

New Hampshire State Board of Education
New Hampshire Department of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301

Thursday, February 13, 2020



AGENDA

- I. **CALL TO ORDER – 9:00 AM**
- II. **PLEDGE OF ALLEGIANCE**
- III. **PUBLIC COMMENT** (*Limited to 3 minutes. The Board may ask clarifying questions, otherwise no feedback will be provided.*)
- IV. **PRESENTATIONS/REPORTS/UPDATES**
 - A. **New Hampshire Seal of Biliteracy** ~ NANCY GIRARD, NH Association of World Languages Teachers and JESSICA PAELOW, ESOL Coordinator, Alvirne High School, Hudson, NH
- V. **COUNCIL for TEACHER EDUCATION (CTE)** ~ LAURA STONEKING, NHDOE, Administrator, Bureau of Educator Preparation and Higher Education
 - A. **Southern New Hampshire University ~ Substantive Change Request**
 - B. **University of New Hampshire ~ Program Review-Recommendation(s) for Approval**
- VI. **NONPUBLIC SCHOOL APPROVAL** ~ SHIREEN MESKOOB, NHDOE, Division of Education Analytics & Resources
 - A. **US Performance Academy ~ Three Year Renewal for Attendance Purposes Only**
- VII. **CHARTER SCHOOL REPORTS/UPDATES** ~ JANE WATERHOUSE, NHDOE, Charter School Administrator
 - A. **Amendments to Making Community Connections Public Charter School's Charter** ~ KIM CARTER, CEO
 - B. **Updates on New Charter Application for Northeast Woodlands Public Charter School** ~ JESSE BADGER, Chairman, Board of Trustees
- VIII. **LEGISLATIVE UPDATES** ~ AMANDA PHELPS, NHDOE, Administrative Rules Coordinator
 - A. **INITIAL PROPOSAL ~ Vocational Rehabilitation Program (Ed 1000)**
 - B. **INITIAL PROPOSAL ~ Adult High School, Basic Education Program and High School Equivalency Program (Ed 700)**
 - C. **FINAL PROPOSAL ~ School Building Aid (Ed 321)**
 - D. **FINAL PROPOSAL ~ Special Education Teacher and Early Childhood Special Education Teacher (Ed 507.40 & Ed 507.41)**
 - E. **FINAL PROPOSAL ~ Credential Standards for Educational Personnel (Ed 501-Ed 504)**
 - F. **FINAL PROPOSAL ~ How to Obtain a NH Educator License (Ed 505)**

- IX. COMMISSIONER'S UPDATE
- X. OPEN BOARD DISCUSSIONS
- XI. OLD BUSINESS
- XII. NONPUBLIC SESSION
- XIII. TABLED ITEMS
 - A. Capital City Public Charter School Status Change Request
- XIV. CONSENT AGENDA
 - A. Meeting Minutes of January 9, 2020
- XV. ADJOURNMENT – 2:00 PM

If accommodations are needed for communication access such as interpreters, please call (603) 271-3144 at least 5 business days before the scheduled event. We request 5 business days' notice so that we may coordinate interpreters' schedules. Although we will attempt to accommodate any requests made, we cannot guarantee the presence of the service. Thank you for your cooperation.

**New Hampshire Department of Education
Council for Teacher Education**

**Substantive Change Report
December 19, 2019**

Institution reporting substantive change: Southern New Hampshire University

Is the change at the (check either or both) ___ at the unit level and/or X at the program level?

If at the Program level, which programs: Middle Level Math, Middle Level Science, Secondary Social Studies, Secondary English Language Arts and Secondary Math.

Institutional Program Coordinator/Title: Dr. Audrey Rogers

Institution Address: 2500 North River Road, Manchester, NH 03106

Email Address: a.rogers@snhu.edu

Phone: 603-668-2211

The DOE and the NHCTE shall determine if the changes affect the terms and conditions of the original approval of the program and shall determine whether a detailed report is necessary.

1. What aspects of the substantive change may affect the capacity of the unit and/or programs to ensure the candidates successfully meet standards for certification?

