learning approach to teaching and discipline.

In addition, certain components of the Choose Love Enrichment Program were also implemented across Chester Academy. The program is designed to focus on four important character values – Courage, Gratitude, Forgiveness, and Compassion in Action – which is meant to cultivate optimism, resilience and personal responsibility.

Also, in support of 2019 – 2020 School District Goals, Assistant Principal Ann Gaffney oversaw two significant changes in curriculum at the outset of this school year.

This year Eureka Math, a Common Core-aligned curriculum published by the non-profit Great Minds Inc., was introduced in Chester Academy Grades Preschool – 6. Eureka Math was developed to build math understanding from kindergarten to 12th grade and Chester Academy will be implementing the program in Grades 7 and 8 in the 2020 – 2021 school year. Eureka Math is significant in that it is designed to equate mathematical concepts to stories and real-world situations, with the aim of developing conceptual understanding. It encourages students to use various mental strategies to solve problems, and to focus on the process instead of the answer.

2020 Chester, NH School District Annual Meeting Minutes

The development of the Next Generation Science Standards, similar to Eureka Math, can be best described as "a shift from learning about something to figuring out something." The Mystery Science product provides open-and-go lessons that are designed to inspire kids to solve problems and to love science.

After a trial in 2018 – 2019 school year, Mystery Science lessons have been introduced this year in Grades 1 – 5 at Chester Academy.

The Chester School Board is pleased to see this evolution of the curriculum via the implementation of these two innovative products by the Chester Academy staff and Teachers under Dr. Gaffney's direction.

And, under Personnel:

Of note, ParentingNH magazine recently named our own Marilyn Mitchell as one of the top-five teachers in New Hampshire. Ms. Mitchell has been teaching for thirty-six years, thirty-five of them right here with us at Chester Academy.

Congratulations to Marilyn for the recognition of her commitment to her craft!

I'd also like to recognize our two School Board members who have joined the Board since last year:

- Mr. Jonathan Eckerman is completing the first year of his three year term on the Board.*
- And Mr. Brennan Holmes is completing his one-year term on the Board.*

I'd like to express my gratitude to both of them for their work and contributions to the Board over the last year. In particular for Jonathan's support of the Enrichment Committee and development of 2019 -2020 Goals and Objectives. And the effort and amount of hours that Brennan has logged negotiating a Collective Bargaining Agreement as well as for acting as the liaison to the Chester Budget Committee.

And, finally, I'd like to note that the long-time Vice-Chairman of the Chester School Board, Mr. Mike Romick, will be stepping down after this year's annual School District meeting.

After serving on the Chester Budget Committee, Mike was elected to the Chester School Board at the May 2005 elections. In this capacity, Mike has regularly provided the Chester School Board with his expertise in the area of technology and finance as well as serving as the long-time liaison to the Chester Budget Committee, for many years acting as the primary point of contact for our annual negotiations with the Budget Committee in setting the annual School District budget. This will be the first time in two decades that Mike's name hasn't been on the ballot or listed as a member of a board or committee serving his community.

Mike's long-time civic commitment and support of youth sports in our community is well known. However, his advice and counsel to the members of the Chester School Board will especially be missed.

We wish our esteemed colleague all the best as he steps away... after he attends tomorrow night's School Board meeting!

Conclusion:

We encourage you to read each of the Administration's reports for additional details on the District's educational programs and student performance.

The Chester School Board is proud to report that Chester School District students continue to make excellent progress by all measures and have demonstrated significant achievements at both Chester Academy and Pinkerton Academy. Our students – your children – continue to be well prepared for a successful and productive future.

As always, we continue to be very proud of the accomplishments of the students in our community.

House Bill 1691 and the Board's activities to work with the Legislators in Concord on this issue.

2020 Chester, NH School District Annual Meeting Minutes

Communication is a vital component of participation in both our local and state government. It can also ensure that your thoughts and ideas are being heard when critical decisions are being made at either level. The Board will continue to track critical legislation and communicate the related issues to the Chester Academy community via our monthly newsletter. We encourage you to be engaged and involved on topics of interest to you and your family at both the local and state levels as often as you are able.

In summary, it has been a challenging year and a successful year for the Chester School District."

ARTICLE 2 – ELECTION OF OFFICERS

Moderator Scott brought Article #2 to the floor and announced that the following school district officer positions will be elected

Two School Board Members 3-Year Term each; School District Clerk 3-Year Term; School District Moderator 3-Year Term; and School District Treasurer 3-Year Term. The Election will be held on Tuesday, March 10, 2020 from 7:00 am to 7:00 pm at the Multi-Purpose Room in Chester, New Hampshire.

