

**Adopt Ed 320 to read as follows:**

**PART ED 320 SCHOOL FACILITY APPROVAL PROCESS**

Ed 320.01 Applicability. In order for a public school, public academy, chartered public school, or nonpublic school to operate a facility to be used for K-12 educational purposes, it shall request approval to operate prior to student occupancy to ensure a clean, healthy, and safe facility.

Ed 320.02 Initial School Facility Approval Process.

(a) To request initial approval to operate a school facility for K-12 educational purposes, the following information shall be submitted in a clearly legible packet to the department no later than 60 days prior to student occupancy:

- (1) The school contact's information and location of the facility;
- (2) Proof of compliance with state building code as provided in RSA 155-A;
- (3) Proof of compliance with state fire code under RSA 153:1, VI-a and Saf-Fmo 300, as amended by state board of fire control and ratified by the general court pursuant to RSA 153:5;
- (4) If the project includes a well or septic system, documentation of approval from the department of environmental services as required by RSA 485, Env-Dw 406, RSA 485-A, and Env-Wq 1000, respectively;
- (5) Proof of meeting the New Hampshire code for barrier-free design under Abfd 300, if applicable;
- (6) A copy of a completed health inspection conducted by the local health officer to ensure that facility is operating in a suitable and sanitary building, as required by RSA 189:24;
- (7) Documentation that the building(s) was inspected by a certified asbestor inspector, who is certified in accordance with Env-A 1810, and that all asbestos-containing materials identified are being safely managed pursuant to Env-A 1800, if applicable;
- (8) A statement signed by the superintendent or designee that the drinking water at all locations where water is available for consumption by students has been tested for lead and remediated in accordance with RSA 485:17-a;
- (9) Proof that a current site-specific emergency operation plan is file with New Hampshire homeland security and emergency management as required by RSA 189:64; and
- (10) If food service operations are to take place in the facility, documents providing that:
  - a. Operations shall be in compliance with New Hampshire department of health and human services administrative rules He-P 2300; or

b. If located in one of the self-inspecting municipalities granted licensing authority by the New Hampshire department of health and human services, complies with local food regulations.

(b) In addition to the items in (a) above, the following information shall be submitted to the department for all public school facilities:

(1) For all public schools, excluding public chartered schools, proof the grounds shall operate in accordance with the policy and procedures developed pursuant to RSA 200:48 to minimize or eliminate pollution caused by idling motor vehicles;

(2) A facility maintenance plan that addresses or identifies, at a minimum, the following:

- a. Building characteristics such as building square footage, age of building, types of building components, and systems;
- b. Facility safety procedures;
- c. Custodial training;
- d. Maintenance staffing needed to operate the facility;
- e. Custodial services, including a schedule of routine maintenance activities;
- f. An integrated pest management plan;
- g. A healthy indoor air quality plan;
- h. Preventative maintenance program;
- i. A work order system, such a computer maintenance management system; and
- j. Contracted services needed;

(3) Proof that the school has a policy approved by the local school board or board of trustees to minimize the use of toxic chemicals for cleaning and pest control, and shall not permit staff to bring cleaning products or pesticides into the facility without approval from the school administration;

(4) A statement that adequate health services shall be provided that ensures the privacy and health of all students, including:

- a. A waiting area separate from other spaces;
- b. Space for examining patients that includes a sink with hot and cold water;

c. A patient isolation area; and

d. A restroom, or an adjacent one, which meets current accessibility requirements pursuant to Abfd 300;

(5) A statement that sufficient storage shall be provided that allows the proper storage of cleaning supplies, tools, spare parts, unused furniture, equipment not in use, and other like items required for custodial and maintenance activities;

(6) A statement that emergency shower and eye wash stations are available in all science labs, automotive shops, and other places where hazardous liquids or open flames are frequently used, and they comply with the American National Standards Institute Z-358.1 Eyewash standards 2014, as referenced in Appendix II;

(7) A statement that all laboratories and combination lab-classrooms shall be operated to reduce potential hazards by providing at least 50 net square feet per pupil for each lab and at least 60 net square feet per pupil for each combination lab-classroom;

(8) A chemical hygiene plan that identifies, at a minimum, the following:

a. That all chemicals shall be properly stored and labeled;

b. That all flammables shall be stored in a manner that meets NFPA 30: Flammable and Combustible Liquids Code;

c. That all acids shall be stored in a cabinet constructed from corrosion-resistant materials;

d. That all rooms and storage areas with chemicals shall have proper ventilation;

e. That all chemical hoods used in science experiments shall be maintained in accordance with manufacturers' recommendations;

f. That all chemicals shall be properly managed and disposed of; and

g. That all safety data sheets, identified by Occupational Safety and Health Administration 29 CFR 1910.1200(g), are on file at the school in accordance with 29 CFR 1910.1200; and

(9) If construction in the building(s) is proposed, a letter from the state fire marshal stating that construction drawings and specifications have been evaluated and approved by the state fire marshal for compliance with the state fire code under RSA 153:1, VI-a and Saf-Fmo 300, as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5.

(c) The department shall:

(1) Complete a review of all the submitted materials;

(2) Conduct an on-site visit to verify the information submitted; and

(3) Determine if the facility meets one of the following:

- a. Approved for operation;
- b. Conditionally approved for operation; or
- c. Not approved for operation.

(d) A school facility that meets all of the applicable application requirements of Ed 320.02 shall be approved for operation.

(e) A school facility which does not meet all of the applicable application requirements of Ed 320.02 shall be conditionally approved for operation, provided that:

(1) All identified deficiencies and a timetable for their correction are incorporated into the conditional approval; and

(2) The department has received documentation of health and safety inspections conducted by the authorities having jurisdiction and either:

- a. All health and safety violations have been corrected; or
- b. All identified deficiencies and a timetable for their correction are incorporated into the conditional approval, as agreed upon by authorities having jurisdiction.

(f) A school facility that is unable to meet (d) or (e) above shall not be approved for operation for K-12 educational purposes.

(g) A school facility shall remain approved for operation or conditionally approved for operation until:

- (1) June 30, 5 years following the notice of approval to operate; or
- (2) Conditions of the approval to operate have not been met.

(h) For facilities in operation prior to the effective date of these rules, a school facility shall be considered approved for operation, provided one of the following has been met:

(1) The public school has received a letter from the department approving the facility in accordance with Ed 306.28 and shall be considered approved for operation until June 30, 6 years following the notice of approval;

(2) The chartered public school received a charter school approval or renewal from the state board pursuant to the provisions of RSA 194-B, and the facility the school operates shall be considered

approved for operation until June 30, 6 years following the most recent state board approval or renewal; or

(3) The nonpublic school received a nonpublic school approval or renewal from the state board pursuant to Ed 403, and the facility the nonpublic school operates shall be considered approved for operation until June 30, 6 years following the most recent state board approval or renewal.

(i) A school facility operating outside the time limits in (g) or (h) above shall be considered an expired school facility and not suitable for students to occupy.

(j) A school operating an approved school facility shall request a renewal in accordance with Ed 320.03.

(k) The superintendent, charter school director, nonpublic school administrator, or designee shall notify the commissioner prior to any change in conditions which affects a school's compliance with these rules, including but not limited to changing locations, constructing a new facility, or renovating or adding an addition to an existing facility.

Ed 320.03 School Facility Renewal Process.

(a) To request a renewal to operate an approved school facility, the following information shall be submitted to the department in a clearly legible packet no later than September 1 prior to the expiration date of the facility's approval to operate:

(1) The items included in Ed 320.02(a)(1) and (a)(7)-(10);

(2) A copy of the most recent annual state fire inspection report required by RSA 153:14, II(b);

(3) A statement that provides that:

a. The superintendent or designee has contacted the local health officer to schedule a health inspection prior to the end of the calendar year; and

b. Prior to December 31 of the calendar year, the superintendent or designee shall submit a copy of the completed health inspection to the department to ensure the facility is operating in a suitable and sanitary building, as required by RSA 189:24; and

(4) For public schools:

a. Complete the "Indoor Air Quality Survey" checklist, revised September 2023, which can be found by logging into <https://my.doe.nh.gov/myNHDOE/Login/Login.aspx>; and

b. The items included in Ed 320.02(b).

(b) Once the materials have been received, the department shall:

(1) Complete a review of the submitted renewal materials;

(2) Conduct an on-site visit, subject to the availability of funds for making such visits, to verify the information submitted; and

(3) Determine the facility meets one of the following designations:

- a. Approved for operation;
- b. Conditionally approved for operation; or
- c. Not approved for operation.

(c) A school facility that meets all of the applicable application requirements of Ed 320.03(a) shall be approved for operation.

(d) A school which does not meet all of the applicable application requirements of Ed 320.03(a) shall be conditionally approved for operation, provided that:

(1) All identified deficiencies and a timetable for their correction are incorporated into the conditional approval; and

(2) The department has received documentation of health and safety inspections conducted by the authorities having jurisdiction and either:

- a. All health and safety violations have been corrected; or
- b. All identified deficiencies and a timetable for their correction are incorporated into the approval designation, as agreed upon by authorities having jurisdiction.

(e) A school facility that is unable to meet (c) or (d) above shall not be approved for operation for K-12 educational purposes.

(f) A school facility shall remain approved for operation or conditionally approved for operation until:

- (1) June 30, 5 years following the notice of approval to operate; or
- (2) Conditions of the approval to operate have not been met.

(g) A school facility operating outside the time limits in (f) above shall be considered an expired school facility and not suitable for students to occupy.

(h) A school operating an approved school facility shall request a renewal in accordance with Ed 320.03, no later than September 1 prior to the expiration date of the approval.

(i) The superintendent, charter school director, nonpublic school administrator, or designee shall notify the commissioner prior to any change in conditions which affects a school's compliance with these rules,

including but not limited to changing locations, constructing a new facility, or renovating or adding an addition to an existing facility.

**Appendix I**

<b>Rule</b>	<b>Statute</b>
Ed 320.01	RSA 186:6; RSA 189:24
Ed 320.02	RSA 21-N:9, I; RSA 189:24
Ed 320.03	RSA 21-N:9, I; RSA 189:24; RSA 200:11-a

**Appendix II**

<b>Rule</b>	<b>Title</b>	<b>Obtain at</b>
Ed 320.02(b)(6)	American National Standards Institute Z-358.1 Eyewash standards 2014	Available in the ANSI webstore: <a href="https://webstore.ansi.org/standards/isea/ansiiseaz3582014">https://webstore.ansi.org/standards/isea/ansiiseaz3582014</a> Cost: \$65 per pdf download