There are no aspects of the substantive change that will negatively affect the capacity of the unit and/or programs to ensure the candidates successfully meet standards for certification. The graduate program will continue to provide the same high quality components as the existing undergraduate program. This includes the coursework, clinical experiences, clinical partnerships, the SNHU Clinical Practice Model and, the candidate assessment system.

2. Explain the rationale for the change.

There are several reasons for the change:

- Moving the Secondary Certification programs to the graduate level will allow candidates to focus their undergraduate preparation on the specific content they intend to teach, encouraging in-depth focus of study.
- The Clinical M.Ed. for Secondary Certification programs provides extensive opportunities for authentic, field-based, clinical experiences. Across the 16 month program, the SNHU Clinical Interns will be working with students in grades 5-12 for a full academic year, plus two 4-week summer experiences.
- The graduate program will include the same high quality components as the existing undergraduate program, focusing on the InTASC Standards:

- Learner Development and Learning Differences
- Learning Environments
- Content Knowledge;
- Application of Content
- Assessment
- Planning for Instruction
- Instructional Strategies
- Professional Learning and Ethical Practice
- Leadership and Collaboration.

3. What steps have you taken or planned that the change will not adversely affect your capacity to ensure that candidates successfully meet standards for certification? Attach a transition plan if phasing out a program.

- Our undergraduate programs will continue to be offered in their current form. Admission to these programs will be closed beginning with the 2021/2022 academic year.
- The graduate programs will launch in May 2020 for candidates with an earned Bachelor's Degree or higher in the specific content area.

4. In the institutions estimation, is the substantive change that is envisioned sufficiently significant that review by the NHDOE and/or CTE is warranted prior to the submission of the next regularly scheduled annual report?

Yes No Not sure

Send complete report to:

NHDOE
Bureau of Credentialing
101 Pleasant Street
Concord, NH 03301

**NEW HAMPSHIRE DEPARTMENT OF EDUCATION
PROGRAM APPROVAL REPORT
For
PROFESSIONAL EDUCATOR PREPARATION PROGRAMS**

**University of New Hampshire
Educator Preparation Program
2019**

Nick Marks	Co-Chair	CTE
Laura Wasielewski	Co-Chair	CTE
Laura Stoneking	Administrator	NH DOE

Professional Educator Preparation Programs	NH Standard	Reviewer
Early Childhood Education (BS, M.ED)	Ed 612.03	Lisa Strout
General Special Education (M.ED)	Ed 612.07	Jennifer Pomykato
Early Childhood Special Education (M.ED)	Ed 612.071	Deannah Rae
Health Education (M.ED, MAT)	Ed 612.16	Nick Marks
Health and Physical Education Integrated (BS)	Ed 612.16 Ed 612.21	Nick Marks
Mathematics Education (5-8) (BS)	Ed 612.17	Chelsea Huckins
Mathematics Education (7-12) (BS)	Ed 612.18	Dorothy Ball
Music Education (BS)	Ed 612.20	Erin Zaffini
School Principal (Conversion, Ed.S)	Ed 614.04	Nan Parsons
School Superintendent (Ed.S)	Ed 614.05	Gail Paludi
Elementary Mathematics Specialist (M.ED)	Ed 614.14	Anne Wallace
Special Education Administrator (Certificate)	Ed 614.15	Jennifer Pomykato

Section I: Executive Summary

A. Context

The University of New Hampshire (UNH) is a Carnegie Classification R1 University founded in 1866 as one of the nation’s first land grant institutions and has since become a land, sea, and space grant institution. As the State of New Hampshire’s flagship institution of higher education, UNH offers a broad array of academic programs at its main campus in Durham, at its partner campuses in Concord and Manchester, and throughout other parts of the state, including hybrid and online coursework. The UNH Department of Education and Professional Educator Preparation Programs (PEPP) are housed in the College of Liberal Arts. The Department of Education's mission is to engage in teaching, research, and engagement that advances education through a range of interdisciplinary studies that include: literacy education in local and international schools and community settings; public-private partnerships that support a strong network of schools, hospitals, museums, cultural institutions, and libraries that engage the public in humanities, science, and social science activities; Studies in ethics, economic equity, education and the law, and transitional justice (UNH Website). The Department offers undergraduate, graduate, and certificate programs in Education. The UNH Education Department, led by the Department Chair, is organized into three divisions; *Educational Studies*, *Educator Preparation*, and *Undergraduate Studies*. This organizational structure was adopted in 2013-14 and then later modified in 2016. The Division structure serves to organize the degrees of the department. Each division is led by a faculty member who serves as a Director.

