

Ed 306.18 School Year.

(a) Pursuant to RSA 189:1 and RSA 189:24, each school district shall maintain a school year as provided below:

(1) The school district shall maintain in each elementary school, a school year of at least 945 hours of instructional time and in each kindergarten at least 450 hours of instructional time;

(2) The school district shall maintain in each middle and high school, a school year of at least 990 hours of instructional time. Districts shall provide at least 990 hours of instructional time for grades 7 and 8 in elementary schools that include grades 7, or 8, or both;

(3) The instructional school day of an individual student shall not exceed 5.75 hours of instructional time in elementary schools and 6 hours of instructional time in middle and high schools;

(4) The school shall have in its school year an additional 60 hours in duration to provide for instructional time lost due to inclement weather or unexpected circumstances, staff development, and parent-teacher conferences. At least 30 of the 60 additional hours shall be available for rescheduling hours lost due to inclement weather or other emergencies. Schools shall use these additional hours to reschedule lost instructional time before requesting a waiver of the amount of instructional time under RSA 189:2, unless extraordinary circumstances exist that would place an unreasonable burden on the school or students such as, but not limited to, substantial building damage;

(5) A school may have a shortened day when an emergency condition exists which might adversely affect the health and safety of students, provided that the number of hours of instructional time originally planned for the day shall be credited to the number of hours of instructional time in the school year, if:

a. On that day, the school would normally have had at least 5.25 hours of instructional time; and

b. The school remained open for at least 3.5 hours of instructional time;

(6) There shall be no requirement to reschedule instructional time for kindergarten if morning or afternoon kindergarten sessions are cancelled due to delayed opening or early release for students in grade 1 or higher; and

~~(7) A school district may conduct “distance education” as defined in Ed 306.22. The district shall create a plan that shall include procedures for participation by all students.~~ ***Distance education conducted in accordance with Ed 306.22 shall count toward the required amount of instructional time.***

(b) Lunch time, home room periods, passing time, and breaks shall not be counted toward the required amount of instructional time. Elementary schools may count up to 30 minutes of recess per day as instructional time for pupils in kindergarten through grade 6. Advisory periods in middle and high schools shall be counted as instructional time.

(c) The high school graduation date shall be set no more than 5 school days or 30 instructional hours before the end of the scheduled school year without consideration of making up lost time pursuant to Ed 306.18 (a)(4).

Readopt with amendment, Ed 306.22, effective 3-27-14 (Document #10556), as modified by Exhibit P of Emergency Order #29, effective 8-13-20, to read as follows:

Ed 306.22 Distance Education.

(a) All students shall have access to full-year, full-day, in-person instruction as required in RSA 189:1 and RSA 189:24. Distance education, as defined in RSA 306.22(b), shall not satisfy the requirement for in-person instruction.

(ab) In this section, "distance education" means any instructional mode that is not in-person instruction including, but not limited to, correspondence, video-based, internet-based, online courses, remote instruction, or any combination thereof. The term distance education also includes hybrid instructional models that utilize elements of distance education and traditional instruction in any combination.

(c) Distance education may be offered only:

(1) When inclement weather makes it unsafe to safely transport students to or from in-person instruction; or

(2) As an option for a parent making a request for distance education.

(d) When the district offers distance education, the school board shall be responsible for the development of a policy for the governance and administration of distance education.

(e) If a student participating in distance education is not making educational progress, as determined by the district's educational assessments, the option to participate in distance education may be rescinded by the district.

(f) A parent or guardian may appeal a district determination that a student is not making educational progress to the State Board of Education under Ed 200.

(g) A student shall remain in distance education until the conclusion of the appeal in (f) above.

(h) School districts may cooperate to share delivery of distance education.

~~(b) School districts may offer students the multiple instructional options, including traditional classroom, distance education, or hybrid instruction models. For distance education and hybrid instruction models, the provisions of (c)–(e) below shall apply.~~

~~(c) The local school board shall be responsible for the approval, coordination, and supervision of distance education courses offered by the school district.~~

~~(d) School districts may cooperate to share delivery of distance education.~~

~~(e) The local school board shall adopt policies relative to all distance education offered by the school district.~~

Appendix I

Rule	State or Federal Statute or Federal Regulation Implemented
Ed 306.22	RSA 21-N:9, I; RSA 186:8, I and II
Ed 306.18	RSA 189:1; RSA 189:24