



New Hampshire

**Department of Education**

Office of Nonpublic Schools

# A COMPLETE GUIDE ON HOW TO START A NONPUBLIC SCHOOL

## DISCLAIMER

This guide is intended as a starting point with considerations and resources that can help with planning a new nonpublic school. Nothing in this guide should be construed as legal, business, or financial advice. It is important that you engage qualified professionals who can advise you on such matters.

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### A Note on COVID-19

This guide was compiled in January of 2021. The COVID-19 Emergency Orders issued by Governor Sununu may have an impact on what is required of schools relative to the [NH Code of Administrative Rules, Ed 401.03](#). Please consult the New Hampshire Department of Education (NH DOE), Office of Nonpublic Schools, for updates since then.

## Introduction

Opening a new school is a huge challenge and complicated even under the best circumstances. It involves business plans, real estate, construction, financing, logistics and marketing. Many of these tasks are outside the experience of even experienced educators. A large part of what administrators do early on has little to do with instruction. Therefore starting early is important. A recommended timeline for prospective schools is available [here](#).

The Office of Nonpublic Schools provides a wealth of information and guidance for new schools. Familiarizing yourself with the [statutes and regulations](#) that govern nonpublic schools is a crucial first step. The initial application and relevant forms are also found on the [website](#).

## Pathways to Approval

Approval of a nonpublic school by the NH DOE is mandatory.

Nonpublic schools have two avenues in which they can obtain an approved status with the NH DOE. A school may submit an application for either attendance purposes only (AA) or attendance and program purposes (AP).

School seeking an approved status through attendance purposes only must meet a minimum standard of criteria that is set forth in the [NH Code of Administrative Rules, Ed 403](#). This includes items such as educational objectives, program of studies, assessment processes, student records, etc. Upon obtaining this type of approval, this school will renew their application once every three years.

Schools have a second avenue to obtain approval. They may submit an application for attendance and program purposes, which requires them to meet all of the criteria in [Ed 403](#), as noted above, in addition to the list of criteria in [Ed 404](#), all while operating under the approval of an agency recognized by the NH DOE. These schools undergo a rigorous evaluation by accrediting agencies. Upon obtaining approval, a school in this category will renew their application once every five years. Please see [here](#) for a list of NH DOE recognized program approval agencies.

## New Hampshire Law

The rules that govern NH nonpublic schools are found in [Ed 400](#). Herein lies the definitions, processes for obtaining an initial approval for attendance purposes and that of attendance and program purposes. (See [Pathways to Approval](#)).

The rules that regulate NH nonpublic school derive statutory authority from the revised statutes annotated (RSAs). A consolidated document of key definitions and statutes relative to the approval of nonpublic schools is a useful reference and can be found [here](#). Here you will find the definition of, for instance, nonpublic schools and education programs. Statutes include those around the language used in, for instance, a private school, the instruction of national and state history, and emergency response plans.

One of the most important tasks when starting a school is ensuring that your school is following the individual processes that NH has in place. These includes obtaining an approval to operate a school in the state and meeting reporting requirements to maintain approval.

Applicants seeking initial status obtain approval from the Office of Nonpublic Schools and renew their approval every three or five years, depending on what type of approval they obtained. (See [Pathways to Approvals](#)). Schools can apply for approval for attendance purposes only, meeting the minimum criteria required of schools to operate, by providing a minimum number of instructional hours to students as outlined in [Ed 401.03](#).

Schools can apply for approval for attendance and program purposes, meeting the criteria for required instructional hours in addition to approval by a program approval agency. (See [Recognized Program Approval Agencies](#)). Schools are also required to complete three data collection surveys each year as part of their reporting requirements. (See [Data Collection](#)).

## Initial Application

The [initial application](#) can be found on the Office of Nonpublic School's [website](#). The introduction outlines key information such as due dates, assistance with emergency operation plans, and registering with the secretary of state.