Professional Educator Preparation Programs	Program Completers			
	2016	2017	2018	Total
Baccalaureate				
612.03 Early Childhood Education	8	8	9	25
612.16/612.21 Health and Physical Education (Integrated)	—	1	5	6
612.21 Physical Education	6	3	1	10
612.17 Mathematics Education (5-8)	0	0	2	2
612.18 Mathematics Education (7-12)	3	2	4	9
612.20 Music Education	18	12	8	38
Graduate				
612.03 Early Childhood Education	3	5	0	8
612.071 Early Childhood Special Education	6	7	1	14
612.07 General Special Education	2	7	5	14
GSE Dual Certification	4	8	2	14
612.16 Health Education (New 2016)	—	0	0	0
Specialist				
614.04 School Principal	4	1	6	11
614.05 Superintendent	3	4	3	10
Ed 614.14 Elementary Mathematics Specialist (New 2016)	—	0	0	0
614.15 Special Education Administrator	2	2	3	7
All Program Completers	59	60	49	168

B. Introduction and Overview of Visit

The last program approval visit conducted by the New Hampshire Department of Education (NHDOE) and the Council for Teacher Education (CTE) was held on October 3-6, 2010. All 36 programs, with the exception of Visual Arts, were granted full approval through August 2017. Visual Arts was approved with conditions. After submission of a progress report, Visual Arts received full approval in December 2013. The UNH program approval period has been extended several times due to NHDOE Ed.600 revisions and personnel changes at the NHDOE.

A Memorandum of Understanding (MOU) was developed by the NHDOE Representative and representatives from the UNH on February 21, 2019. The Co-Chairs from the CTE were present and participated in the meeting. The MOU was finalized via email on March 5, 2019 between the institution and the NHDOE. It was stipulated on the MOU that thirteen of the 36 educator preparation programs will be reviewed under the state rules, 602.06 option 1. The remaining 23 programs are nationally accredited through the Council for Accreditation of Educator Preparation (CAEP) through May, 2021. Based on the Inquiry Brief and on-site visit on January 28-30, 2014, the Council for the Accreditation for Educator Preparation (CAEP) granted the University of New Hampshire Educator Preparation Programs initial accreditation for seven years with no areas for improvement (AFIs) or stipulations. In April 2019, the UNH Education Department faculty voted to end association with CAEP upon expiration of the current accreditation period in May 2021. Therefore, elementary and secondary educator preparation programs will be reviewed by the NHDOE prior to the expiration of national accreditation.

The reviewer training was held by the Co-Chairs from the CTE on August 28, 2019 at the NHDOE in Concord, NH. Representatives from UNH were present including the Department Chair, Former Director of Educator Preparation, Coordinator of Certification and Accreditation and the Field Placement Coordinator. The training was videotaped and shared with those reviewers that were not able to attend the face-to-face session. The Co-Chairs gave an overview of review and reporting expectations. UNH reviewed the on-site schedule and electronic resources. The institution utilized the standards and matrices in place at the time of the development of the MOU. The reviewers were instructed to review the materials electronically and arrive at the on-site with questions, items to verify, and a draft report looking holistically at the educator preparation program.

The on-site visit for program approval occurred on October 21, 2019 through October 23, 2019 at the UNH in Durham. On each day of the visit, the review team met with key stakeholders including students, graduates, cooperating teachers, intern supervisors, faculty and administrators. In addition, reviewers visited classes on campus and toured facilities. The review team met as a group daily. The site visit concluded with an exit interview detailing preliminary findings of the review.

C. Key Findings from entire report:

1. Commendations

The review team would like to highlight the following commendations:

Strong syllabi meeting standards across courses and learning outcomes.