ARTICLE 3 – 2020/2021 OPERATING BUDGET

Moderator Scott brought Article #3 to the floor and read the following:

“To see if the district will vote to raise and appropriate the budget committee’s recommended amount of \$12,792,364 for the support of schools, for the payment of salaries for the school district officials and agents, and for the payment for the statutory obligations of the district. This article does not include appropriations contained in special or individual articles addressed separately. (Majority vote required).”

Recommended by Chester School Board.

Recommended by Chester Budget Committee.

Motion made from the floor by Rhonda Lamphere to accept the article as read. Motion seconded from the floor by Michael Weider.

Moderator Scott introduced Chairman Richardson who presented the 2020-2 budget:

“The 2020–2021 School District Budget. This year’s proposed budget includes many areas with increases and reductions, as appropriate.

As in past years, the Chester School Board has focused on the needs of our three constituencies:

- The Children and Families of the Chester School District;*
- The Employees of the Chester School District;*
- And the Taxpayers of Chester, NH*

The CSB and the Administration began the Budget Review process in the summer of 2019 facing the usual challenges:

- As always, many aspects of the Budget are obligated expenditures, such as contracted agreements like employee salaries and benefits, state mandates or tuition to Pinkerton Academy, which are all outside of the direct influence of the Board or the Administration.*
- Anticipated increases in Healthcare premiums for the current plans.*
- Mandatory contributions to the New Hampshire Retirement System.*
- An aging building that now regularly requires significant maintenance of the Chester Academy infrastructure.*

2020 Chester, NH School District Annual Meeting Minutes

Concurrently, the Chester School Board and the Administration continue a detailed examination of the resources necessary to support a ten-year capital improvement plan (CIP) supporting the Chester Academy infrastructure and physical plant.

The issue of student enrollment continues to be an area of concern ~ and a challenge ~ when preparing a budget. You can find the details on enrollment issues at both Chester Academy and at Pinkerton Academy beginning at the bottom of page 20 in the Report.

Of note, enrollment for Chester Academy K – 8 at the start of this school year was 486 students (which was down slightly from the 490 students the prior year and 493 students in the 2017 – 2018 school year). However, the current enrollment for K – 8 is 492 students.

The Chester student enrollment at Pinkerton Academy for 2019 – 2020 declined to 298 (due to students moving out of District; transferring to other programs; or moving to Home-schooling options). The projection used in the 2020 – 2021 School District Budget is an enrollment of 288 students enrolled at Pinkerton Academy.

The estimated tuition rate for Pinkerton Academy for 2020 – 2021 will be \$13,230 per student, which is an increase of \$452 per student, or 3.54%, over the prior year's Regular Education tuition.

Note: Please note that Pinkerton Academy costs for Special Education Services are directly charged back to each Sending School District based on the Pinkerton support program(s) that their students are enrolled in and the specific services provided to each student. These costs to the Chester School District are over and above the \$13,230 cost for tuition noted previously.

On page 21 of the Annual Report you can find the State Average Cost per Pupil and Total Expenditures for school year 2018 – 2019, which was \$16,599.80 for High School students.

In comparison, Pinkerton Academy's 2020 – 2021 Regular Education tuition of \$13,230 plus transportation of \$709.66 per student is still quite favorable at a total cost of \$13,939 when compared with the two-year-old 2018 – 2019 NH DOE Cost per Pupil report for High Schools with curriculum and facilities which are comparable to the Academy.

Of note, in terms of comparison with other New Hampshire High Schools, Pinkerton Academy's Center for Career and Technical Education is also one of 26 regional CTE centers in New Hampshire and is a model for this type of program.

Our anticipated Tuition obligation for Pinkerton Academy regular education services for 2020 – 2021 is \$3,792,600. Despite the tuition increase, the result is a decreased cost of -\$104,690 from the prior year due to an offsetting lower Chester enrollment number at the High School level.

Of note, this expenditure represents 29.6% of our proposed 2020 – 2021 budget.

Note: this figure also includes tuition for four (4) Chester Academy students enrolled in an Advanced Math program at Pinkerton Academy at a cost of \$2,205 per student (an increase of \$75 per student over the prior year).

The Proposed Chester School District 2020 – 2021 Budget presented to you tonight represents a significant amount of analysis and work by Superintendent Lockwood and the SAU 82 Staff as well as by Principal Lacroix and all of the administrators and teachers at Chester Academy.

It should be noted that the most significant aspects of the Chester School District Budget continue to be salary and benefits for our employees followed by tuition for our High School students at Pinkerton Academy.

The Chester School Board is presenting a proposed 2020 – 2021 School District Budget that has also been developed in conjunction with the Chester Budget Committee. The School Board recommends a budget of

2020 Chester, NH School District Annual Meeting Minutes

\$12,792,364. This article does not include appropriations voted in other warrant articles.

