

Readopt with amendment Ed 321, effective 6-12-20 (Document #13054), to read as follows:

PART Ed 321 SCHOOL BUILDING CONSTRUCTION

Ed 321.01 Purpose. The purpose of Ed 321 is to:

(a) Provide requirements and standards for the construction of any public school facility, including public academy facilities and chartered public school facilities, to be used for the purpose of providing education to pupils in grades k-12; and

(b) Provide requirements for how to apply for school building aid.

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

(a) “Architectural and engineering fees” means the expenses associated with the development and implementation of the project that the architect or engineer charged the project owner in order to work on the project;

(b) "Commissioning" means a systematic documented process by an independent entity which includes visual examination and functional performance testing to demonstrate that installed components or systems meet the intent of the original design;

(c) “Completion of project” means the point when:

(1) The responsibility of the project shifts from the contractor to the school district; and

(2) The contractor should receive most, if not all, of the balance of the contract;

(d) "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;

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

(f) "Design capacity" means the maximum total number of students intended to be educated in a school building;

(g) "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, libraries, cafeterias, special education space, and administration space;

(h) “Educational specifications” means a report that describes the facility’s anticipated uses and identifies the specific physical characteristics that will be required to house and promote the programmatic needs of the school district;

(i) “Emergency project” means a school construction project requiring the replacement of all or a significant portion of a school facility which is declared uninhabitable or is identified as an imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which results from an unanticipated and sudden natural or human disaster;

(j) “Feasibility study” means a report that was completed prior to design that evaluates the physical and programmatic needs of a school district, identifies the best uses of existing buildings, and makes

recommendations on improvements to maintain and upgrade the existing facility or build a new facility, while meeting the school district's educational goals;

(k) "Gross square footage" means the total square footage of the school building measured to the outside of the exterior walls;

(l) "Moveable equipment" means equipment, including technology equipment, for a school construction project that supports the educational program. Moveable equipment has an expected life of at least 5 years and is not attached to the building. This term also includes "furniture, fixtures, and equipment (FF&E)";

(m) "Net energy use intensity (EUI)" means the absolute value of the annual energy use at the site per square foot of building area, minus the annual onsite renewable energy generation per square foot of building area, with the energy use including consumption of all fuels in thousands of British Thermal Units (kBtu) per year;

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

(o) "Preliminary design plans" means a set of plans that present the proposed school facility in its earliest stages denoting at a minimum the square footage of each room and the proposed use of each room. Detailed doors, windows, closets, utilities, and mechanical functions are not typically shown at this stage;

(p) "Project manager" means "project manager" as described in RSA 198:15-c, III, and is the professional hired by the project owner to serve as a consultant and adviser to the project owner to ensure the project owner's best interests are carried out. The term also includes "owner's project manager (OPM)";

(q) "Project contingency" means the project funds that have been set aside or reserved to cover bidding overruns. Project contingencies are used to cover unforeseen conditions and omissions and miscellaneous project expenditures not part of the initial project budget but necessary to complete the project;

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

(s) "School district" means "school district" as defined in RSA 198:15-a, I-a;

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

(u) "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 school facility, according to variations in enrollment, staffing, program, or level of instruction from one school building to another;

(v) "Technology equipment" means equipment needed to operate the school facility, including servers, printers, cameras, audio visual equipment, copiers, phones, intercoms, and computers. It does not include laptops and computers for students and teachers, office or educational software, or infrastructure items such as network and wireless cabling; and

(w) "Usable 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.

Ed 321.03 Construction Standards for All Public Schools.

(a) The requirements in this section apply to all public school construction projects, regardless of whether the project is constructed using state building aid.

- (b) A school facility shall have safe access and sufficient parking, drainage, and security.
- (c) The school facility shall have access for emergency vehicles from at least 2 directions, unless waived by the local fire chief or the authority of the state fire marshal in accordance with RSA 155-A:7.
- (d) Prior to acquisition of a site, the school district, public academy, or chartered public school shall have surveys conducted of the site 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 removed, abated, or mitigated.
- (e) All building construction shall comply with the requirements of the state building code under RSA 155-A.
- (f) Design drawings and specifications for the construction project 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 certify that the project has been designed in compliance with all applicable building codes and standards.
- (g) Verification that construction has been performed according to state and local building codes and approval of waivers 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.
- (h) The design and installation of all lighting systems shall comply with the Illuminating Engineering Society, Recommended Practice: Lighting Educational Facilities, 2020 as referenced in Appendix II. Multiple use spaces such as cafeterias, gymnasiums, and auditoriums shall have illumination for the highest level required by any planned use.
- (i) 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 as referenced in Appendix II.
- (j) All school facilities shall meet the New Hampshire code for barrier-free design under Abfd 300.
- (k) Prior to construction, including construction in an existing facility, the school district, public academy, or chartered public school shall obtain a letter from the state fire marshal stating that the 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.
- (l) All windows and doors shall be labeled with identifiers, such as a number or letter, clearly visible to first responder to assist them to effectively respond to an emergency.
- (m) All nurse's spaces shall meet the following criteria to provide adequate health services and ensure the privacy and health of all students, including:
 - (1) A waiting area separate from other spaces;
 - (2) Space for examining patients that includes a sink with hot and cold water;
 - (3) A patient isolation area; and
 - (4) A restroom, or an adjacent one, which meets current accessibility requirements pursuant to Abfd 300.

(n) For school districts, public academies, or chartered public schools that do not have a nurse on staff, a plan approved by the school board or board of trustees shall be implemented that provides adequate health services and ensures the privacy and health of all students.

(o) Sufficient storage shall be provided for 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.

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

(q) All laboratories and combination lab-classrooms that use chemicals, hazardous tools, or other potentially hazardous items, 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.

(r) All kitchen and cafeterias spaces shall meet the following standards:

(1) The kitchen and cafeteria are sized to allow each student a minimum of 10 minutes, not including service time, to sit at a table and consume a meal during a specified lunch period;

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

(3) The kitchen is 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.

(s) School districts, public academies, and chartered public schools shall install water bottle filling stations in accordance with RSA 200:11-b.

(t) All playgrounds shall meet RSA 155:83 regarding accessibility.

(u) Prior to student occupancy, the school district, public academy, or chartered public school shall obtain an approval to operate from the department in accordance with Ed 320.

Ed 321.04 Building Aid Eligibility.

(a) Only school districts shall be eligible to apply for and receive building aid.

(b) To be eligible for building aid, project applications shall be limited to the following:

(1) The construction of a new school building;

(2) Additions to existing buildings;

(3) Land and site development associated with (1) or (2) above;

(4) Substantial renovation that meets Ed 321.05; and

(5) Air quality and energy efficiency projects as described in Ed 321.06.

(c) If the project requires land acquisition, to be eligible to apply for building aid, land shall be acquired before the time of application or have a legal agreement in place subject to receiving building aid.

(d) To be eligible for building aid, applicants shall propose the least costly building project, as shown by a feasibility study completed in accordance with Ed 321.13.

(e) To be eligible for building aid, applicants shall have a 5 year or more annual budget history supporting good maintenance and have a preventative maintenance plan in place to support ongoing good maintenance in accordance with Ed 321.15(j).

(f) To be eligible to receive building aid, projects shall receive voter approval from the legislative body of the public school district approving the construction project, even if no local funds are required for the project.

(g) To be eligible to receive building aid, projects shall require a formal commissioning process for the heating, ventilating, and air conditioning (HVAC) systems start-up and initial operation, including the following:

- (1) At a minimum, the construction documents require the development of a written commissioning plan specific to the project;
- (2) The commissioning plan identifies a process to ensure that prior to project completion, all HVAC systems perform in accordance with the design intent; and
- (3) The commissioning plan includes, but is not limited to, verification and functional performance testing on all HVAC equipment and controls, in all operating modes.

Ed 321.05 Substantial Renovation. Eligibility for school building aid for substantial renovations as authorized by RSA 198:15-b, II(c) shall be determined as follows:

(a) The substantial renovation project shall bring the space up to new condition or prepare the space for a new or different use;

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

(c) For the purposes of determining (b) above, 25 percent of the construction costs of a new building shall be calculated as the maximum building size in square feet per Ed 321.09, multiplied by the maximum allowable construction cost in dollars per square foot per Ed 321.22, and multiplied by 25 percent; and

(d) Renovation work done as a result of adding an addition to an existing building or as a result of installing an air quality and energy efficiency projects shall not be subject to (a) and (b) above.

Ed 321.06 Air Quality and Energy Efficiency Projects.

(a) 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(e) and shall not be subject to the requirements of Ed 321.05 or Ed 321.29(a).

(b) Air quality or energy efficiency projects may be financed through a lease-purchase agreement with a vendor.

(c) A copy of the lease-purchase agreement shall be submitted to the department with the notice of completion information in Ed 321.27, and the agreement shall clearly indicate:

- (1) The costs of labor and equipment separate from rental costs;
- (2) Utility costs;
- (3) Maintenance service costs; and

(4) Interest or any other charges that are not eligible for school building aid per Ed 321.31(c).

(d) All grant amounts awarded for lease-purchase agreements shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement per RSA 198:15-b II (e).

(e) Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

Ed 321.07 Maximum Standards for School Building Aid for Land Acquisition.

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

(1) Twenty acres of usable land plus one acre for every 100 students or fraction thereof for elementary school buildings;

(2) Twenty-five acres of usable land plus one acre for every 100 students or fraction thereof for middle school buildings; and

(3) Thirty acres of usable land plus one acre for every 100 students or fraction thereof for high school buildings.

(b) Land acquisition for school buildings that house combinations of 2 or more levels shall be subject to the limits for the highest level to be educated in that school building.

(c) Wetlands areas and required setbacks, areas with slopes in excess of 60 percent, areas with extensive amounts of bedrock within 6 feet of the surface, and areas known to be contaminated with hazardous materials shall not be considered usable land for the purpose of comparing a given site to the maximum site sizes in Ed 321.07.

(d) 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 321.08 Calculation of Design Capacity.

(a) Design capacity shall be the projected enrollment determined by (b) below, divided by:

(1) 0.95 for elementary school buildings;

(2) 0.90 for middle school buildings; and

(3) 0.85 for high school buildings.

(b) The projected enrollment shall be the maximum published value in the 5-year projection using a statistically valid process and the most updated birth rates published by the New Hampshire division of vital records administration in the office of the secretary of state.

Ed 321.09 Maximum Sizes for School Buildings.

(a) The maximum size of a school building that is eligible for building aid shall be the sum of the baseline square footage determined by (b) below, plus the special education square footage determined by (d) below, plus the concentration of poverty add-on in (g) below, plus the English language learner (ELL) add-on in (i) below.

(b) Subject to (c) below, for the purpose of determining the maximum building size eligible for building aid, the maximum allowable gross square footage (GSF) per student shall be limited to the following:

Table 321-1 Baseline Gross Square Footage

Design Capacity	Elementary School GSF per Student	Middle School GSF per Student	High School GSF per Student
100 students or less	167	180	200
101-150	161	180	200
151-200	156	176	200
201-250	152	172	198
251-300	149	169	195
301-350	147	167	193
351-400	146	166	192
401-450	145	165	191
451-500	144	164	190
501-550	143	163	189
551-600	142	162	188
601-650	141	161	187
651-700	140	160	186
701-750	139	159	185
751-800	138	158	184
More than 800 students	137	157	183

(c) Individual buildings that house combinations of 2 or more levels shall be subject to the limits for the highest level to be educated in the building.

(d) The special education add-on, in square feet (sf), shall be based on the table below:

Table 321-2 Special Education Add-On

Special Education Students	Grades k-12
1-24 students	1,200 sf
25 or more students	50 sf per student

(e) The number of special education students with an Individuals with Disabilities Educational Act (IDEA) shall be used in table 321-2 above.

(f) The number of special education students for (e) above shall be averaged over the previous 5 years and rounded up to the nearest whole number.

(g) The concentration of poverty add-on, in square feet (sf), shall be based on the table below:

Table 321-3 Concentration of Poverty Add-On

Free or Reduced Cost Meal Rate	<600 students	600-900 students	>900 students
Below 55%	0 sf	0 sf	0 sf
55%	1,000 sf	1,500 sf	2,000 sf
60%	1,300 sf	1,800 sf	2,300 sf

65%	1,600 sf	2,100 sf	2,600 sf
70%	1,900 sf	2,400 sf	2,900 sf
75%	2,200 sf	2,700 sf	3,200 sf
80% or more	2,500 sf	3,000 sf	3,500 sf

(h) The free or reduced cost meals rate for (g) above shall be averaged over the previous 5 years and the square footage add-on for rates that fall between the published values shall be scaled proportionally and rounded up to the nearest square foot.

(i) The ELL add-on, in square feet (sf), shall be based on the table below:

Table 321-4 ELL Add-On

ELL Rate	<600 students	600-900 students	>900 students
Below 10%	0 sf	0	0
10%	500 sf	1,000 sf	1,500 sf
20%	750 sf	1,250 sf	1,750 sf
30%	1,000 sf	1,500 sf	2,000 sf
40% or more	1,250 sf	1,750 sf	2,250 sf

(j) The ELL rate for (i) above shall be averaged over the previous 5 years, and the square footage add-on for rates that fall between the published values shall be scaled proportionally and rounded up to the nearest square foot.

(k) For the purposes of determining the maximum size of a school building that is eligible for building aid, the following shall apply:

- (1) The size of a school building is measured as a gross area from the outside face or exterior walls, and shall include all enclosed areas including existing spaces, except as specified in (2) below;
- (2) For renovations, existing areas open to below and areas dedicated to mechanical systems, shall not be included in the size of the school building; and
- (3) For new construction, areas open to below, except for gymnasiums, auditoriums, and other areas which require open areas to function as its intended use, shall be included in the calculation of the maximum building size.

(l) Selected areas within a school building may be constructed in a size large enough to accommodate use of the building 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 321.09 and Ed 321.22.

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

(n) The GSF baselines shall be used for determining the maximum building size eligible for building aid. The baselines are intended to support all of the spaces required to deliver the educational programs required by the state of New Hampshire and to encourage multiple uses of spaces and other utilization-maximizing strategies that can reduce facility size and therefore the long-term costs of ownership.

(o) A school board may challenge the baselines for a given project by submitting a waiver request in accordance with Ed 321.33 at least 90 days prior to submitting a building aid application.

(p) Projects funded prior to fiscal year 2026 shall adhere to the maximum eligible building size standard in effect at the time of application.

Ed 321.10 Minimum Safety Construction Standards for School Building Aid Recipients.

(a) School building aid projects for the construction of a new school building shall implement, at a minimum, the following best practices:

(1) The project shall have the following site planning and traffic flow measures in place, including but not limited to:

- a. In consultation with the local police and local fire departments, fencing with site security gates at fire lanes to prevent non-authorized vehicles from driving around the sides or back of the building;
- b. Exterior signage at all exterior doors to clearly indicate where the front office is located;
- c. Traffic patterns in the parking lot that are clearly marked and lead visitors to the main entrance;
- d. Proper staging areas for emergency operations;
- e. Traffic flow that separates regular vehicles and bus traffic;
- f. Well lighted parking areas, primary entrance, and pedestrian pathways; and
- g. If supported by the local emergency personnel, a secure lock box in a safe location away from the building, such as near the driveway entrance that allows school officials to store entrance keys, access cards, and critical documents such as blueprints, floor plans, pre-fire plans, evacuation procedures, shut-off valve locations, and disclosures of hazardous materials;

(2) The project shall have the following building entry control measures in place, including but not limited to the following:

- a. An electronic door locking system that can control access with a proximity reader, or similar, and allows administrators to effectively restrict access remotely;
- b. A secure and monitored single point of entry;
- c. Internal and external cameras as part of a surveillance system that school officials have access to onsite and remotely;
- d. All exterior emergency egress doors equipped with alerting systems that signals if the doors are opened;
- e. All windows and doors labeled with identifiers such as a number or letter that is clearly visible to first responders to assist them to effectively respond to an emergency;
- f. If the building will be used as a polling place, a way to secure the offices and classrooms from the voting area;

- g. A locked security vestibule at the main entrance of the building that allows visitors to enter the vestibule and be identified by the main office before they are approved for entrance into the school building;
- h. At a minimum, a dehumidification system for temperature and comfort control; and
- i. At a minimum, installation of security film at least 14 millimeters thick on all exterior door vision panels and sidelites;

(3) The project shall have the following communication and alarm systems installed and in place, including but not limited to the following:

- a. A fire alarm system that incorporates a positive alarm sequence to clearly and quickly inform building occupants on how to take action;
- b. A security alarm system that incorporates intrusion detection, access control, video surveillance, and fire alarm testing into one system;
- c. The necessary transmitters, receivers, and repeaters to ensure radio communications by emergency personnel;
- d. A public address (PA) system that can be accessed from inside of the main office, classrooms, and common areas, with interior and exterior speakers to be properly heard, and that have the ability to make an all call in the event of an emergency. The PA system shall be interoperable with the first responders' system, if applicable;
- e. Panic buttons to notify the authorities and put out a message to the rest of the building occupants; and
- f. Fire doors that are programmed to remain locked upon fire alarm activation and power loss so they allow exiting the building but not entry; and

(4) The project shall have the following classroom features in place, including but not limited to the following:

- a. Door locking mechanisms on all interior doors to education spaces that students can access such that the door can be locked from both sides and unlocked from inside without a key, tool, or special knowledge; and
- b. Where possible, an established area in the classroom that is not readily visible when looking into the classroom from the hallway.

(b) School building aid for additions to existing buildings shall include the items listed in (a) above for the addition section of the building, where applicable.

(c) School building aid for substantial renovation projects, as defined by Ed 321.05, shall include the items listed in (a) above for the areas that are being substantially renovated, where applicable.

(d) A school board may request a waiver under Ed 321.33 for the minimum safety construction standards, provided that the local police and fire departments support the request.

Ed 321.11 Educational Specifications.

(a) Educational specifications shall be established by the school district with input from the community, educators, the facility manager, school board members, and school administration.

(b) Educational specifications shall include the following:

- (1) The goals and objectives of the project;
- (2) Policies that relate to space needs such as class size limits, grade configurations, and multi-age classrooms;
- (3) The number of people to be housed and how that number was determined;
- (4) A description of the programs to be housed; and
- (5) A description of the general facility needs to meet the goals and objectives of the project, including:
 - a. The individual spaces needed in the building and the desired characteristics of each space in general terms;
 - b. The desired adjacencies between spaces;
 - c. Clear objectives and priorities for design elements such as minimum requirements for acoustics, daylighting, energy efficiency, indoor air quality, thermal and visual comfort, use of environmentally preferable materials, siting considerations, and any other factors which the school district considers important;
 - d. Other facility characteristics such as limits on exterior glass or glass in high-capacity areas, space needs for check-in procedures, and space needs for voting use or other community uses; and
 - e. The necessary site considerations.

(c) Educational specifications submitted as part of the building aid application shall be approved by the local school board prior to submitting the application.

Ed 321.12 Needs Assessment.

(a) The needs assessment shall assess the current condition of the facility including but not limited to, the following:

- (1) Building envelope and interior spaces;
- (2) Life safety code;
- (3) Building code;
- (4) Mechanical, electrical, plumbing, and structural systems;
- (5) Accessibility;
- (6) Environmental conditions, including but not limited to:
 - a. Indoor air quality;
 - b. Lighting;
 - c. Acoustics; and

d. Sanitation;

(7) Building systems and equipment;

(8) Safety and security; and

(9) Energy use.

(b) The condition of the facility shall be assessed by a third-party licensed engineer, a licensed architect, or other qualified professional.

(c) In addition to the above, the needs assessment shall assess, including but not limited to, the following:

(1) The suitability of the facility to meet the educational needs of the school district, as identified in the educational specifications;

(2) A summary of the space needed; and

(3) The gap that exists between the current state and desired state of the school district's programmatic needs, and the factors that can be attributed to this gap.

Ed 321.13 Feasibility Study.

(a) Prior to submittal of a building aid application, a feasibility study shall be created to evaluate, at minimum, the following:

(1) Renovation only;

(2) Renovation with new construction;

(3) New construction only; and

(4) Not constructing at all.

(b) The feasibility study shall include but not be limited to:

(1) A life-cycle cost estimate for each option that considers the following costs:

a. Capital;

b. Maintenance;

c. Transportation;

d. Energy;

e. Staff salary and benefits; and

f. Any other costs associated with the operation and maintenance of the building; and

(2) The pros and cons for each option based on the educational specifications created in accordance with Ed 321.11 and the needs assessment completed in accordance with Ed 321.12.

(c) The feasibility study shall be completed by a licensed architect, or other qualified professional.

Ed 321.14 School Building Aid Application Submittal.

- (a) To be considered for building aid, complete applications shall be filed with the department no later than April 1.
- (b) The application submitted shall include the information identified in Ed 321.15.
- (c) Hard copies of the application and attachments shall be submitted upon request of the department.
- (d) 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.

Ed 321.15 School Building Aid Application Information. The following information shall be included when submitting a building aid application:

- (a) General project information including:
 - (1) Project location;
 - (2) Contact person;
 - (3) Estimated cost of the project;
 - (4) Grade span; and
 - (5) Brief description of the project;
- (b) Identification of architect and the owner's project manager (OPM), if required by RSA 198:15-c;
- (c) Identification of the total number of students, full-time staff, student drivers, and the anticipated number of parking spaces after project completion;
- (d) The educational specifications in accordance with Ed 321.11;
- (e) A needs assessment of the existing building in accordance with Ed 321.12;
- (f) A feasibility study in accordance with Ed 321.13;
- (g) If seeking ranking points for school security per Ed 321.16(f)(2), a copy of a school security assessment not more than 3 years old, completed by the New Hampshire homeland security and emergency management;
- (h) A completed "Condition Evaluation Form," May 2024;
- (i) The net energy use intensity (EUI) of the existing facility over the past 5 years and the estimated EUI of the proposed facility 5 years following completion of construction;
- (j) A summary of the district's commitment to good maintenance including, but not limited to:
 - (1) A description of the capital reserves program;
 - (2) The history of the district's annual budget for the past 5 years, to support good maintenance; and
 - (3) A description of how the district budgets for preventative maintenance and long-term capital improvements;

(k) The design capacity and the calculations and data used to determine the design capacity in accordance with Ed 321.08;

(l) Square footage of the building before and after construction;

(m) Budget and financial information, including but not limited to, the following:

- (1) Estimated project budget and unit costs;
- (2) Anticipated funding sources and anticipated amounts from each source;
- (3) Amount of district debt;
- (4) Total assessed valuation; and
- (5) Percent debt to valuation;

(n) A statement of assurance, signed by the chair of the school board, which indicates the following:

- (1) Maintenance and service for all installed equipment at the school facility shall be according to the manufacturer's instructions;
- (2) Property insurance to pay for damages resulting from weather and other natural events shall be maintained;
- (3) Ongoing operations and maintenance shall be provided in accordance with Ed 321.30;
- (4) Plans shall be submitted to the state fire marshal's office for a plan review prior to construction;
- (5) Energy efficiency reimbursement applications shall be submitted to the school district's regulated utility provider; and
- (6) A request for project review shall be submitted to the department of cultural resources, division of historical resource, prior to construction;

(o) School board meeting minutes approving the project, which clearly identify the following:

- (1) The project as described in the building aid application;
- (2) The total project costs listed in the building aid application; and
- (3) A statement that the project shall be put forth for voter consideration subject to receiving building aid;