Strong partnership relationships with cooperating teachers and administrators in internships and student teaching.

Strength in UNH faculty relationships with students and content expertise.

2. Recommendations that Address Unmet Standards (Ed. 603; Ed. 605)

- i.** (Ed. 603.03a) The PEPP shall develop a research-based, responsive, and timely curriculum to improve learning opportunities and achievement for pk-12 learners.
- ii.** (Ed. 605.01a) Ensure that an individual who completes the PEPP can demonstrate the competencies in the certification standards for the certification(s) sought by the candidate; and
- iii.** (Ed. 605.03a) The Institution shall have a system in place to identify and provide for the facilities, technology, and curricular materials necessary to ensure that an individual who completes the PEPP can demonstrate the competencies in the certification standards for the certification(s) sought by the candidate; and

- iv.** (Ed. 605.03b) The Institution shall have a system in place to ensure that all facilities, materials, and equipment of an institution that prepares educators shall conform to applicable state and federal health and safety regulations.

The above unmet standards will need to be reviewed and addressed prior to the next full program review. Evidence demonstrating progress toward unmet standards need be included each subsequent year in the Institution's Annual Report.

Section II: Clinical Practice Model

A. Clinical Practice Model

Brief Description of Clinical Practice Model:

1. Undergraduate programs have opportunities (practicum, methods) for field experience, some up to 180 hours, prior to the admission of the Education Program.
2. Undergraduate field experience is minimum of a 16-week placement for student teaching.
3. Graduate field experience includes a one-year internship.
4. Five Strands of NHTCAP implemented with student teaching semester or internship year, includes the following strands:
 - a. Contextualizing Learners & Learning
 - b. Planning & Preparation
 - c. Instructing Students & Supporting Students
 - d. Assessing Student Learning
 - e. Reflecting & Growing Professionally
5. The NHTCAP maps out to all of the New Hampshire 610s Professional Education Standards, except the following:
 - a. Learners and learning
 - i. The ability to employ universal design principles and assistive technology
 - ii. Use of learning environments not limited to the classroom, but extended into the larger community as well as virtual experiences
 - b. Professional responsibility
 - i. Collaborating as a member of the larger learning community, with learners, families, colleagues, other professionals, and community members to leverage resources that contribute to student growth and development, learning and well-being.

Summary of Findings on the Unit's Clinical Partnership Process

There is a decentralized structure of the education department, each EPP sets the structure for determining selected schools/districts and even specific educators are utilized.

The School University Collaborative has set parameters for the CORE partnerships through a 4-year cycle for internship placements. This applies only to those who are participating in the 5-year Master's Program (one-year internship). The same standards and processes are not present in the Undergraduate programs.

Commendations:

The faculty are well-connected; highly respected and accessible by the students.

The one-year internship of practical application (Master's Program) is a flagship program for the educational institution.

Suggestions:

- i. Provide consistent mentor orientation/training for cooperating teachers (CTs) (i.e. PE program offers a training" but is not required for all CTs). Document, implement and articulate the criterion for expectations of partnership for all PEPPs.
- ii. Provide consistent placement process for all educator preparation field experiences for all those participating in any form of field experience (clinical practice).

- iii. Processes/system structure were unclear for review (i.e. for clinical practice) describing the processes and system for placement for clinical experience (field placement) for all educational field experiences.

Recommendations that Address Unmet Standards (Ed. 604):

- i. (604.04) There shall be written agreements between field-placement sites for Undergraduate (practicum; methods; student-teaching) that are committed to simultaneous review and reform of education and which:

- (1) Make explicit the roles and responsibilities of the PEPP and the field-placement sites;
- (2) Include the expectations for the PEPP and the field placement site;
- (3) Articulate methods for solving problems which might arise; and
- (4) Prescribe a procedure for modifying the agreement itself.

- ii. (604.07) The culminating field experience supervisory system shall follow clearly articulated, written criteria for supervising candidates in the culminating field experience(s). The criteria shall include supervision of each candidate by institutional personnel or designee(s) and cooperating practitioner(s).