The proposed Budget of \$12,792,364 shows a budget-to-budget variance of \$264,176, for an increase in comparison with the FY 2019 – 2020 budget of 2.11%.

Summary: as always, this is a story of “ups and downs” across the individual Budget lines:

The change year-over-year from the current year to the proposed 2020 – 2021 Budget is primarily due to a required increase in support staff for Regular Education, Special Education and Counseling at Chester Academy. Also contributing are increases related to the operation of Physical Plant and increases as a result of new contracts for both Regular Education and Special Education transportation services.

These are broken out as:

Summary of significant increases in the proposed FY20 Budget:

1100 – Funding for Regular Education increased by 2.46%, in the amount of \$176,562

- Regular Education increases are related to increased Salary requirements (\$172,389, which reflects scheduled raises as per the CEA Collective Bargaining Agreement and the addition of a Reading Specialist and an Enrichment Teacher) and Performance Incentives (\$13,814) which are defined in the new Collective Bargaining Agreement; two Paraprofessional educators which were introduced last year via the Full-day Kindergarten program (\$5,947); Health Insurance increases as a result of an 8.6% premium increase and the benefits for the new Specialist and Teacher; and mandatory NHRS contributions increases as a result of salary increases and the new Specialist and Teacher (\$108,459).

1200 – Funding for Special Education increased by 1.56%, in the amount of \$24,663

- Special Education increases are related to an increase Salary requirements (\$77,949) as a result of the hiring of four new Paraprofessionals to meet the requirements of student IEP's; the related Health Insurance increases (\$14,388) which are defined in the CESPAC Collective Bargaining Agreement; Contracted Services increased as a result of increased costs associated with Extended Year Contract Services (\$22,058); and an increase in Out of District Tuition at CREST (\$16,690)

2120 – Funding for School Counseling increased by 40.23%, in the amount of \$57,345

- School Counseling increases are due to an increase in Salary requirements (\$43,599) related to the Collective Bargaining Agreement plus the addition of one new full time School Counselor; Performance Incentives (\$1,247) which are defined in the Collective Bargaining Agreement; and mandatory NHRS contribution increases (\$9,138)

2190 – Funding for ESOL Services increased by 250%, in the amount of \$5,000

- ESOL Services (English for Speakers of Other Languages) increase is due to an increase in demand for these services (\$5,000) within the Chester Academy student population. This increase reflects the use of Contract Services to meet this additional demand.

2210 – Improvement of Instruction increased by 9.53%, in the amount of \$5,184

- Improvement of Instruction increases reflect an increase in the budget for CEA Course Reimbursement and Out of District Workshops. The Workshops increase of \$5,000 reflects the increased requirement for compliance-related and mandated training for the C-A Staff and Administration.

2222 – Library Services increased by 8.44%, in the amount of \$6,791

- Library Services increase is due to an increase in Salary requirements (\$4,548) and Performance Incentives (\$371) which are defined in the Collective Bargaining Agreement; and mandatory NHRS contribution increases (\$810). In addition, Library Books increased modestly by \$150 which will be offset by revenue from the Chester Library Trust Funds: amount TBD.

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2400 – School Administration increased by 3.17%, in the amount of \$16,630

- School Administration increase is due to an increase in Salary requirements (\$7,701) for the Administrators and office support staff.

2600 – Operation of Plant increased by 0.77%, in the amount of \$4,450

- Operation of Plant a modest increase is due to a combination of some decreases coupled with an

increase in Salary requirements (\$4,413) for the Maintenance Director, Maintenance Specialist and Custodial positions; Water / Septic / Sewer increases are driven by state mandated drinking water testing requirements (\$2,950); and increased cost of General Maintenance and Repairs (\$9,390) includes a project to replace building door locks which will be offset by a state \$16,000 Infrastructure Grant.

2700 – Student Transportation increased by 6.67% in the amount of \$43,198

- Student Transportation increases reflect new three-year agreements with First Student (\$33,942) for Regular Education bus service and with Seacoast Learning (\$9,256) for Special Education student's bus service.

Summary of reductions in the proposed FY20 Budget:

1200 – Funding for Special Programs at Pinkerton decreased by -24.3%, in the amount of -\$129,463

- Special Education – While overall, this line item is up due to demand for services at Chester Academy there are significant decreases which are primarily due to decreased Pinkerton Academy Tutor salary requirements (-\$41,050) as a result of decreased demand for services; and a lower overall enrollment in Pinkerton Academy Special Education programs / tuition requirement (-\$88,413)

2162 – Physical Therapy decreased by -57.14% in the amount of -\$4,000

- Physical Therapy decreases are driven by a reduction in Contracted Services (-\$4,000) as a result of a reduced demand for services.

