

Notice Number 2024-41

Rule Number Ed 306.01-Ed 306.25

1. Agency Name & Address:  <b>Board of Education c/o Department of Education 25 Hall St. Concord, NH 03301</b>	2. RSA Authority:	<b>RSA 21-N:9, I; RSA 21-N:9, II(b); RSA 21-N:9, II(d); RSA 186:8, I, II, VIII and IX</b>
	3. Federal Authority:	
	4. Type of Action:	
	Adoption	<u>X</u>
	Repeal	<u>X</u>
	Readoption	
	Readoption w/amendment	<u>X</u>

5. Short Title: **Minimum Standards for Public School Approval**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

**The Board of Education is proposing to adopt new rules, and readopt with amendment or repeal existing rules Ed 306.01-Ed 306.12 and Ed 306.14-Ed 306.30, to be numbered as Ed 306.01-Ed 306.25 that outline the minimum standards public schools and local school boards must follow in order to have an approved school in New Hampshire, including required policies, school facilities, learning resources, food and nutrition services, health services, staff provisions and qualifications, class sizes, school days and calendar, and K-12 curriculum and program standards. The following statutes are being implemented for the first time in these rules:**

- **RSA 189:11, I-a and I-b, requiring instruction in civics in elementary, middle, and high school, specifying the components for such civics instruction;**
- **RSA 193-E:2-a, I(a)(10), regarding personal finance literacy being a requirement for an adequate education;**
- **RSA 193-E:2-a, I(b), regarding the integration of computer use, digital literacy, and logic and rhetoric into instruction; and**
- **RSA 193:26-a, regarding the Free Application for Federal Student Aid (FAFSA) requirements for high school graduation.**

**The following changes are being proposed:**

- **Ed 306.01, regarding chapter applicability, is being readopted with amendment with editorial changes;**
- **Ed 306.02, regarding definitions, was previously expired and is being adopted and adds, amends, and deletes definitions from the previous text;**
- **Ed 306.03, regarding statutory and policy requirements, is being readopted with amendment and removes paragraph (a) relative to the responsibility of obtaining copies of laws and rules;**
- **Ed 306.04, regarding policy development, is being readopted with amendment and moves the details of policy requirements from other provisions of Ed 306.04 and other sections of Ed 306 to subparagraphs Ed 306.04(b)(1)-(5), (10), and (17)-(21);**
- **Ed 306.05, regarding school philosophy, goals, and objectives, is being readopted with amendment with editorial changes;**

- Ed 306.06, regarding culture and climate, is being readopted with amendment and makes wording changes;
- Ed 306.07, regarding school facilities, is being readopted with amendment to cite Ed 320 for the school facility approval process;
- Ed 306.08, regarding learning resources, is being readopted with amendment and changes the heading of the section, removes a dated incorporation by reference in the new paragraph (b), and removes the list of requirements for a written plan in the new paragraph (d);
- The existing Ed 306.09, regarding custodial and maintenance services, is being repealed, as these requirements are now found in Ed 320;
- The existing Ed 306.10, regarding administrative support services, is being readopted with amendment and renumbered as Ed 306.09 and makes wording changes;
- The existing Ed 306.11, regarding food and nutrition services, is being readopted with amendment and renumbered as Ed 306.10, and removes paragraph (c) regarding specific certifications required, paragraph (e) due to redundancy, and paragraph (g) regarding policy which is now under Ed 306.04;
- The existing Ed 306.12, regarding school health services, is being readopted with amendment and renumbered as Ed 306.11 and removes the first part of paragraph (b) due to redundancy and moves the latter part of paragraph (b) to make the new paragraph (c);
- The existing Ed 306.14, regarding basic instructional standards, is being repealed as most of the content has been moved to Ed 306.04;
- The existing Ed 306.15, regarding provision of staff and staff qualifications, is being readopted with amendment and renumbered as Ed 306.12 and makes language changes and removes paragraphs (f) and (g) regarding minor assignments and will be moved to Ed 500 in a different rulemaking;
- The existing Ed 306.16, regarding professional development, is being readopted with amendment and renumbered as Ed 306.13, which was a reserved number, and removes most of the text, citing back to Ed 513 outlining professional development requirements;
- The existing Ed 306.17, regarding class size, is being readopted with amendment and renumbered as Ed 306.14, is being retitled as “Student-Educator Ratios”, and removes specific class size numbers in order for the local school board to establish appropriate ratios;
- The existing Ed 306.18, regarding school year, is being readopted with amendment and renumbered as Ed 306.15 and adds paragraph (a) from the existing Ed 306.19, condenses the instructional hours in paragraph (b), removes the first part of the existing (b)(4) regarding additional hours for inclement weather, removes (b)(5), and takes the end of the new paragraph (h) to make paragraph (g);
- The existing Ed 306.19, regarding school calendar, is being repealed and added to Ed 306.15;
- The existing Ed 306.20, regarding CTE programs, is being readopted with amendment and renumbered as Ed 306.16 and adds paragraph (c) regarding calendar alignment, and condenses paragraph (e);
- The existing Ed 306.21, regarding alternative programs, is being readopted with amendment and renumbered as Ed 306.17 and changes the section heading and additional references from “programs” to “course of study,” adds (c)(2)b. regarding the ability to opt into the program, and amends (e) to reflect an annual report rather than a submission of the program for approval prior to beginning;
- The existing Ed 306.22, currently titled “Distance Education” but retitled as “Remote Learning”, is being readopted with amendment and renumbered as Ed 306.18 and makes language changes and adds (c)(3) regarding alternative courses of study as an option;
- The existing Ed 306.23, regarding statistical reports; accountability, is being repealed due to being statutory requirements;