(c) The field experience supervisor, cooperating practitioner, and candidate shall all have knowledge and understanding of the requirements in Ed 610, Ed 612 and the supervisory criteria. Both field experience supervisors and cooperating practitioners shall collaborate in the evaluation of candidates.

(d) Field experience supervisors are selected based on their ability to:

- (1) Recognize effective learning facilitation;
- (2) Help candidates integrate academic content and pedagogy;
- (3) Mentor and support candidates, including appropriate feedback; and
- (4) Evaluate a candidate's performance as it relates to learning facilitation and student learning.

- iii. (604.08) For each PEPP (*Undergraduate*), an institution shall:

(a) Designate one or more persons to be responsible for coordinating and managing the field experiences, including the orientation and professional development of cooperating practitioners as mentors following clearly articulated, written criteria for mentoring practices;

(c) Provide each cooperating practitioner with clearly articulated written criteria for mentoring practices and the requirements of the PEPP relating to field experiences;

(d) Provide each cooperating practitioner with any information concerning the candidate that may be helpful to the cooperating practitioner in mentoring the candidate, provided that provision of the information does not violate any confidentiality or privacy laws; and

(e) Designate one or more persons to develop partnerships with school districts.

The above unmet standards will need to be reviewed and addressed prior to the next full program review. Evidence demonstrating progress toward unmet standards need be included each subsequent year in the Institution's Annual Report.

Program/Certification Rating (*refer to Appendix*): Effective, 3

Evidence Supporting the Rating Includes:

- UNH Professional Educator Program (PEPP) Assessment System
- UNH Self-Assessment Report
- 2015_16openresponsesInternandCTSurvey.pdf
- 2015_16InternandCTSurvey.pdf
- 2015-2019_Summary_of_Intern_and_Cooperating_Teacher_Surveys.pdf
- 2016_17InternandCTSurvey.pdf
- 2016-17openresponsesInternandCTSurvey.pdf
- 2017_18CTSurvey.pdf
- 2017_18InternSurvey.pdf
- 2018_19CoopTeachSurvey.pdf
- 2018_19InternSurvey.pdf
- 2013 QualityControlAudit.pdf
- 2016_17QualityControlAudit.pdf
- Profile for Evaluation of UNH Student Teachers doc
- On Site Interviews Including:
 - 10/21/19 Department Chair, Director of Ed. Prep, Coordinator of Cert/Accreditation, Field Experience Coordinator, Academic Advisor/Dept. Coordinator, and Graduate Coordinator
 - 10/21/19 PE and Health Professors
 - 10/21/19 Education Faculty: UNH Faculty (appx. 20)
 - 10/21/19 Current UNH Students and Graduates
 - 10/22/19 Ed. Dept. Chair, College Deans, and Vice Provost
 - 10/22/19 UNH Intern and Student Teacher Supervisors

Section III: Quality Control System: Candidate Assessment System and Program Assessment System

A. The Institution's Candidate Assessment System

1. Summary of Findings on the Unit's Candidate Assessment System

To make the measurement of individual candidate assessment valid, reliable and defensible, UNH utilizes four ingredients:

- (1) clear standards and goals;
- (2) communication of NH, K-12 district and national standards to instructors, supervisors, cooperating teachers/community mentors and candidates;
- (3) application of these standards through coursework and field experiences; and
- (4) multiple assessments to insure candidate competence. The monitoring of candidate progress is shared among faculty, department advisors, the field experience office and the Coordinator of Certification and Accreditation.

The candidate assessment system follows a distinct process using multiple measures to evaluate candidates' performance in meeting beginning educator competencies while informing program assessment and improvement. All candidates progress through the three phases of the candidate assessment system toward the completion of their program and recommendation for NH certification. Data is systematically gathered and monitored using University Student Data Management Systems, ETS, Pearson and Taskstream:

Phase 1 – Admissions (Candidate Selectivity):

In order to be admitted to the program, candidates must demonstrate sufficient academic qualifications and must also meet all requisite testing (Praxis Core). Admission requirements and document submissions are reviewed by a group of faculty and staff including the faculty admissions committee, director of educator preparation, and the graduate school (in the case of graduate candidates). The outcome of phase 1 is admission, provisional admission, or denial of admission. Admission to the EPP is evaluated at the time of application for graduate students, and occurs in approximately junior year for undergraduates, with specific timelines noted in each program review area.