2169 – Vision Services decreased by -65.83% in the amount of -\$4,860

- Vision Services decreases are driven by a reduction in Contracted Services (-\$4,860) as a result of a reduced demand for services.

2225 – Technology decreased by -10.17% in the amount of -\$36,071

- Technology decreases (-\$48,612) are driven by a reduction in lease costs associated with the annual replacement of student Chromebooks as a result of a reduced demand for services and aggressively negotiated prices; and the impact of the completion of scheduled one-time Wifi/Firewall infrastructure projects in 2019 – 2020.

On page 24 of the Annual report, you can find the summary explanation of the Revenue items included in this year's Budget. The detailed Projected Revenue Report can be found on page 60 of the Annual report.

When you are developing a Budget, you have to take into account the impact of both the required Expense and the available Revenue.

School District Revenue:

The School District Budget summary shows Total Revenues of \$4,879,028 which is an increase of \$93,205 over the 2019 – 2020 figures.

On the State Revenue side:

- The State Education Grant funding is \$2,670,185, an increase of \$205,222 over the prior year. Of note, this increase for this year is as a result of last summer's NH State Biennium Budget agreement. This was not a permanent change and the amount could change based on legislation and /or subsequent State Budget negotiations related to education funding.

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- The District anticipates a one-time State Infrastructure Grant of \$16,000 to replace Door Locks throughout Chester Academy.
- State Education Tax revenue for 2020 – 2021 is \$1,275,137, which is a reduction of -\$8,159 over the prior year.
- School Building Aid remains flat at \$0 as a result of the School Building / Addition final Bond payment in 2018.
- We are also forecasting a reduction in Special Education Aid (aka State Catastrophic Aid, a partial reimbursement for student costs that exceed 3.5 times the state average) of -\$75,000.
- Revenue from State and Federal resources for Child Nutrition, based on the last fiscal year's funding of the current state program, is forecast to be \$2,500, an increase of \$500 over the prior year.

On the Federal Revenue side:

- For Federal Grants we are forecasting \$133,477 which is an increase of \$29,373 over the prior year.
- Revenue from Federal resources for Child Nutrition, based on the last fiscal year's funding of the current federal program, is forecast to be \$24,000, which is the same as the prior year.
- We are not anticipating revenue from the universal service Schools and Libraries Program, commonly known as "E-rate" this year, so this shows as a reduction in the amount of -\$17,500 over the prior year.
- Of note, Medicaid Reimbursement of up to 50% of certain Special Education costs for students that qualify for Medicaid has been greatly reduced due to new Federal changes in qualification for reimbursement. Absent a resolution of negotiations between the State and the Federal officials on this issue, we have forecast reimbursement to again be limited to \$5,000, which is the same as the prior year.

Note:

- The services provided to the children of the School District have not changed in any way: the services are just no longer currently eligible for reimbursement, shifting the direct cost to the taxpayers of our community.
- This issue is currently being addressed via Senate Bill 684, sponsored by Senator Jon Morgan, to correct Federal funding available to schools under New Hampshire's Medicaid program

Unreserved Fund Balance

The projected, at this time, total for the Unreserved Fund Balance is \$432,107.

- The District's Unreserved Fund Balance is made up of funds from expense savings realized during the course of the current school year. The current projection for unexpended funds at year-end is \$381,834. This is made up of:
 - Savings of Chester Academy Regular Education Salaries (\$44,230) and Benefits (\$60,170) as a result of workforce changes / turnover.
 - Pinkerton Regular Education Tuition (\$76,668) as a result of a reduction of six students from the original enrollment projection.
 - Savings of Chester Academy Special Education Salaries (\$30,934) and Benefits (\$40,413) as a result of workforce changes / turnover.
 - Also, reductions in demand for Pinkerton Special Education Services: a reduction of five for Resource services (\$43,230) and Pinkerton Tuition for ACT services (\$53,934) and the elimination of one Out of District placement.
 - And a reduction in demand for Special Education Transportation services (\$25,000)
 - Our District Healthcare provider is SchoolCare: SchoolCare offers medical, prescription drug and dental coverage to school districts, towns and other public entities at affordable rates.
 - of note, SchoolCare had some good news when they announced that there would again be a SchoolCare "Insurance Holiday" / rebate which will be added to the Unreserved Fund Balance in the amount of \$50,273 (this is an is a slight decrease over last year's "Insurance Holiday" amount of \$50,461).
 - Unfortunately, they also notified the District that insurance premiums would be increasing by 8.6% in the coming year.

