

Subject:
Alternative Compliance

School Approval Standard:
Ed 306.29

This is the fourteenth in a series of Technical Advisories issued by the Department to clarify the new School Approval Standards.

I. Actual Text

Ed 306.29 Alternative Compliance.

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

(b) To apply for approval, the local school board shall submit a written request to the Commissioner of Education that includes:

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

(c) The commissioner shall grant approval of the alternative for that period of time consistent with the school(s) approval designation, issued pursuant to Ed 306.28, if the request meets the following criteria:

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

Issued by:

Lyonel B. Tracy

Date Issued:

June 28, 2006

NEW

Page 1 of 3

Subject:
Alternative Compliance

School Approval Standard:
Ed 306.29

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

(e) If the commissioner denies the request, the chairperson of the local school board may appeal the decision and request a state board hearing. The appeal shall be filed in writing with the office of legislation and hearings within 20 days of the receipt of the decision and shall specify the basis for the appeal. The office of legislation and hearings shall schedule a hearing on the appeal in accordance with timelines and procedures established in Ed 200.

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

II. Department Comment:

What can a LEA request Alternative Compliance for?

A LEA can request alternative compliance for rules, but nothing included in the statute.

What is a waiver?

A waiver will relieve a school district of a requirement, if the statute allows it. The Department of Education retains the right to deny any request for a waiver.

What specifically is not eligible for Alternative Compliance?

The following standards are not eligible for alternative compliance:

306.03, 306.04, 306.05, 306.06, 306.07(except 306.07(b)(1)), 306.09, 306.10, 306.12, 306.13, 306.14, 306.16, 306.19, 306.21, 306.22, 306.23, 306.24, 306.39(except 306.39(f)), 306.44, 306.46(a)(1-3), 306.46(b)(1-3), 306.46(c)(1-3,4a)

Are all public schools eligible for Alternative Compliance?

Yes, all public schools are eligible for an approval of an alternative method of compliance.

When should a school district apply for Alternative Compliance?

A school district should submit their request eight (8) months prior to the expiration of their approval or eight (8) months prior to the opening of a new school.

Issued by:

Lyonel B. Tracy

Date Issued:

June 28, 2006

NEW

Page 2 of 3

Subject:
Alternative Compliance

School Approval Standard:
Ed 306.29

What should be in a plan?

- Why the school district can not meet the standard as is.
- The specific rule subject to the alternative compliance request.
- The degree to which the standard will be met (full, partial) with an explanation.
- Explain the school's attempts to fully meet the standard.
- The school's previous attempts to fully meet the standard.
- An explanation as to the impact if disapproval of the request for alternative compliance is denied.
- Provide a date by which the standard will be met.

III. For more information on this technical advisory, contact:

Roberta Tenney, Administrator
Bureau of School Approval
Telephone: 603-271-2079
e-mail: renney@ed.state.nh.us

Issued by:

Lyonel B. Tracy

Date Issued:

June 28, 2006

NEW

Page 3 of 3