The second section asks for whether the school is seeking approval for attendance purposes as outlined in [Ed 403](#) or attendance and program purposes as outlined in [Ed 404](#). (See [Pathways to Approval](#)). The third section of the application asks for basic school information including the primary physical address of the school, anticipated grade levels to be offered, and enrollment caps. The fourth section lists each required document that must be attached to the application. They are:

- ✓ Secretary of State Certificate
- ✓ Zoning Verification Form
- ✓ Certificate of Occupancy
- ✓ Fire and Health Safety Inspection
- ✓ Health Inspection
- ✓ School Calendar for upcoming year
- ✓ Education philosophy/purpose/objectives
- ✓ Evaluation of achievement of objectives
- ✓ Program of studies
- ✓ Student handbook
- ✓ Supporting services
- ✓ Grievance policy
- ✓ Organization chart
- ✓ Budget for upcoming year

## Nonprofit/Tax Exempt Status

Will your school operate as a for-profit or non-profit institution, and what are the implications of each? Organizing as a non-profit is similar to starting a business – some of the forms are different, but the general process is the same. There are some specific structural and reporting requirements, however,

and you must apply for and be approved to receive tax-exempt status. Once certified as a not-for-profit entity, you may solicit and receive tax-exempt donations from your community.

## Secretary of State

The name for your school is a piece of information you'll need to have on basically every piece of paperwork you're going to complete during this process, including how you present yourself to the public, in print and virtual media.

Registration of the school name is mandatory. A person conducting business under any name other than his or her own legal name must register. For example, John D. Smith doing business as "John D. Smith" does not have to register; however, if he conducts business as "John Smith Enterprises" he does have to register because "Enterprises" is not part of his legal name ([RSA 349](#)).

Therefore a school is required to submit a report indicating that it has registered with the Secretary of State. The name of the school as listed with the Secretary of State needs to match the exact name of the school as advertised. You can create an account with the Corporate Division <https://quickstart.sos.nh.gov/online/Account/LandingPage> and forward any questions to [corporate@sos.nh.gov](mailto:corporate@sos.nh.gov) or 603-271-3246.

## Facility Requirements

Prior to student occupation of any building, four items must be submitted to the DOE, reviewed by the Bureau of Facility Safety and Management, and followed by a site visit. They are:

- ✓ Zoning Verification
- ✓ Occupancy Permit
- ✓ Fire and Life Safety Report
- ✓ Health Inspection

It is imperative that you work with your local town officials because the completion of this step may take longer than you anticipate, and you may need to adjust your anticipated opening date as a result. We recommend that you begin this step in the process well in advance of your anticipated opening date. Please see the [Timeline on How to Start a School](#) for suggestions.

Pursuant to [Ed 403.01\(c\)](#), you are required to comply with applicable state, local and federal fire, health, and zoning requirements and must provide documentation from federal, state and/or local officials for such compliance. If there are any areas that require corrective action, they must be completed prior to occupancy and evidence provided that such actions have been approved of by the relevant inspector.

The next section describes each of the required facility documents.

## Zoning Verification

As a new school, you will need to work with your town's zoning board to verify that the school conforms to the zoning requirements of the town or if there are any zoning restrictions placed on the school.

Zoning is the classification of land according to restrictions placed on its use and development. Zoning ordinances define how property in specific geographic zones can be use. The form can be found on the nonpublic school website [here](#).

### Certificate of Occupancy

A certificate of occupancy (CO) designed for a school must as be provided to the DOE certifying that the building is compliant with building codes and that it is in a condition suitable for occupancy by school staff and students. The certificate is often obtained in the town or country's building department of department of housing. A CO is proof that the property has complied with all relevant and building and zoning codes. Prior to its release, the building will have to pass all inspections, which may include electrical, plumbing, HVAC, fire safety, and a general building inspection.

### Fire and Life Safety Report

The education facility's Fire and Life Safety is part of the NH DOE's approval process. Pursuant to [RSA 153:14](#), every fire chief must inspect each of their private and public schools within their jurisdiction once per year.

Every building on a school's campus must be inspected and its address included on the report. A report must be provided to the DOE prior to the opening of the school and each renewal year thereafter. Items such as a means of egress, emergency planning, and operating features are examined in the report. A link to the School Inspection Reporting Tool for your fire chief can be found [here](#). Your local fire chief will use this tool during the inspection.

### Health Inspection

A [School Health Inspection](#) form provided by the Bureau of School Safety and Facility Management and available on our [website](#) is the fourth facility document required by the DOE prior to a school opening. The health inspection must be performed by the health official of the town, not a school employee. A [list of municipal health officers](#) and their contact information can be found on our [website](#), and you may also inquire with your town hall.

This inspection is part of the approval review to ensure that school facilities are meeting minimum standards pursuant to [Ed 403.01\(c\)](#). It is helpful to provide the inspector with a map of the school showing room numbers and special areas such as the gym, cafeteria, offices, and library. Sanitation conditions of restrooms, food preparation areas, septic systems, and environment hazards are among the items inspected.

### Emergency Operation Plan

Pursuant to [RSA 189:64](#), every school is required to develop a site-specific school emergency response plan and to upload the plan to the [Homeland Security and Emergency Management portal](#) by September 1 of each year. The plan is documented as part of the school approval review.

The types of all-hazard drills and exercises and the manner and time in which these activities take place shall be determined by the school in collaboration with local public safety, emergency management, and public health officials.

The plan shall address hazards including but not limited to acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities.

The director of Homeland Security and Emergency Management, Department of Safety, shall assist school districts in conducting training for and providing support to school in the development, implementation, and review of an emergency response plan, as may be needed.

Schools are asked to contact the School Readiness Program at Homeland Security and Emergency Management to connect with a school readiness coordinator who will assist you in this process. Please call (603) 271-2231 or send a message to [schoolreadiness@dos.nh.gov](mailto:schoolreadiness@dos.nh.gov). Please review [RSA 189:64](#) in its entirety and contact your coordinator prior to student occupancy or September 1<sup>st</sup>, whichever comes first. Please review the [suggested timeline](#) for guidance.

### Length of School Year/Days

All schools are required to submit a calendar for the upcoming school year and must fulfill the compulsory attendance requirements under [RSA 193:1](#) for children between ages 6 and 18. Schools must maintain a school year consisting of the following number of hours of instruction time:

- ✓ In kindergarten at least 450 hours;
- ✓ In grades 1 through 6, at least 945 hours; and
- ✓ In grades 7 through 12 at least 990 hours.

Schools need to include the first and last day of school, a schedule of instructional hours per day, partial days and complete days off, including holidays and vacations. Additional requirements exist, such as building 30 additional instructional hours in duration to provide for time lost due to inclement weather or unexpected circumstances. Schools may have fewer than 180 days as long as they meet the required number of hours of instruction. Please review [Ed 401.03](#) for complete details.

### Mission Statement and Curriculum

Your mission statement and school values are going to help inform your curriculum. In the process of planning and conceptualizing your future school, decisions around the curriculum are key. Do you have a certain focus or specialty in mind? Do you want to be a STEM school (subjects of Science, Technology, Engineering, and Mathematics), or have a focus on nature, or cultures of the world, or a particular religious affiliation? What types of courses do you need to tie into your school's mission?

As a private school in NH you have freedom to develop your educational approach and selection of courses.



## Education Philosophy and Purpose

The philosophy of education examines the goals, forms, methods, and meaning of education. It describes the analysis of these themes and of pedagogical approaches. In designing your school's philosophy, you may consider how the purpose of education relates to broader philosophical or cultural contexts. Consider as well what you believe to be the grander purpose of education in society and your community. In addition, what is the role of the teacher in the classroom and how do you believe students learn best? In general, what are the goals for your students?

## Curriculum

Nonpublic schools have a breadth of freedom in designing a curriculum. There are, however, a couple parameters that the schools are required to follow.

Pursuant to [RSA 189:11](#), nonpublic schools are required to provide courses in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government. The instruction must begin no later than eighth grade and continue in high school as an identifiable component of a year's course in the history and government of the United States and New Hampshire.

Pursuant to [RSA 189:19](#), the English language must be used exclusively in nonpublic schools for instruction and general administration. Bilingual education programs are permitted with the approval of the Board of Education and the local school district. In addition, [RSA 189:21](#) states that devotional exercises in private schools may be conducted in a language other than English.

## Policies

### Academic Content (Program of Studies)

The Program of Studies may be used as your main resource for explaining the academic content, curriculum, course description, assessment processes, and promotion requirements for each grade level and high school diploma requirements if applicable. You may use another type of disclosure, such as a website, as long as the content of the information covers the same areas, as listed in [Ed 403.01\(a\),\(2\)](#).

### Student and Parent Expectations (Student Handbook)

The Student Handbook may be used as your main resource for policies on admission, registration, course grading, attendance, bullying, dress code, and all other policies that may impact your students. Pursuant to [Ed 403.01\(a\),\(2\)](#), one or more sections of the handbook, or other public disclosure, shall include the following grievance policies: bullying, teacher misconduct, tuition repayment (refund), and child restraint.

### Grievances

Schools must develop and disclose grievance policies which comply with relevant statutes and rules. Pursuant to [Ed 403.01](#), schools must have written policies which address the following issues:

- ✓ Bullying
- ✓ Teacher misconduct
- ✓ Repayment (refund) of tuition
- ✓ Child restraint practices

A [guidance document](#) which can be found on our website can assist in helping your school develop these policies which are a requirement with your application. The following sections will give you a general idea of what is contained in each policy.

### *Bullying*

[Ed 403.01](#) requires that nonpublic schools adopt a written policy to protect all children from bullying and cyberbullying. A written policy may contain, for example, the following items:

- ✓ A statement prohibiting bullying of a pupil;
- ✓ A statement prohibiting retaliation or false accusations against a victim or witness;
- ✓ A statement on disciplinary consequences for a pupil who commits an act of bullying or falsely accuses another as a means of retaliation;
- ✓ A procedure outlining the reporting requirements and the investigation of reports;
- ✓ A response to remediate any substantiated incident of bullying, including, if deemed appropriate, imposing discipline and offering assistance to the victim or perpetrator.

### *Teacher misconduct*

[Ed 403.01](#) requires that nonpublic schools adopt a written policy to protect all children from teacher misconduct. A written policy on teacher misconduct may contain, for example, the following items:

- ✓ Laws, regulations, and procedures relevant to educators; and
- ✓ The obligations of an educator to each student.

The policy may also include examples of unprofessional conduct relative to:

- ✓ The education profession;
- ✓ Efforts to protect students from conditions which are harmful to their health and safety;
- ✓ The ethical use of technology;
- ✓ Reporting procedure for any suspected violation of the code of conduct; and
- ✓ The investigative process by which allegations are investigated by the school

### *Repayment (refund) of tuition*

[Ed 403.01](#) requires that nonpublic schools adopt a written policy including procedures to address complaints concerning the repayment (or refund) of tuition when a student leaves the school or the school expels the student, for instance.

A written policy on tuition repayment may contain, for example, the following items:

- ✓ Cost of attending the school, including tuition, room & board, books, field trips, technology, etc.;
- ✓ Tuition payment options;
- ✓ Process by which parents may request a refund;

- ✓ Type(s) of refund(s) available;
- ✓ Instance(s) in which refunds are and are not allowable; and
- ✓ Item(s) that are and are not allowable for a refund.

### *Child restraint practices*

[RSA 126-U:1-14](#), [Ed 1200](#), and [Ed 400](#) require that all schools, including a nonpublic school subject to the approval authority of the State Board of Education, have a written policy and procedure for managing the behavior of children. Consider the following items in crafting a policy for your school:

- ✓ The definition of restraint and seclusion as set forth in RSA 126-U:1;
- ✓ Examples of restraint and seclusion techniques;
- ✓ Training provided to staff members who may employ restraint and seclusion techniques;
- ✓ Circumstances that warrant the use restraint and seclusion by staff members; and
- ✓ Interventions staff may employ that are not considered restraint and seclusion as set forth in RSA 126-U:1

### Organization Chart

The administrative organization of the school illustrates the different levels of authority, the reporting relationships, and chain of command within the organization. It is often a fluid document. Please include names, title and job positions. The department will record the head of the school and the person(s) authorized to represent the school to the department. Upon approval and thereafter, be sure to report any change to the head of the school and authorized representative(s) to ensure a seamless transition and ongoing communication between the department and your school.

### First Year Budget

Pursuant to [Ed 403.01\(a\),\(2\)](#), a school must submit the anticipated budget for the upcoming year with its initial application. The purpose is to demonstrate that the school has sufficient financial resources to support the school programs and to operate. Include the anticipated expenses of your upcoming year, which shall include but not be limited to:

- ✓ Facility acquisition
- ✓ Facility maintenance and operations
- ✓ Insurance
- ✓ Salaries and benefits
- ✓ Equipment and supplies

Additionally, include anticipated revenues and sources, such as tuition income.

### Insurance

The NH DOE has no published requirements for school insurance for nonpublic schools. Please consult a professional for guidance in this area. The following areas may be a consideration for a school, its students, staff, and community.

- ✓ School Insurance

- ✓ Property Insurance
- ✓ Liability Insurance
- ✓ Professional Liability Insurance
- ✓ Auto Insurance

## State Board of Education

The State Board of Education (SBE) is a seven-member body whose members provide oversight of the state's education system and is responsible for adopting rules relative to the criteria for approving nonpublic schools for the purpose of compulsory attendance requirements [RSA 186:11, XXIX](#).