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- Also contributing to the Unreserved Fund Balance is Unanticipated Revenue from increased 2019 - 2020 State Special Education and increased Adequacy Aid in the amount of \$47,354
- These current-year funds were provided as a result of the State Biennium Budget Agreement which changed funding formulas for State Education Aid.
- As these funds were characterized as unanticipated revenue, they must be added to the Unreserved Fund Balance and returned to the Town's General Fund, lowering taxes.

Unreserved Fund Balance Retained Fund

In addition, the Chester School Board will move sixty thousand dollars (\$60,000) from the Chester School District Unreserved Fund Balance Retained Fund.

This is the first time that the Chester School Board has used this facility to lower the School District tax impact to the community.

- This fund was established in March 2013, as per RSA 198:4-b - Contingency Funds and allows the School District to retain year-end unassigned general funds in an amount not to exceed, in any fiscal year, 2.5 percent of the current fiscal year's net assessment pursuant to RSA 198:5.
- This RSA also stipulates that these funds can only be for "the purpose of having funds on hand to use as a revenue source for emergency expenditures and over expenditures under RSA 32:11, or to be used as a revenue source to reduce the tax rate".
- These funds will be included in this year's Budget as Revenue, for the purpose of reducing the Tax Impact of the increases in the proposed Budget.

Staffing Changes

This Budget supports several staff changes. Of note, the Chester School Board has included the addition of a full time Reading Specialist; a new full time School Counselor; and a full time Enrichment Teacher.

The position of Reading Specialist is required in order to be compliant with the Administration of Minimum Standards in Public Schools under Ed 306.15.

- Specifically, this says: "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: In each elementary school, the services of a reading specialist and library media specialist to facilitate the delivery of the language arts and reading program established in Ed 306.37(a)."
- The Chester School Board concurs with and supports the recommendation of the Superintendent. The addition of a second School Counselor will meet the needs of a changing population of students and families in the Chester Academy community.
- Over the last year, the Chester School Board has met with the Administration and Staff to discuss the climate of our school. It has become apparent that there are many students struggling with social / emotional issues and trauma that is impacting both their ability to learn and succeed but also impacting their fellow students in the classroom.
- The Administration has implemented programs (the Responsive Classroom Program and Choose Love Enrichment Program) designed to address these issues, however, the requirement for the classroom teachers to address these complex issues is beyond their level of expertise and frequently negatively impacting their ability to serve their students.
- The addition of a second School Counselor, focused on dealing with behavioral issues (not to be confused with disciplinary issues), will help ensure the success of both our students and staff.
- The Chester School Board concurs with and supports the recommendation of the Superintendent and Administration.

In October a committee chartered by the Chester School Board made up of concerned parents, teachers, administrators and the Chester School Board began meeting to consider an issue raised at the School Board meeting in August of that year.

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After evaluating programs at other School Districts across the state, the consensus of the Committee was that Chester Academy should resume an Enrichment Program for grades 1 – 5 and supporting existing programs in grades 6 – 8.

- The Enrichment Committee proposed the hiring of a full-time educator as an Enrichment Teacher to implement a school-wide enrichment program. The program aims to develop healthy learning habits in all students by providing opportunities for engagement, excitement and enthusiasm for learning at all levels. Improving the learning environment within the school creates higher achievement and a positive learning environment where teachers and students love coming to school.
- The Chester School Board concurs with and supports the Committee's recommendation.

Each of these three positions is budgeted with a starting salary of \$49,020 plus a standard Benefits and Retirement package as defined in the related Collective Bargaining Agreement.

In addition, the 2020 – 2021 Special Education Budget carries funds for four (4) additional Paraprofessional staff members that are required to support the Individualized Education Programs of students during the 2020 – 2021 school year.

Projected Tax Impact

You can find the summary on the Projected Tax Impact on page 26 of the Annual Report. The detailed Projected Tax Impact can be found on page 61 of the Annual report.

The Projected Tax Impact associated with the appropriation of \$12,792,364 to support the Proposed 2020 – 2021 Budget is \$0.24 per thousand dollars of assessment. For a home assessed at \$450,000* dollars this would result in an impact of \$108.00 per year, or \$2.08 per week.

This article for the proposed 2020 – 2021 Budget was unanimously supported by the Chester School Board and unanimously supported by the Chester Budget Committee.

A “Yes” vote on Warrant Article 3 would support a continued focus on academic excellence. A “No” vote would impact the ability of the Chester School District to deliver exceptional education services for the children of our community.

* Note: Please note that, after the most recent property reevaluation in Chester, this year we have begun modelling the tax impact using a home assessed at \$450,000 dollars, where in the past we have historically used a home assessed at \$350,000 dollars.

This now seems to be a more appropriate value to model, even if it does increase the impact of the per year or per week figures in the report in comparison with prior years.”