- The existing Ed 306.24, regarding assessment, is being repealed due to being a statutory requirement;
- The existing Ed 306.25, regarding school psychological services, is being readopted with amendment and renumbered as Ed 306.19 and removes “comprehensive” from the section heading adds (a)(2)-(3) regarding privacy requirements, removes a dated incorporated reference in (b), removes the list of requirements in (c), and removes the supervision and employment requirements in (f);
- The existing Ed 306.26, regarding kindergarten through grade 8 school curriculum, is being readopted with amendment and renumbered as Ed 306.20 and makes wording changes, removes rule citations in (c)(1), replaces paragraph (d) with (c)(2)l. regarding optional world languages, removes (f) as the content was moved to Ed 306.04, removed the list under (e)(2) as it was moved to Ed 306.04, and removes (h) due to redundancy;
- The existing Ed 306.27, regarding high school curriculum, credits, and cocurricular programs, is being readopted with amendment and renumbered as Ed 306.21 and Ed 306.22;
- The new Ed 306.21 contains existing paragraph (a) through (n) and makes language changes, removes “graduation requirements” from the heading, adds paragraph (b) requiring schools to develop core competencies, removes language in (c)(4) regarding ELO policies and moved to Ed 306.24, moves content from the existing Ed 306.27(ah) to new paragraph (d), removes rule citations in (e) and adds logic and rhetoric and personal finance, amends language in (g) and removes (f) regarding assessments, amends language in existing Ed 306.27(ab) and moves to paragraph (n), and removes table 306-1 and replaces with list in (q)(5);
- The new Ed 306.22, titled “Graduation Requirements”, encompasses the existing Ed 306.27(o) through the end, amend new paragraph (b) to include FAFSA requirements, adds paragraph (g) outlining graduation expectations for high school students, removes paragraph (u) as content was added to paragraph (f), amended table 306-2 as table 306-1 and updated required credits, deleted (w)-(ac) including table 306-3, with content being moved to Ed 306.04, deleted (ae) with content being moved to Ed 306.04, and deleted (ag)-(ai);
- The existing Ed 306.28, regarding the approval process, is being readopted with amendment and renumbered as Ed 306.23, amending the reference to school facility approvals in (f) and (g), amending (j)-(l) to reflect the Department of Education’s role in the process, amending (m)-(s) reflecting the process to appeal an approval designation, and deleting (r);
- The existing Ed 306.29, regarding alternative approval, is being readopted with amendment and renumbered as Ed 306.24 and amends (e) to be (e) and (f), adds (g) and (h), and deletes existing (f) to update the appeal process; and
- The existing Ed 306.30, regarding delay in full compliance, is being readopted with amendment and renumbered as Ed 306.25, and makes editorial changes.