The school application, once complete, is passed to the SBE which makes the final determination of the status of a school. As outlined in [Ed 401.02](#), the following school approval categories shall be recommended to the state board:

- ✓ Approved
- ✓ Preliminary approved
- ✓ Conditionally approved
- ✓ Delay in full compliance
- ✓ Denied approval

The SBE meets regularly on the 2nd Thursday of each month at the NH DOE (unless posted otherwise). Applicants must factor both the timeline in obtaining items required by their local town in addition to when the SBE meets in order to accurately anticipate an opening day. See the [suggested timeline](#) for starting a new school for more guidance.

## Special Education Program Approval

Private schools are eligible to become approved private providers of special education programs. These programs must be programs of education for children with disabilities (program of special education) providing [Free and Public Education](#) (FAPE) (see [Ed 1126.03\(d\)\(5\)](#)). These programs are approved under [RSA 186-C:5](#). Under that they are governed under [Ed 1100](#) and [IDEA](#) (federal law).

If the school is interested in becoming an approved private provider of special education programs, it must apply to the Department of Education, Bureau of Student Support as to the application and approval process. Please contact Hannah Krajcik at [Hannah.M.Krajcik@doe.nh.gov](mailto:Hannah.M.Krajcik@doe.nh.gov) or (603) 271-3742.

Please note: school districts are unable to place students with IEPs in a nonpublic/private school unless it has special education program approval.

## Recognized Program Approval Agencies

Applicants seeking initial approval status for attendance and program purposes (AP) are required to operate under the approval and purview of an agency recognized by the NH DOE. Those agencies are reviewed and evaluated by the Nonpublic School Advisory Council, and must demonstrate that they meet a list of criteria outlined in [Ed 405](#), including how the agencies will review nonpublic school

programs. The agencies evaluate the adequacy for ensuring the well-being of students enrolled based on the following areas:

- ✓ Mission statement
- ✓ Educational philosophy
- ✓ Governance
- ✓ School facilities
- ✓ School health and safety programs
- ✓ Curriculum
- ✓ Staff qualifications
- ✓ Admissions process
- ✓ Graduation requirements (high schools only)
- ✓ Process for assessing student performance
- ✓ Financial management
- ✓ Student support services
- ✓ Co-curricular activities
- ✓ Parent involvement
- ✓ School and community relations
- ✓ Residential life, if applicable

As of January 2021, the following agencies are recognized program approval organizations:

- ✓ [New England Association of Schools and Colleges](#) (NEASC)
- ✓ [Association of Christian Schools International](#) (ACSI)
- ✓ [American Association of Christian Schools](#) (AACCS)
- ✓ [Accrediting Association of Seventh Day Adventist](#) (AAA)

A school seeking approval for attendance and program purposes must be approved by one of these four agencies as part of its application. Please see [Pathways to Approval](#) for details.

## Data Collection

The NH DOE has a significant number of efforts in place to identify, collect, manage, and analyze aggregated educational data to ensure that information is accurate, accessible, and supports department and stakeholder goals.

There are three required data collections that are due yearly after a school has been approved:

- ✓ (A3N) General Statistics of Nonpublic Schools due June 29;
- ✓ Nonpublic Restraint and Seclusion Data Collection due June 30; and
- ✓ (A12C) General Fall Report of Nonpublic Schools due October 15

Pursuant to [RSA 194:31](#), schools are required to submit the number of students registered for the period of September 1 through June 30 in the A3N collection. Schools that operate year round record only the activity for the period of September 1 through June 30. Pursuant to [RSA 126-U](#), schools are required to submit the number of restraint and seclusion incidents, investigations, open and closed cases. Lastly,

schools are required to submit student and staff enrollment as of October 1<sup>st</sup> each fall in the A12C collection.

## Conclusion

Starting a school is a daunting task, and we hope that this guide has provided a comprehensive look at each of the state requirements. If you are interested or are in the process of starting a new school, please contact us as soon as possible so that we can provide you with assistance early on.

Office of Nonpublic Schools  
603.271.2831  
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## Reference Links

[Office of Nonpublic Schools](#)  
[Forms and Guidance Documents](#)  
[Administrative Rules Ed 400](#)  
[Statutory Authority](#)  
[Secretary of State](#)  
[Fire Inspection](#)  
[Health Inspection Form](#)  
[Health Officer Directory](#)  
[Zoning Verification](#)  
[Emergency Operation Plan](#)