Moderator Scott re-read Article 3 and asked if there was any further discussion. Being none, Moderator Scott asked for a vote on Article 3.

VOICE VOTE in the affirmative. ARTICLE 3 PASSED.

ARTICLE 4 – COLLECTIVE BARGAINING AGREEMENT EDUCATION SUPPORT PERSONNEL

Moderator Scott brought Article #4 to the floor and read the article.

“To see if the Chester School District will vote to approve the cost items included in the collective bargaining agreement reached between the Chester School Board and the Chester Educational Support Personnel Association which calls for the following increases in salaries and benefits at the current staffing level:

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Fiscal Year	Estimated Increase
2020-2021	\$27,553.29
2021-2022	\$16,370.62
2022-2023	\$16,301.29

**And further to raise and appropriate \$27,553.29 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current levels.
(Majority Vote Required)**

**Recommended by Chester School Board.
Recommended by Chester Budget Committee**

Motion made from the floor by Michael Weider to accept the article as read. Motion seconded from the floor by Rhonda Lamphere.

Moderator Scott introduced Chairman Richardson who spoke on Article 4.

"The process kicked off in June of 2019 and the negotiations with CESPAs commenced on August 29th, 2019.

In addition to several requests for procedural changes (i.e.; non-cost items) the CESPAs team was primarily interested in modifications to their work schedule, personal leave days, a wage increase, and participation in the New Hampshire Retirement System (NHRS). The negotiations were positive and cordial throughout the process.

After negotiations throughout September, October and November both sides agreed that they had reached an impasse and submitted the remaining, outstanding issues to mediation. The CSD / CESPAs Mediation Session on December 5th, 2019 concluded with the agreement presented to you for your approval.

At the outset of the negotiations, both sides expressed that their intention was to work on the existing Salary Schedule to improve starting wages for new employees. Given the current marketplace and competition for qualified workers, both parties agreed that the starting salary of \$11.00 for the Paraprofessional-II position was no longer viable. Each side also concurred that the existing 15-step Salary Schedule was no longer workable.

While CESPAs sought a new five-step schedule the District proposed a ten-step schedule which addressed starting salary improvements as well as wage adjustments and increases across the spectrum of current employees.

A newly designed ten-step Salary Schedule was developed which addresses improved starting salaries as well as wage increases for the Paraprofessional staff and the Speech Assistant represented by the CESPAs Collective Bargaining Agreement.

Further, employees currently on the top step on the pay scale, and those who move beyond the top step during the life of this contract, shall receive a salary increase of 3.0% per school year.

In addition, both sides concurred that a provision was necessary to support occasional Substitute Teaching by the Paraprofessional staff. Under the proposed agreement, Paraprofessionals may substitute for members of the professional staff on a volunteer basis and with the permission of the building principal or assistant principal. Employees shall be paid an additional \$4.00 per hour when substituting.

The CESPAs leadership explained that their intention was to include a provision in the agreement for their members to have access to the state managed NHRS retirement plan as part of their benefits package. After significant discussion regarding the pro's and con's of the NHRS, the Chester School District proposed to establish a 403(b) plan for each employee, into which the School District would contribute two hundred fifty

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dollars (\$250.00) to each year.

A 403(b) plan is a retirement account for certain employees of public schools and tax-exempt organizations. Participants typically include teachers, school administrators, professors, government employees, nurses, doctors, and librarians.

Items in the proposed agreement associated with work-rules, which have no financial impact, include the following:

- Clarification that when an in-building instructional day is cancelled due to use of a blizzard bag or the NH Department of Education approving fewer student days, employees may now make up lost work time by using voluntary leave time.
- Clarification regarding the purpose of the Sick Leave Bank. Specifically, that it is to provide a means of obtaining additional Sick Leave days to avoid loss of compensation due to a chronic illness or catastrophic injury of the employee.
- Clarification regarding Bereavement leave in the event that an employee suffers the death of more than one applicable individual in the same year.
- Clarification regarding Reimbursements for Professional Development approved conference, workshop, course or meeting fees.

The proposed agreement, if approved will be in effect from July 1st, 2020 to June 30th, 2023.

Summary of significant changes in this agreement:

- The School District will contribute two hundred fifty dollars (\$250.00) for each full-time employee each year or a pro-rated amount for part-time employees. This amounts to \$6,250 in contributions per year based on twenty-six (26) eligible employees.
- The new wage scale associated with this agreement moves the starting salary for a Para II from \$11.00 an hour to \$13.25 an hour in the first year; to \$13.38 an hour in the second year; and to \$13.52 an hour in the third year.
- The effect of the 403(b)-contribution combined with the changes in the Salary Schedule in Year 1 amount to \$27,553.29, which represents a 5.16% overall increase. In Year 2 the changes amount to \$16,370.62, which is a 2.92% increase; and Year 3 the changes amount to \$16,301.29, which is a 2.82% increase.

The "Sanbornized" costs associated with this contract are related to Salary, Taxes and Benefits and are based on the current employee base and projected for the 2020 – 2023 school years and they breakout as follows:

Salary and Taxes:	Year 1 Impact	Year 2 Impact	Year 3 Impact	Overall three-year Impact
Year 1 Increase	\$27,553.29	\$27,553.29	\$27,553.29	\$82,659.87
Year 2 Increase		\$16,370.62	\$16,370.62	\$32,741.24
Year 3 Increase			\$16,301.29	\$16,301.29
Total increase by year:	\$27,553.29	\$43,923.91	\$60,225.20	
3 Year Total Impact:				\$131,702.40

Projected Tax Impact

You can find the summary of the Projected Tax Impact on page 28 of the Annual Report.

The projected Tax Impact associated with the appropriation of \$27,553.29 in the first year of the agreement is \$0.039 per thousand dollars of assessment. For a home assessed at \$450,000 dollars this would result in an impact of \$17.55 per year, or \$0.34 per week.

Note: If the new Collective Bargaining Agreement is approved, then the resulting combined total Budget for 2020 – 2021 (Article #3 \$12,792,364) + Article #4 \$27,553.29)) would be \$12,819,917 resulting in a budget-to-budget variance of \$291,729.29, for a combined increase over the FY 2019 – 2020 budget of 2.33%.

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The total, combined projected Tax Impact of Warrant Article 3 & Warrant Article 4 (if both approved) in the first year is \$0.28 per thousand dollars of assessment. For a home assessed at \$450,000 dollars this would result in an impact of \$126.00 per year, or \$2.42 per week.

This article for the proposed CESPAs Collective Bargaining Agreement was unanimously supported by the Chester School Board. The Chester Budget Committee voted in the affirmative by a majority, with one abstention, in support of Warrant Article 4.

A "Yes" vote on Warrant Article 4 will allow the Chester School District to work under a fair and equitable working agreement with the Chester Educational Support Association (CESPA) over the next three years."

Moderator Scott re-read Article 4 and asked if there was any further discussion. Being none, Moderator Scott asked for a vote on Article 4.

VOICE VOTE in the affirmative. ARTICLE 4 PASSED.

ARTICLE 5 – SPECIAL MEETING

***"Shall the school district, if Warrant Article 4 is defeated authorize the governing body to call one special meeting, at its option, to address Warrant Article 4 cost items only?"
(Majority Vote)***

Motion made from the floor by Michael Weider to table this article. Motion seconded from the floor by Rhonda Lamphere.

Moderator Scott asked if there was any further discussion. Being none, Moderator Scott asked for a vote on Article 5 to be tabled.

VOICE VOTE in the affirmative. ARTICLE 5 TABLED

ARTICLE 6 – ESTABLISH AND FUND BOILER REPLACEMENT

***"To see if the school district will vote to establish a Boiler Replacement Capital Reserve Fund under the provisions of RSA 35:1 for Boiler Replacement and to raise and appropriate the sum of \$20,000 to be placed in this fund and further to name the School Board as agents to expend. The sum to come from June 30, 2020 fund balance available or transfer on July 1. No amount to be raised from taxation."
(Majority Vote Required)***

Recommended by Chester School Board.

Recommended by Chester Budget Committee

Motion made from the floor by Michael Weider to accept the article as read. Motion seconded from the floor by Rhonda Lamphere.

Moderator Scott introduced Chairman Richardson who spoke on Article 6.

"This article represents a request to establish a Boiler Replacement Capital Reserve Fund under the provisions of RSA 35:1 and to raise and appropriate the sum of \$20,000 to be placed in this fund.

The establishment and funding would have no associated tax impact.

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The Chester School Board has identified significant projects supporting the Chester Academy building infrastructure and physical plant over the next ten years, which have been included in the town's overall Capital Improvement Program.

One of these projects is the replacement of the Chester Academy Boilers. This is currently projected to be necessary during the 2024 – 2025 school year at a cost of approximately one hundred thousand dollars (\$100,000).

The current projection for Impact Fees collected each year will not be sufficient to cover all of the planned Capital Improvement Projects necessary to maintain the infrastructure of Chester Academy.

It is the consensus opinion of the Chester School Board and the Chester Budget Committee that it is prudent for the CSB to create a Capital Reserve Fund specific for this purpose and to contribute a sum of twenty thousand dollars (\$20,000) to the fund each year in advance of the work being done. The twenty thousand dollar contribution each year would be raised and appropriated from each year's Unreserved Fund Balance at the end of the fiscal year. As a result, through the use of dollars from the prior year's Unreserved Fund Balance there would be no additional tax impact for fiscal year 2020 -2021 associated with the funding of this Capital Reserve Fund.

By having the funds available to do the necessary work, the Board at that time will not have to raise and appropriate tax dollars or rely on available impact fees to complete the project.

In addition to the Boiler Replacement Capital Reserve Fund the District currently maintains two other Capital Reserve Funds.

- A School Buildings Maintenance Fund (established in March of 2000 and earmarked by the School Board for replacing the Chester Academy flat roofs) that currently has a Market Value of \$ 220,084.54 (as of 12/31/2019)*
- and an Educating Disabled Children Fund with a Market Value of \$ 145,345.02 (as of 12/31/2019).*

Of note, similar to the School Buildings Maintenance Fund, the new Boiler Replacement Capital Reserve Fund would be earmarked by the School Board specifically to be used for replacing the Chester Academy Boilers.

This article was unanimously supported by the Chester School Board and unanimously supported by the Chester Budget Committee.

A "Yes" vote on Warrant Article 6 will allow the Chester School District to position the 2024 – 2025 Chester School Board to complete a critical project without having to raise and appropriate any tax dollars at that time.

Moderator Scott re-read Article 6 and asked if there was any further discussion. Being none, Moderator Scott asked for a vote on Article 6.

VOICE VOTE in the affirmative. ARTICLE 6 PASSED.

ARTICLE 7 – APPROVE LANGUAGE CHANGES IN PINKERTON ACADEMY AGREEMENT

"Shall the District vote to approve minor adjustments to the tuition agreement between the Chester School District and Pinkerton Academy, as negotiated by the School Board, which provides for an initial term which began on July 1, 2015, and ends on June 30, 2035, with the term to be automatically extended for an additional five years every five years unless either party presents written notice of its intent not to extend the agreement, and further, to authorize the School Board to submit the agreement to the State Board of Education for approval pursuant to RSA 194:22; and to authorize the School Board to take up such other and further

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acts necessary to give effect to this resolution, including the adaption of minor amendments to the agreement, from time-to-time during its term, without further action by the School District meeting?

(The proposed changes to the contract may be reviewed at Chester Academy Website and available upon request from SAU Office.)

Motion made from the floor Rhonda Lamphere to accept the article as read. Motion seconded from the floor by Michael Weider.

Moderator Scott introduced Chairman Richardson who spoke on Article 7.

"This article represents a request to by the Chester School Board for the voters to approve minor language changes to the current Tuition Agreement with Pinkerton Academy.

Under the current agreement each party can suggest changes in the agreement every five years as part of the automatic renewal process. Under the agreement signed on July 1st, 2015 this was the Chester School District's first opportunity to make any changes. The proposed language changes have no financial or associated tax impact.

The Chester School Board recommended changes in the following areas:

- *Proposed change to Section 7, regarding Students Records and Class Advancement Notification*
- *Proposed change to Section 8, regarding Discipline*
- *Proposed changes to Section 9, regarding policies and procedures related to the Construction/Planning Committee*
- *Proposed changes to Section 14, regarding Contract Language Change process*
- *Proposed change to Section 19, regarding required Administrative Meetings*

In addition, this Warrant Article would allow the Chester School District the authority to approve minor amendments to the agreement from time to time without being brought to the Chester School District Meeting for approval.

A "Yes" vote on Warrant Article 7 will allow the Chester School Board to more effectively work together in a collaborative fashion with the Pinkerton Board of Trustees."

Moderator Scott re-read Article 7 and asked if there was any further discussion. Being none, Moderator Scott asked for a vote on Article 7.

VOICE VOTE in the affirmative. ARTICLE 7 PASSED

ARTICLE 8 – OTHER BUSINESS

Moderator Scott brought Article #5 to the floor and read the article.

"To transact any other business which may legally come before this meeting."

Motion made from the floor to accept the article as read. Motion seconded from the floor.

Moderator Scott asked if the body had any business to bring forward. Sensing none Moderator Scott asked for a motion to adjourn the meeting.

Motion to adjourn the meeting was made from the floor by Rhonda Lamphere and second from the floor by Jane Grimm.

A MAJORITY VOICE VOTE, in the AFFIRMATIVE was recorded.

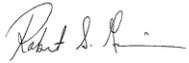
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Meeting ended at 7:55 pm.

The Supervisor of the checklist for the Town of Chester, Ms. Dianna Charron, reported after the meeting, 57 residents signed in as registered voters out of 4,061,

Respectfully submitted March 6, 2020.

True Attest,

A handwritten signature in cursive script, appearing to read "Robert S. Grimm".

*Robert Scott Grimm
Chester School District Clerk, 2020*