6. (b) Brief description of the groups affected:

**The groups affected include school districts, school administrators, educators, students, and parents.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Rule</b>	<b>Specific State or Federal Statutes or Federal Regulation Rule Implements</b>
Ed 306.01	RSA 189:1-a, II; RSA 189:24; RSA 189:25; RSA 193-E:2-a, I-III; RSA 194:23
Ed 306.02(a)	RSA 193-E:2-a, VI(b)
Ed 306.02(b)	RSA 193-H:1, II

<b>Rule</b>	<b>Specific State or Federal Statutes or Federal Regulation Rule Implements</b>
Ed 306.02(c)	RSA 188-E:2, III
Ed 306.02(d)-(f)	RSA 193-H:1-a
Ed 306.02(g)	RSA 193-E:2-a, II
Ed 306.02(i)	RSA 21-N:2
Ed 306.02(j)	RSA 189:1-a, II
Ed 306.02(k)	RSA 189:39
Ed 306.02(l)	RSA 193-H:1-a, III
Ed 306.02(m)	RSA 193-E:3, VIII
Ed 306.02(n)	RSA 193-H:1-a, III
Ed 306.02(o)	RSA 189:1-a, II
Ed 306.02(p)	RSA 189:1
Ed 306.02(q)	RSA 192-E:2-a, II
Ed 306.02(r)	RSA 189:1-a; RSA 193-E:1, I; RSA 193-E:3-b, I
Ed 306.02(s)	RSA 189:1-a
Ed 306.02(t)	RSA 193-H:1-a, III
Ed 306.02(u)	RSA 193-E:1
Ed 306.02(v)	RSA 189:1-a, II
Ed 306.02(w)	RSA 21-N:10
Ed 306.02(x)	RSA 193-E:2-a, VI(d)-(f)
Ed 306.03	RSA 189:24; RSA 189:25; RSA 194:23-b; RSA 193-E:2-a
Ed 306.04(a)	RSA 194-C:4
Ed 306.04(b)(1)	RSA 189:15; RSA 189:34, II; RSA 193:1, I
Ed 306.04(b)(2)	RSA 189:6-a; RSA 189:64; RSA 189:70, II; RSA 193-F:4, II; RSA 193-F:8;
Ed 306.04(b)(3)	RSA 189:15; RSA 193:13, XI-XII
Ed 306.04(b)(4)	RSA 189:27-b
Ed 306.04(b)(5)	RSA 186:5; RSA 189:15
Ed 306.04(b)(6)	RSA 189:15; RSA 631:7
Ed 306.04(b)(7)	RSA 193-F:4, II
Ed 306.04(b)(8)	RSA 189:13-a; RSA 194-C:4, II(d)
Ed 306.04(b)(9)	RSA 169-C:29
Ed 306.04(b)(10)	34 C.F.R. § 99.5; 20 U.S.C §1232h, (c)(1)(C); Section 1112 (e)(1)(B)(i); RSA 189:66, IV; RSA 193:13; RSA 194-C:4, II(j)
Ed 306.04(b)(11)	RSA 189:1-a, II
Ed 306.04(b)(12)	RSA 193:1, I(h); 193-E:3, VIII
Ed 306.04(b)(13)	RSA 193:12, VIII
Ed 306.04(b)(14)	RSA 193:13, XI(a); RSA 200
Ed 306.04(b)(15)	RSA 189:11-a, VIII
Ed 306.04(b)(17)-(21)	RSA 188-E:28; RSA 189:1-a, II
Ed 306.04(b)(22)	RSA 189:11-a, V
Ed 306.05	RSA 194-C:4, I; RSA 194-C:4, II(c)-(f)
Ed 306.06	RSA 189:1-c; RSA 189:15; RSA 189:74; RSA 194:23-f; RSA 194-C:4, II(c)-(f)
Ed 306.07	RSA 155-A:2; RSA 189:24
Ed 306.08	RSA 189:1-a, II; RSA 189:24; RSA 193-E:2, VII; RSA 194-C:4, II(c)
Ed 306.09 (repeal)	RSA 189:24
Ed 306.09 (formerly Ed 306.10)	RSA 189:27-b; RSA 189:29-a
Ed 306.10 (formerly Ed 306.11)	RSA 189:11-a, I-II

<b>Rule</b>	<b>Specific State or Federal Statutes or Federal Regulation Rule Implements</b>
Ed 306.11 (formerly Ed 306.12)	RSA 189:24; RSA 189:49; RSA 200:27-40-c; 20 U.S.C. § 1232g; 29 U.S.C. § 794
Ed 306.12 (formerly Ed 306.15)	RSA 21-N:9; RSA 189:49; RSA 194-C:4, II(b)
Ed 306.13 (formerly Ed 306.16)	RSA 21-N:9, II(z); RSA 186:8, V
Ed 306.14 (formerly Ed 306.17)	RSA 189:1-a, I-II;
Ed 306.15 (formerly Ed 306.18)	RSA 189:1; 189:24
Ed 306.16 (formerly Ed 306.20)	RSA 188-E:5
Ed 306.17 (formerly Ed 306.21)	RSA 189:1-a, II; RSA 193:1, I(h); RSA 193-E:2-a, V(b)
Ed 306.18 (formerly Ed 306.22)	RSA 189:1; RSA 189:1-a, II; RSA 189:24
Ed 306.19 (repeal)	RSA 189:1
Ed 306.19 (formerly Ed 306.25)	RSA 189:49, IV
Ed 306.20 (formerly Ed 306.26)	RSA 189:1-a; RSA 189:25; RSA 193-E:2; RSA 193-E:2-a, II-II-a
Ed 306.21 (formerly Ed 306.27)	RSA 189:1-a; RSA 189:10, II-III; RSA 189:11; RSA 193:1(f); RSA 193-E:2; RSA 193-E:2-a, II; RSA 193-E:2-a, V(a); RSA 194:23
Ed 306.22 (formerly Ed 306.27)	RSA 186-C:9; RSA 189:1-a; RSA 189:10, II-III; RSA 189:11; RSA 193:1(f); RSA 193-E:2; RSA 193-E:2-a, IV(b); RSA 194:23; RSA 194:23-b
Ed 306.23 (repeal)	RSA 189:28; RSA 193-E:3-b; 193-H:2; RSA 193-H:4
Ed 306.23 (formerly Ed 306.28)	RSA 21-N:11, III; RSA 189:24; RSA 189:28, I-II; RSA 193-E:2-a; RSA 193-E:3-b; RSA 194:23; RSA 194-C:4, II(d)
Ed 306.24 (repeal)	RSA 189:28; RSA 193-C:3; RSA 193-C:6
Ed 306.24 (formerly Ed 306.29)	RSA 21-N:1, II; RSA 21-N:6, V; RSA 21-N:11, III; RSA 198:48-a, I-V
Ed 306.25 (formerly Ed 306.30)	RSA 21-N:11, III; RSA 189:3; RSA 194:23-c

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	<b>Julie Shea</b>	Title:	<b>Administrative Rules Coordinator</b>
Mailing Address:	<b>Department of Education 25 Hall St. Concord, NH 03302</b>	Phone #:	<b>603-931-9133</b>
		Fax#:	<b>n/a</b>
		E-mail:	<b>Julie.r.shea@doe.nh.gov</b>

TTY/TDD Access: Relay NH 1-800-735-2964  
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, April 30, 2024**

☐ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, April 3, 2024 1:00-4:30 p.m.**

Physical Location: **Granite State College Events Center, 25 Hall St., Concord, NH 03301**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:032, dated 2/27/24

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in costs when comparing the proposed rules to the existing rules.

- Not applicable to Ed 306.02, which expired in December 2021.
- Not applicable to Ed 306.09, Ed 306.14, Ed 306.19, or Ed 306.23, as these rules are being repealed.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

Ed 306.01-Ed 306.25 outlines the minimum standards public schools and local school boards must follow, unless otherwise granted a waiver, in order to be an approved school in New Hampshire, including required policies, school facilities, learning resources, food and nutrition services, health services, staff provisions and qualifications, class sizes, school days and calendar, and K-12 curriculum and program standards. The state board of education is proposing to adopt, readopt with amendment, and repeal various sections of Ed 306.01-306.25, which also includes renumbering as appropriate. There are no costs or benefits attributable to the proposed rules.

Ed 306.02, regarding definitions, expired in December 2021. There are no costs or benefits attributable to this proposed rule, nor the expired rule.

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**This proposal does not mandate any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivisions, and therefore does not violate Part I, Article 28-a of the New Hampshire Constitution.**