Phase 2 – Coursework and Field Experiences (Content and Pedagogical Knowledge):

Students are required to maintain a benchmark cumulative GPA and major GPA, and are required to perform satisfactorily in early field experiences. In order to complete phase 2 students must submit application materials to student teach, and materials are evaluated by course faculty, department advisor, field experience officer, and certification/accreditation coordinator. Students must successfully complete all aspects of phase 2 in order to move on to student teaching or internship, and students not approved to move on are required to complete additional coursework or field experiences. In some instances, students may be counseled out of the program at this point.

The process of disposition assessment begins in Phase 2, with faculty feedback occurring in all clinical experiences. At the graduate level, candidates not meeting expectations work with the Field Experience office, the Director of Educator Preparation and cooperating teachers/mentors to develop an improvement plans and/or if necessary candidates are counseled out of the program. At the undergraduate level, the candidate, content faculty and cooperating teacher collaborate to provide support and/or counsel the candidate out of the program. Undergraduate program candidates are admitted into educator preparation programs the first semester of their junior year.

Phase 3 – Culminating Experience – Student Teaching or Internship (Clinical Partnerships and Practice):

The final phase requires students to successfully complete all associated student teaching or internship requirements under supervision of UNH faculty. Undergraduate students participate in a one-semester culminating experience and graduate

students participate in a one-year (two-semester) culminating experience. Students are observed multiple times during student teaching by UNH supervisors as well as by cooperating teachers, community mentors, and administrators. Students are required to complete the NHTCAP and/or portfolio during phase 3. The outcome of phase 3 is a recommendation for licensure or non-recommendation with the requirement of completing additional coursework and/or field experience in order to obtain recommendation.

The three phases are consistently utilized through all certification areas. At the time all phases are completed, students are individually reviewed to ensure they meet all requirements for recommendation for licensure utilizing a sign-off process on the Recommendation for Licensure form. Prior to the time students are recommended, students must have completed all degree and certification requirements including all associated standardized testing (Praxis II and Foundations of Reading, varying on a per-certification basis) and these requirements are verified by the Coordinator of Certification.

2. **Commendations:** None
3. **Suggestions:** None
4. **Recommendations that require responsive action:** None
5. **Program/Certification Rating:** Effective, 3
6. **Evidence Supporting the Rating Includes:**
 - UNH Professional Educator Preparation Candidate Assessment System
 - Handout provided by UNH 10/21/19

Files in Evidence Room (Taskstream):

- UNH Professional Educator Program (PEPP) Assessment System
- UNH Self-Assessment Report
- 2015_16openresponsesInternandCTSurvey.pdf
- 2015_16InternandCTSurvey.pdf
- 2015-2019_Summary_of_Intern_and_Cooperating_Teacher_Surveys.pdf
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- Profile for Evaluation of UNH Student Teachers doc
- Individual program course syllabi

On Site Interviews Including:

- 10/21/19 Department Chair, Director of Ed. Prep, Coordinator of Cert/Accreditation, Field Experience Coordinator, Academic Advisor/Dept. Coordinator, and Graduate Coordinator
- 10/21/19 PE and Health Professors
- 10/21/19 Education Faculty: UNH Faculty (appx. 20)
- 10/21/19 Current UNH Students and Graduates
- 10/22/19 Ed. Dept. Chair, College Deans, and Vice Provost
- 10/22/19 UNH Intern and Student Teacher Supervisors

B. The Institution's Program Assessment System

1. Summary of Findings on the Unit's Program Assessment System:

The UNH PEPP continuously and systematically gathers data to monitor and improve the programs of study, the facilitation of learning, the assessment of candidates and the overall performance of programs. Faculty and Department leadership use data to inform practice and make programmatic decisions. Program assessment occurs in multiple ways, incorporating the following: Unit for Professionals in Education Mission Statement; Professional Department Committee work in the areas of curriculum, faculty and programs; Preservice Council; Executive Committee; