

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

PART Ed 321 SCHOOL BUILDING CONSTRUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) "Substantial renovation" means:

- (1) Construction done for the purpose of renewing a building that is valued at an amount greater than 25 percent of the cost to replace the building;
- (2) To repair and bring the building back to new or good condition; or
- (3) To prepare space for a new or different use;

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

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

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

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

Ed 321.03 Minimum Standards for School Sites.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.08 Standards for Educational Capacity of a School Building.

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

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

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

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

Ed 321.10 Standards for Educational Space.

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

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

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

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

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

(f) Every general purpose classroom shall:

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

(2) Be furnished with:

a. Desks for students and teachers;

b. Bookshelves; and

c. Other common furniture and equipment.

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

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

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

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

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

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

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

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

Ed 321.11 Special Education Space.

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

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

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

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

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

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

Ed 321.12 Standards for Support Space.

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

(b) The following standards shall apply to offices:

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

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

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

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

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

(1) The nurse shall be provided with:

a. Exclusive administrative space;

b. A waiting area;

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

d. Secure dry and refrigerated storage for medications; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.13 Fire Safety Requirements.

(a) All construction of school facilities shall meet the requirements of the state fire code under Saf-C 6000 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control. The drawings and specifications of public school construction shall be evaluated by the state fire marshal according to the state fire code. Pursuant to RSA 153, the state fire marshal shall judge the drawings and specifications according to other related parts and standards of the Life Safety Code under NFPA Doc. No. 101, and the state building code under RSA 155-A.

(b) The certificate of substantial completion shall not be issued to the construction contractor prior to receipt of a letter of approval of the design from the state fire marshal.

(c) Variances for the provisions of Ed 321.13 may be granted by the state fire marshal in accordance with the provisions of Saf-C 6005 as adopted by the commissioner of the department of safety under RSA 153 and as amended pursuant to RSA 153:5, I by the state fire marshal with the board of fire control.

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

Ed 321.14 Construction Costs.

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

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

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

Ed 321.15 Total Cost of School Building Construction.

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

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

(2) Construction costs;

(3) Planning and design costs, including:

a. Architectural fees;

b. Engineering fees; and

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

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

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

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

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

Ed 321.16 Construction Standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.18 Plumbing Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.19 Electrical Requirements.

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

(1) Power distribution;

(2) Lighting;

(3) Fire alarms;

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

a. Data;

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

(5) Security.

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

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

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

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

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

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

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

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

Ed 321.20 Acoustics.

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

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

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

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

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

(b) A letter of intent shall consist of:

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

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

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

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

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

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

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

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

- a. A completed and signed “Condition Evaluation Form” dated February 5, 2020;
- b. A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer’s instructions;
- c. A copy of the school or district’s 20-year maintenance plan in accordance with RSA 198:15 I-a. (1);
- d. Minutes of the meeting to put forth the project for voter consideration and funding;
- e. Most recent fire and health inspection reports;
- f. Copy of completed request for project review from the department of cultural resource, division of historical resources;
- g. Acknowledgement that plans shall be submitted to the state fire marshal’s office for a plan review prior to construction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.22 School Building Aid Payments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.24 Maximum Allowable Construction Cost.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ed 321.26 Community Use.

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

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

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

Ed 321.27 Ineligibility for School Building Aid.

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

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

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

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

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

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

Ed 321.28 Waiver Provisions.

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

(b) All waiver requests shall:

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

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

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

c. Other municipal playing fields; and

d. Any other spaces available for student use;

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

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

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

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

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

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

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

Appendix I

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

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

Appendix II

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

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