(p) 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;

(q) Site plan which indicates the boundaries of school-owned property to be developed, the location of proposed construction, location of wetlands and bodies of water, and location of existing structures;

(r) Preliminary design plans that have the following:

- (1) Labels for the proposed use of each space;
- (2) Labels for the square footage of each space, excluding spaces less than 100 square feet;

- (3) The total square footage of each level; and
- (4) The overall exterior building dimensions;
- (s) A plan with each space color coded by the primary use as follows:
 - (1) General studies, shaded green;
 - (2) Specialized educational spaces such as world language, art, and music, shaded blue;
 - (3) Special education areas such as speech and language pathology rooms, occupational therapy and physical therapy rooms, and case manager rooms, shaded purple;
 - (4) Core spaces such as library and media center, kitchen, cafeteria, and gymnasium spaces shaded yellow;
 - (5) Administrative areas such as reception areas, vestibule areas, copy and storage rooms, nurse's office, guidance offices, social worker offices, staff rooms, and conference rooms, shaded orange; and
 - (6) Building services and miscellaneous areas such as bathrooms, server rooms, custodial closets, mechanical rooms, corridors, and stairs, shaded gray;
- (t) A summary table of the total square footage for each of the color-coded categories listed in (s) above;
- (u) If the project includes a new site location, site information including but not limited to:
 - (1) The total usable area;
 - (2) Descriptions of the restrictions the site might have;
 - (3) The status of any necessary testing and permitting;
 - (4) The proposed grading plan; and
 - (5) A copy of the appraisal conducted as part of the land acquisition; and
- (v) A digital copy of the application.

Ed 321.16 Steps in the Procedure for Approval of School Building Aid.

- (a) The department shall begin the evaluation of projects once all school building aid applications have been submitted and received.
- (b) The department shall conduct a site visit to the project location to verify the information submitted in the application, subject to the availability of time and funds for making such visits.
- (c) The department shall award points, up to the maximum, for each category listed in (f) below and addressed in the project application. Points shall not be awarded in categories that are not included in the project.
- (d) The department shall evaluate the information provided by the applicant pursuant to Ed 321.15(d)-(i) to determine the awarding of points and ranking of projects.
- (e) For each project application, the categories in (f) below shall be evaluated in comparison to the other submitted project applications.
- (f) Projects shall be scored in the following categories:

- (1) Correcting unsafe conditions that are identified in the needs assessment submitted as part of the application per Ed 321.15(e), 200 points possible;
- (2) Correcting building or site deficiencies that involve construction or substantial site modifications and that are identified in the school security assessment submitted as part of the application per Ed 321.15(g), 100 points possible;
- (3) Updating obsolete, inefficient, and unsuitable mechanical, electrical, plumbing, or structural building systems, including correcting deficiencies with ADA, identified in the needs assessment submitted as part of the application per Ed 321.15(e), 100 points possible;
- (4) Updating obsolete, inefficient, and unsuitable educational spaces, identified in the educational specifications and needs assessment submitted as part of the application per Ed 321.15(d) and (e), 100 points possible;
- (5) Correcting overcrowding conditions and associated influences to instructional areas and programming, as identified in the needs assessment submitted as part of the application per Ed 321.15(e), 75 points possible;
- (6) Addressing enrollment projections and population shifts, as identified in the needs assessment submitted as part of the application per Ed 321.15(e), 50 points possible;
- (7) Contributing to operational cost efficiencies which reduce the school district's budget such as consolidating buildings or reducing transportation costs, as identified in the feasibility study submitted as part of the application per Ed 321.15(f), 75 points possible;
- (8) The difference between 200 and the building aid factor calculated in accordance with RSA 198:15-v(c) and rounded to the nearest whole number, 200 points possible; and
- (9) The difference between the existing EUI and the proposed EUI, as identified in the application per Ed 321.15(i), 100 points possible.

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

- (1) An emergency project, defined by RSA 198:15-e, I(c), shall rank ahead of all the others;
- (2) Except as allowed by (1) above, an application that was on the prioritized list in the previous year and has provided the required items in Ed 321.17(i) shall be ranked ahead of any application that was not on the list in the previous year;
- (3) If 2 or more applications receive the same number of points, the tie scores shall be ranked according to the number of points scored in (f)(1) above, the unsafe conditions category;
- (4) If a tie score remains after ranking for unsafe conditions, the remaining tie scores shall be ranked according to the sum of the points scored in (f)(8) above; and
- (5) If a tie score remains after ranking for in (4) above, the school building authority shall determine the ranking of those applications.

(h) Conditions that result from insufficient maintenance or neglect as described in Ed 321.31(f)(2) shall not be considered for points.

(i) By August 1, the department shall submit a prioritized list of applications to the school building authority, along with the scoring results of each criterion in (f) above, and the maximum award amount calculated in accordance with Ed 321.19.

(j) The school building authority shall verify the ranking submitted by the department.

(k) By October 15, the school building authority shall submit a list in descending rank order to the state board.

(l) If the school building authority determines that 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 to the department for appropriate corrective actions.

(m) By November 15, the state board shall approve and publish the descending rank ordered list.

(n) Projects listed on the descending rank order list approved by the state board on November 10, 2022, shall be placed on the prioritized list in 2025 in the same rank order ahead of any new applications received, provided that the applicant submits the items in Ed 321.17(i) and Ed 321.34 by May 1, 2025.

(o) School districts shall have 14 calendar days following the publication of the prioritized list of applications to file a motion for reconsideration of the prioritized list to the state board.

(p) The state board shall consider any motions for reconsideration of the prioritized list at the next regularly scheduled meeting of the state board.

Ed 321.17 Intent to Fund (ITF) Letter.

(a) The department shall issue an intent to fund (ITF) letter for the top-ranked projects until all building aid funds available are allocated, or until no projects remain on the list.

(b) The ITF letter shall include the following:

- (1) Name and address of the school building;
- (2) Project title;
- (3) Maximum grant amount calculated pursuant to Ed 321.19;
- (4) Documentation of building aid rate pursuant to RSA 198:15-b;
- (5) Approved design capacity in accordance with Ed 321.08;
- (6) Maximum eligible land size in accordance with Ed 321.07;
- (7) Maximum eligible building size in accordance with Ed 321.09;
- (8) Maximum allowable construction cost standard in accordance with Ed 321.22;
- (9) Documentation of any waiver decisions requested as part of the application in accordance with Ed 321.33; and
- (10) Any other information the department deems necessary to ensure a successful project.

(c) The superintendent shall have 30 calendar days to sign and submit the ITF letter to the department before the funds are offered to the next highest-ranked project.

(d) Except as allowed in (g) below, project applicants that did not sign and submit the ITF letter within 30 calendar days shall not return to the prioritized list, but the school district may reapply.

(e) By submitting the signed ITF letter, the school district shall have 32 months to obtain approval from the school district's legislative body.

(f) For applicants that signed and submitted the ITF letter, the superintendent or designee shall submit to the department quarterly updates on the project status until a notice of completion has been submitted to the department in accordance with Ed 321.26.

(g) Project applicants that were offered a reduced award due to the lack of state building aid funds and did not sign and submit the ITF letter within 30 calendar days, shall return to the prioritized list in the same ranked order provided the items in (i) below are submitted by the following May 1.

(h) Except for projects that received a building aid award, any ITF letter issued prior to the effective date of these rules shall be reissued in accordance with these rules.

(i) Project applicants that did not receive an ITF letter shall return to the prioritized list in the same ranked order, provided the following is submitted by May 1 each year:

- (1) Except as allowed by (j) below, an attestation that construction has not started;
- (2) Updated estimated project costs and documents, if applicable;
- (3) Meeting minutes from the school board or board of trustees approving the following:
 - a. The boards desire to have the project remain on the prioritized list;
 - b. The estimated project cost listed on the application or as revised in (2) above; and
 - c. A statement that if the project is selected for building aid, the project shall be put forth for voter consideration subject to receiving building aid; and
- (4) If applicable, an updated project scope, revised plans, and a description of why these changes do not impact the ranking.

(j) Improvements made to the school facility to address any deficiency in which the project was ranked on, including health, safety, or energy efficiency improvements, shall not remove the project from the ranked list unless specific in (d) above, or (k)-(n) below. Any work done prior to receiving a grant award notification (GAN) in accordance with Ed 321.18 shall not be eligible for building aid.

(k) If project applicants fail to submit the items in accordance with (i) above, the project shall not return to the prioritized list, but the school district may reapply.

(l) Except for improvements allowed by (j) above, if changes are made to the proposed project and the proposed project no longer addresses the criteria for which the original application was scored and ranked, the project shall not return to the prioritized list, but the school district may reapply.

(m) Projects that have a signed ITF letter but were unable to obtain approval from the school district's legislative body within 32 months of the date of issuance shall forfeit the award and not return to the prioritized list, but the school district may reapply.

(n) Projects that have a signed ITF letter but were unable to submit the documentation required in Ed 321.18(a) by June 30, 12 months following the approval from the school district's legislative body, shall forfeit the award and not return to the prioritized list, but the school district may reapply.

(o) A school board may request a waiver pursuant to Ed 321.33 for the amount of time needed to complete (n) above, provided there is an agreed upon timeline between the school district and the department, and the delay is due to an unanticipated event.

Ed 321.18 Grant Award Notification (GAN).

(a) The department shall issue a grant award notification (GAN) to a school district upon submittal of:

- (1) A copy of the signed ITF letter submitted in accordance with Ed 321.17(c);
- (2) Proof of voter approval from the legislative body of the public school district approving the construction project and appropriating the local share of funds necessary to complete the project;
- (3) Updated cost estimates and proof of funding sources for the project, including but not limited to:
 - a. A copy of the signed loan agreement authorizing the loan amount and school board's approval of the loan agreement or other assurance of securing the necessary funding to complete the project;
 - b. Proof of approval for capital revenues expenditures;
 - c. Proof of the receipt of charitable trusts, bequests, gifts, and insurance policies; or
 - d. Proof of other sources of funding;
- (4) Final project budget for review and approval;
- (5) Undated construction plans and specifications as prepared by a licensed architect and engineer as required for the project scope;
- (6) A copy of a signed construction contract between the school district and a contractor authorized to conduct construction business in New Hampshire by the secretary of state;
- (7) A letter from the state fire marshal's office approving the construction project;
- (8) Documentation that a request for project review was completed by the New Hampshire division of natural and cultural resources; and
- (9) Proof of federal, state, and local permits necessary to start construction.

(b) The GAN shall include required items for initial and final payment in accordance with Ed 321.25 and Ed 321.26.

(c) The GAN shall include the maximum eligible costs calculated in accordance with Ed 321.22 and may be adjusted each year in accordance with Ed 321.22(c).

(d) Willful failure to follow any requirement of these rules shall be grounds for withdrawal of the GAN to the school district and shall include repayment of funds previously disbursed to the school district, if so ordered by the state board.

Ed 321.19 Maximum Building Aid Award Amount.

(a) The maximum building aid award amount shall be the maximum amount of building aid the school district is eligible for based on the application submitted to the department.

(b) The maximum building aid award amount shall be the estimated project costs multiplied by the building aid rate or the balance of the building aid appropriation that fiscal year, whichever is lower.

(c) The estimated project cost is the sum of the following:

- (1) Eligible site costs per Ed 321.20;
- (2) Eligible construction costs per Ed 321.21;
- (3) Eligible administrative costs and contingency per Ed 321.23; and
- (4) Eligible fees and services costs per Ed 321.24.

(d) Project costs not included in the maximum building aid amount and not eligible for building aid, include the following:

- (1) Site acquisition and site development costs for sites that exceed Ed 321.07 maximum standards for school building aid for land acquisition;
- (2) Project costs for buildings that exceed Ed 321.09 maximum sizes for school buildings;
- (3) Construction costs that exceed Ed 321.22 maximum allowable construction costs; and
- (4) Costs for ineligible items known at the time of the application, including but not limited to items in Ed 321.31.

(e) If available building aid funds in a given fiscal year are insufficient to meet the maximum building aid award, the maximum building aid award shall be reduced to the balance of funding available in that fiscal year.

(f) The actual amount of building aid granted shall be determined upon completion of construction and by a review of the eligible project costs submitted to the department in accordance with Ed 321.27.

Ed 321.20 Site Costs.

(a) The following site costs shall be eligible for building aid:

- (1) Land acquisition costs, including land purchased in years prior, provided it was purchased for the purposes of constructing a school building;
- (2) Legal or administrative costs associated with the acquisition; and
- (3) Site development costs, including:
 - a. The work required to prepare the land for construction;
 - b. Work required to bring and connect utility services from the property boundary to the building; and
 - c. Work for onsite utility infrastructure such as power, fuel connections and storage, onsite septic, sewer, data and cabling, and site lighting.

(b) Site acquisition costs for land that exceed the maximum site standards in Ed 321.07 shall not be eligible for building aid and shall not be included in the maximum building aid award.

(c) Only work on the site owned by the school district shall be eligible for building aid. Work to bring utilities to the site from locations that are not immediately adjacent to the property owned by the school district shall not be eligible for building aid.

(d) For the purposes of calculating the maximum building aid award, site acquisition costs shall be limited to market value as determined by an appraisal conducted as part of the land acquisition.

(e) For the purposes of calculating the maximum building aid award, eligible site development costs shall not exceed 15 percent of the total eligible project costs less site costs.

Ed 321.21 Construction Costs.

(a) The following construction costs shall be eligible for building aid:

(1) For a new building or addition to an existing building, costs of labor and materials to erect the building and foundation, except for the cost of site development beyond 4 feet from the foundation;

(2) In renovation projects, costs of labor and materials for repairing, replacing, remodeling, or altering the existing structure or building systems;

(3) Removal and disposal costs, including hazardous waste disposal costs;

(4) Equipment that is normally fastened to the structure; and

(5) Purchase or lease-purchases of mechanical, structural, or electrical equipment.

(b) Construction costs that exceed the maximum allowable construction costs, calculated in accordance with Ed 321.22, shall not be eligible for building aid.

Ed 321.22 Maximum Allowable Construction Cost.

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

(b) 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 and publish the maximum allowable construction cost no later than November 30 of each year.

(c) Subject to (d) below, for the purposes of calculating the maximum building aid award in Ed 321.19, eligible construction costs shall be forecasted out to June 30 of the fiscal year following the year the project is put forth for voter consideration using the 5-year average of the inflation indices reported by the R.S. Means Company of Kingston, Massachusetts.

(d) If the department has at least 3 localized and school type specific construction cost data, this data may be used in place of R.S. Means Company of Kingston data.

(e) The actual amount of building aid granted for construction shall be based upon the actual construction cost or the eligible construction costs forecasted in the GAN, whichever is lower.

(f) For areas of renovation, the maximum building aid award shall be calculated as the maximum allowable construction cost as calculated in this section, multiplied by the renovation factor listed in table 321-5 below.

Table 321-5 Renovations Factor for Calculating the Maximum Allowable Building Aid Costs

Age of Renovated Area (years)	Renovation Factor for Maximum Allowable Construction Costs
41 & older	100%
36-40	94%
31-35	83%
26-30	70%
21-25	50%
0-20	0%

Ed 321.23 Administrative Costs and Contingency.

(a) The following administrative costs and contingency shall be eligible for building aid:

- (1) Moveable equipment costs;
- (2) Advertising and legal costs; and
- (3) Project contingency.

(b) For the purposes of calculating the maximum building aid award, eligible administrative costs and contingency shall not exceed 15 percent of the total eligible project costs, less site acquisition costs.

Ed 321.24 Fees and Services Costs.

(a) The following fees and services costs shall be eligible for building aid:

- (1) Architectural and engineering fees;
- (2) Permitting and approval fees, except for local fees in accordance with Ed 321.31(d);
- (3) Site selection fees, including but not limited to traffic analyses, environmental reviews, and other analyses done for the purposes of assessing the suitability of the site;
- (4) Site survey and site soil fees;
- (5) Construction testing fees;
- (6) OPM, if required by RSA 198:15-c III;
- (7) Commissioning fees; and
- (8) Subject to (b) below, other professional services.

(b) Fees paid to a cost estimator, construction manager, or a construction manager at risk shall only be included as fees and services costs if they are incurred prior to the start of construction. Fees incurred after the start of construction shall be included under construction costs.

(c) When hiring consultants such as an architect, engineer, or OPM, the school district may give preference to consultants registered to conduct business and with headquarters in the state of New Hampshire.

(d) For the purposes of calculating the maximum building aid award, OPM fees shall not exceed 1.5 percent of the total eligible project costs, less site acquisition costs.

(e) For the purposes of calculating the maximum building aid award, eligible fees and services costs shall not exceed 10 percent of the total eligible project costs, less site acquisition costs.

Ed 321.25 School Building Aid Payments for Projects Funded After July 1, 2025. For projects that are funded after July 1, 2025, the following shall apply:

(a) School building aid shall be provided by the department from funds appropriated by the legislature to eligible school districts in accordance with RSA 198:15-a and Ed 321;

(b) School building aid shall be paid for construction as authorized by RSA 198:15-b, II on property owned by a school district or a city in cities with school departments;

(c) For public school district construction projects, the department shall disburse a sum equal to 80 percent of the maximum building aid award subject to (d) below, and the balance of the total grant paid upon completion of construction and verification by the department in accordance with Ed 321.26;

(d) Approval for initial payment by the department shall be given upon receipt of a signed GAN;

(e) The final building aid grant amount shall be calculated as the building aid rate multiplied by the eligible project costs, or the maximum amount of building aid award calculated in accordance with Ed 321.19, whichever is less;

(f) Request for final payment shall be made within the deadlines provided in Ed 321.26; and

(g) Projects funded in fiscal year 2024 and fiscal year 2025 shall adhere to the building aid payment standards in effect at the time of application.

Ed 321.26 Notice of Completion and Request for Final Payment.

(a) Upon completion of the project, the school district shall submit a notice of completion and request for final payment to the department with the information described in Ed 321.27.

(b) School districts shall have 5 years from the initial payment to complete the project and submit a notice of completion and request for final payment to the department, otherwise the award shall be forfeited and the district shall be required to repay the state 100 percent of the state grant received.

(c) After review and verification of the information submitted in accordance with (a) above, the department shall:

(1) Determine the final building aid grant as the building aid rate multiplied by the eligible projects costs or the maximum amount of building aid award cited in the signed GAN, whichever is less;

(2) Conduct an onsite visit as needed to verify the information submitted; and

(3) Issue a project completion letter stating that all necessary requirements have been met.

(d) A school board may request a waiver under Ed 321.33 for the amount of time needed to complete (b) above.

Ed 321.27 Notice of Completion and Request for Final Payment Information. The following information shall be provided in the notice of completion and request for final payment:

(a) General project information, including the name of the project and contact person;

(b) The contracted date for project completion;

- (c) The actual cost of the project with supporting invoices that identify the following:
 - (1) Amount of invoice;
 - (2) Date of invoice;
 - (3) Vendor;
 - (4) Description of item; and
 - (5) The eligible category type:
 - a. Site acquisition or development cost, as described by Ed 321.20;
 - b. Construction cost, as described by Ed 321.21;
 - c. Administrative cost and contingency cost, as described by Ed 321.23; or
 - d. Fees and services cost, as described by Ed 321.24;
- (d) Final building square footage and final unit cost per square foot;
- (e) Project funding sources and documentation of each source;
- (f) Explanation of all deviations from the approved design and cost;
- (g) A signed statement from the superintendent, business administrator, and the chair of the school board that:
 - (1) The project is complete as described in Ed 321.02(c);
 - (2) The summary of invoices submitted is accurate; and
 - (3) The project was built in accordance with all applicable building aid rules and law to the best of their knowledge;
- (h) Record drawings signed and stamped by individuals licensed in the appropriate disciplines to practice architecture or engineering in the state of New Hampshire;
- (i) Commissioning plan in accordance with Ed 321.04(g);
- (j) Copy of any energy efficiency rebates or if not eligible, a copy of the application submitted in accordance with Ed 321.15(m)(5);
- (k) A signed letter by a licensed architect or engineer stating that the project has been designed to meet the following:
 - (1) State building code in accordance with RSA 155-A;
 - (2) State building energy code in accordance with RSA 155-A:1, IV;
 - (3) Barrier-free access regulations in accordance with Abfd 303;
 - (4) Acoustical standards as outlined in this section; and
 - (5) School building construction standards outlined in Ed 321.03;

(l) Certification that no known asbestos containing building material was used in construction in accordance with 15 U.S.C. § 2641-2656;

(m) Certification that references any properly approved code or permit waivers;

(n) A copy of the lease-purchase agreement required by Ed 321.06(c), if applicable;

(o) An approval to operate required by Ed 320; and

(p) A digital copy of the information in (a) through (o) above.

Ed 321.28 School Building Aid Payments for Projects Approved Before July 1, 2013. Beginning July 1, 2025, payments on projects that were approved before July 1, 2013, shall adhere to the following:

(a) School building aid payments shall be made semi-annually, in October and April of each fiscal year;

(b) Semi-annual payments shall be in approximately equal amounts; and

(c) 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.

Ed 321.29 Owner's Project Manager (OPM).

(a) Pursuant to RSA 198:15-c, III, a school district that accepts school building aid for construction shall engage the services of an owner's project manager (OPM) for construction or reconstruction projects of \$1,000,000 or more.

(b) The OPM shall provide the following services and have responsibilities, including, but not limited to the following:

(1) Take and maintain or receive from the contractor photographic records of construction activities and project progress on a regular basis;

(2) As requested by the superintendent of schools, prepare and distribute reports to the superintendent of schools from information provided by the architect and the contractor on the project budget, the status of the project schedule, and on general project information;

(3) Submit quarterly reports to the department through the superintendent of schools until a notice of completion has been submitted to the department in accordance with Ed 321.26;

(4) Work with the assistance of the architect, the contractor, and other consultants, to confirm that all permits necessary for construction of the project are obtained in a timely manner prior to the commencement of applicable construction and shall inform the superintendent of schools of any failure to timely obtain such permits;

(5) Coordinate the district's consultants and contractors on the design and purchase of items such as telephone, internet, and furniture;

(6) Assist the school district in arranging for and overseeing the delivery, storage, protections, and security of any school-purchased materials, systems, and equipment that are part of the project until such items are incorporated into the project;

(7) While being present on-site an average of 2 to 3 days a week during construction, observe the work of contractors and the quantity and quality of materials and equipment received and stored on-site to protect the school against defects, deficiencies, noncompliance with the contract documents,

or failures of performance by contractors, including recommendations to avoid any potential cost overruns or delays caused by sequencing. The OPM's presence shall not relieve the architect of duties for site observations and for providing site inspection reports to the superintendent of schools and the OPM;

(8) Review the inspection and test reports provided, with the recommendations of the architect, making recommendations to the superintendent of schools and the architect regarding inspection and test results, and maintain copies of all inspection and test results;

(9) Confer with the superintendent of schools and the architect to resolve contractor's suggestions and any problems or concerns that arise on the project;

(10) In consultation with the superintendent of schools and the architect, and with the review and written review comments of the architect, evaluate and make recommendations to the superintendent of schools on change orders, including making investigations and recommendations on the value and validity of proposed change orders, and discussing proposed change orders with contractors;

(11) Assist the architect in the architect's duties to determine whether substantial completion and final completion have been achieved, assist in maximizing warranty deadlines, identify any items remaining to be completed or repaired, regardless of whether the contractor has identified such items, and identify the cost to repair or complete remaining work;

(12) Assist the architect in monitoring the contractor's requirements to collect and catalog all operating and instruction manuals for equipment and building systems and submit this information and all warranty documentation to the superintendent of schools;

(13) In consultation with the superintendent of schools and in assisting the architect, coordinate close-out activities including the completion of deficiencies, submittals of close-out documents, resolution of change orders, and recommendations for payment of retainage;

(14) Assist the superintendent of schools to ensure the architect has gathered and submitted to the superintendent of schools all project documentation including files, records, drawings, submittals, samples, and other information in an organized and usable form;

(15) Assist the superintendent of the school to ensure the architect, upon completion of the project, certifies that, to the best of their professional knowledge, the building conforms to the approved plans, specifications, and shop drawings; and

(16) Continue to provide all applicable services listed in (1)-(15) above throughout construction and close-out until notice of completion has been submitted to the department in accordance with Ed 321.26.

(c) Minimum qualifications for an OPM shall include the following:

(1) An architect or professional engineer registered by the state of New Hampshire with at least 5 years' experience in the construction and supervision of construction of buildings; or

(2) An individual with at least 7 years' experience in the construction and supervision of construction of buildings.

(d) The OPM may be an individual currently employed by the school district as long as that individual can complete the requirements identified in this section.

(e) No individual or employee of any business which has a contract with the school district to complete any portion of the design or construction of the project shall be designated as the OPM.

(f) The OPM may be hired before entering into a contract for design services in order to represent the school throughout the design process, including assisting the superintendent of schools with hiring the architect, analyzing the project feasibility, and selecting a project delivery system.

(g) Projects that do not involve the construction of a new building, an addition to an existing building, or a substantial renovation, as described in Ed 321.05, shall be exempt from (a)-(f) above.

Ed 321.30 Ongoing Operation.

(a) Building systems shall be operated and maintained in compliance with the manufacturers' instructions.

(b) School buildings shall be maintained to provide code compliant outside air ventilation and exhaust systems to aid in the maintenance of healthy indoor air quality.

(c) School buildings shall be approved and maintained in accordance with Ed 320.

Ed 321.31 Ineligibility for School Building Aid.

(a) The following shall be ineligible for school building aid:

- (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) Resurfacing of tracks, courts, and playing fields;
- (7) Re-sodding or reseeded of athletic fields and other green areas;
- (8) Artificial turf on athletic fields;
- (9) Replacement gym floors;
- (10) Motor vehicles, lawn mowers, tractors, or similar machines;
- (11) Cleaning equipment, including floor cleaning machines and wet and dry vacuums;
- (12) Repair parts for mechanical, electrical, or plumbing systems, unless the parts return the equipment to new condition;
- (13) Microwaves and refrigerators, except in the cafeteria, teacher break room, and nurse's office;
- (14) School administrative unit facilities;
- (15) Career and technical center spaces that are eligible for funding for aid under RSA 188-E;
- (16) Textbooks and library books;
- (17) Computers and software that are not integral to the building systems;

- (18) Portable, temporary, or modular classrooms;
 - (19) Leases, except for lease-purchases of mechanical, structural, or electrical equipment which is designed to improve energy efficiency or indoor air quality in buildings;
 - (20) Items not affixed to the building, including but not limited to sports and weight room equipment, television, vending machines, and air conditioner wall units;
 - (21) Band and athletic uniforms or musical instruments;
 - (22) Cell phones;
 - (23) Storage units and storage containers;
 - (24) Tools;
 - (25) Travel and associated costs;
 - (26) Moving expenses;
 - (27) Office supplies and general expendable supplies;
 - (28) Food and party supplies for grand openings; and
 - (29) Building dedication plaques or time stones.
- (b) Construction work started prior to receiving the GAN shall not be eligible for building aid.
- (c) Costs related to financing, such as bonding charges and interest, shall not be eligible for inclusion in the calculation of school building aid.
- (d) Fees paid to local municipalities, including but not limited to building permit fees, site permit fees, and planning board or zoning fees, shall not be eligible for inclusion in the calculation of school building aid.
- (e) School building aid shall not be provided for work that is covered by insurance or should reasonably be expected to be covered by insurance.
- (f) School building aid shall not be used to pay for any of the following:
- (1) Repairs for damages incurred to equipment or structures that are covered by a valid warranty or guarantee that has been invalidated by the actions of a school district or its staff;
 - (2) Repairs to buildings, systems, or components that result from failure to perform proper maintenance, which shall be determined by:
 - a. The department comparing the age of the damaged materials or equipment to the expected useful life of the materials or equipment based on commonly accepted industry standards; and
 - b. The school district providing maintenance records and other documentation concerning their maintenance program, if necessary for the department to clearly understand the cause of equipment or system damage;
 - (3) Work that results from failure to follow building codes or previous guidance from the department; or

(4) Repairs for which the school district makes a legal claim for damages until the legal proceeding has been resolved.

(g) In such cases as described in (f)(4) above, 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 321.19.

Ed 321.32 Reporting Requirements.

(a) By November 30 of each year, the department shall publish:

- (1) The school building aid rates as calculated according to RSA 198:15-b and RSA 198:15-v;
- (2) The maximum allowable construction cost under RSA 198:15-b, III(a) pursuant to Ed 321.22; and
- (3) The ranked list of school building aid applications approved by the state board in accordance with Ed 321.16 (m).

(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.

Ed 321.33 Waiver Provisions.

(a) The commissioner of the department or the commissioner's designee may grant waivers for the standards required in Ed 321.09, Ed 321.10, Ed 321.17(n), and Ed 321.26(b).

(b) All waiver requests shall be submitted in writing and signed by the superintendent.

(c) All waiver requests shall include in the following:

- (1) A reference to the specific section of Ed 321 for which a waiver is requested;
- (2) 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;
- (3) 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;
- (4) An explanation of the school district's attempts to achieve compliance with the standard;
- (5) An explanation of the impact of a denial of the request for a waiver; and
- (6) Other information to support the request that the school district would like to have considered.

(d) Waiver requests for Ed 321.09 shall be submitted at least 90 days prior to submitting the building aid application and shall also include the following information:

- (1) A table of each room, room number or name, the square footage of each individual space, and the number of students anticipated to be educated in that space;
- (2) An explanation of how that space meets the minimum requirements and what regulation requires the program to be provided;

(3) An explanation of what utilization-maximizing strategies were considered such as multi-grade education and multiple uses of spaces and why these strategies were not sufficient to reduce the total gross square footage of the building; and

(4) Other information sufficient that the department can analyze the proposed spaces and uses.

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

(f) A written ruling shall be provided to the school 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.

(g) 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 shall not compromise the quality of education required in Ed 306 and is the best use of available resources.

(h) 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.

Ed 321.34 Requirements for Projects Listed on the November 2022 Rank Order List.

(a) Project applicants on the November 10, 2022, rank order list approved by the state board that were not selected for funding in fiscal year 2024 or fiscal year 2025 but wish to be considered for future building aid funds shall submit the following documentation to the department by May 1, 2025:

(1) A summary of the district’s commitment to good maintenance in accordance with Ed 321.15(j); and

(2) If the project requires land acquisition, an attestation that the land has been acquired or that a legal agreement is in place for the acquisition that is subject to receiving building aid.

(b) If the project applicants fail to submit the documentation in (a) above, the project shall not be considered for funding and removed from the ranked list, but the school district may reapply in accordance with these rules.

(c) Projects listed on the November 2022 descending rank order list that would like to be considered for future funding shall remain on the rank order list without submitting a new application and are exempt from submitting the information required in Ed 321.11 through Ed 321.15.

APPENDIX I

Rule	Statute
Ed 321.01	RSA 21-N:9, II(c); RSA 198:15-a, V
Ed 321.02	RSA 21-N:9, II(c); RSA 198-15-a, V
Ed 321.03	RSA 198:15-c, I(a)
Ed 321.04	RSA 198:15-a, III; RSA 198:15-b, II;
Ed 321.05	RSA 198:15-b, II(f)
Ed 321.06	RSA 198:15-b, II(g); RSA 198:15-b II(e)
Ed 321.07	RSA 198:15-b, IV(b)(2)
Ed 321.08	RSA 21-N:9, II(c)
Ed 321.09	RSA 198:15-b, III(a)-(b)
Ed 321.10	RSA 21-N:9, II(c)
Ed 321.11	RSA 198:15-c, I(a)-(b)

Ed 321.12	RSA 21-N:9, II(c); RSA 198:15-c, I(a)-(b)
Ed 321.13	RSA 198:15-c, I(a)-(b)
Ed 321.14 – Ed 321.15	RSA 198:15-c, I(a)-(b); RSA 198:15-c, II(a)
Ed 321.16	RSA 198:15-c, II(a)-(b)
Ed 321.17-18	RSA 198:15-c, II(a)
Ed 321.19	RSA 198:15-b, I(b)(1); RSA 198:15-b, III
Ed 321.20 – Ed 321.24	RSA 198:15-b, II; RSA 198:15-b, III
Ed 321.25	RSA 198:15-a, I; RSA 198:15-b, I(b)
Ed 321.26 – Ed 321.27	RSA 198:15-c, I
Ed 321.28	RSA 198:15-b, I(a)
Ed 321.29	RSA 198:15-c, III
Ed 321.30	RSA 21-N:9, II(c)
Ed 321.31	RSA 21-N:9, II(c); RSA 198:15-a, II
Ed 321.32	RSA 198:15-b, III(a); RSA 198:15-c, II(a)
Ed 321.33	RSA 198:15-b, III(e)
Ed 321.34	RSA 198:15-c, I(a); RSA 198:15-c, II(a)

APPENDIX II

Rule	Title	Obtain at
Ed 321.03(h)	Illuminating Engineering Society. ANSI/IES RP-3-20, <i>Recommended Practice: Lighting Educational Facilities</i> . New York: IES; 2020.	https://store.ies.org/product/rp-3-20-recommended-practice-lighting-educational-facilities/?v=7516fd43adaa Available as downloadable secure PDF only. \$120; member price \$84.
Ed 321.03(i)	ANSI S12.60 <i>American National Standard Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools Part 1</i> , 2010 edition	ANSI/ASA S12.60/Part 1-2010 (R2020) - Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Part 1: Permanent Schools Available as downloadable PDF, \$143.
Ed 321.03(p)	American National Standards Institute Z-358.1 Eyewash Standards 2014	Available in the ANSI webstore: https://webstore.ansi.org/standards/isea/ansii-seaz3582014 Cost: \$65 per pdf download



School Building Aid Condition Evaluation Form

May 2024

Instructions: Use the space provided, with a minimum 11-point font size in Times New Roman. Do not attach additional information. Do reference page numbers in the educational assessment, needs assessment, facility assessment, or security assessment. Points will be awarded in accordance with Ed 321.16. Submit this form with your building application in accordance with Ed 321.14.

SAU #: School Name: Project Name:

Section A: UNSAFE CONDITIONS (200 points maximum) - For each item listed below, list any concerns/deficiencies with the building or site identified in the needs assessment that will be addressed as part of the proposed project. Include the page number the item can be found in the needs assessment.

A01: Fire safety - access and egress (worth 15 point maximum):

A02: Fire safety - structure type (worth 15 point maximum):

A03: Fire safety - combustibles (worth 15 point maximum):

A04: Fire safety - storage (worth 15 point maximum):

A05: Fire safety - stairwells (worth 15 point maximum):

A06: Structural integrity (worth 25 point maximum):

A07: Electrical (worth 10 point maximum):

A08: Environmental (building) (worth 15 point maximum):

A09: Environmental (site) (worth 15 point maximum):

A10: Traffic /Circulation (worth 18 point maximum):

A11: Sewage system (worth 12 point maximum):

A12: Water quality and quantity (worth 12 point maximum):

A13: Outside physical education and play areas (worth 10 point maximum):

A14: Other conditions unsafe conditions (worth 8 point maximum):

Section B: SECURITY CONDITIONS (100 points maximum) - List any building or site deficiencies that involve construction or substantial site modifications and that are identified in the school security assessment that will be addressed as part of the proposed project. Include the page number the item can be found in the security assessment.

B01: Building access (worth 25 point maximum):

B02: Location of administrative offices (worth 20 point maximum):

B03: Large gathering spaces (gym, cafeteria, etc.) (worth 20 point maximum):

B04: Visitor meeting areas (worth 15 point maximum):

B05: Site conditions (worth 15 point maximum):

B06: Other security conditions (worth 5 point maximum):

Section C: INEFFICIENT BUILDING SYSTEMS (100 points maximum) - List concerns/deficiencies identified in the needs assessment that will be addressed as part of the proposed project. Include the page number the item can be found in the needs assessment.

C01: Building envelope (worth 15 point maximum):

C02: Heating systems (worth 15 point maximum):

C03: Ventilation systems (worth 15 point maximum):

C04: Plumbing systems (worth 15 point maximum):

C05: Electrical systems (worth 15 point maximum):

C06: ADA access (internal and external) (worth 20 point maximum):

C07: Other conditions (worth 5 point maximum):

Section D: INEFFICIENT EDUCATIONAL SPACES (100 points maximum) - List concerns/deficiencies identified in the needs assessment that will be addressed as part of the proposed project. Include the page number the item can be found in the needs assessment and/or educational assessment.

D01: Educational programing (worth 25 point maximum):

D02: Special areas - instructional (worth 25 point maximum):

D03: Special areas - non instructional (worth 20 point maximum):

D04: Room size and arrangement (worth 15 point maximum):

D05: Site size and location (worth 10 point maximum):

D06: Other conditions (worth 5 point maximum):

Section E: OVERCROWDING (75 points maximum) - List concerns/deficiencies to instructional areas and programming identified in the needs assessment that will be addressed as part of the proposed project. Include the page number the item can be found in the needs assessment.

E01: Class sizes (worth 18 point maximum):

E02: Forced use of temporary classrooms (worth 15 point maximum):

E03: Educational programing in unsuitable areas (worth 10 point maximum):

E04: Reduced or lack of programing provided (worth 18 point maximum):

E05: Students tuitioned out (worth 5 point maximum):

E06: Extended school day (worth 5 point maximum):

E07: Other overcrowding conditions (worth 4 point maximum):

Section F: POPULATION GROWTH (50 points maximum) - List concerns with population shifts and enrollment projections identified in the needs assessment that will be addressed as part of the proposed project. Include the page number the item can be found in the needs assessment.

F01: Growth in the district over past 5 years (worth 18 point maximum):

F02: Projected growth in next 5 years (worth 15 point maximum):

F03: Unusual changes (worth 14 point maximum):

F04: Other conditions (worth 3 point maximum):

Section G: OPERATIONAL EFFICIENCIES (75 points maximum) - List any operational cost efficiencies identified in the feasibility study that will reduce the school budget and that will be addressed as part of the proposed project. Include the page number the item can be found in the feasibility study.

G01: Consolidation of schools (worth 50 point maximum):

G02: Reducing transportation costs (worth 20 point maximum):

G03: Other conditions (worth 5 point maximum):

Section H: DISADVANTAGED COMMUNITIES (200 points maximum) - The difference between 200 and the building aid factor calculated in accordance with RSA 198:15-v(c) and rounded to the nearest whole number.

H01: NHED Use only. The department will calculate points based on Ed 321.16 (f)(8).

Section I: ENERGY SAVINGS (100 points maximum) - The difference between the existing net EUI and the proposed net EUI, as identified in the application per Ed 321.15(i).

I01: NHED Use Only. The department will calculate points based on Ed 321.16 (f)(9).

Maximum total score = 1,000 points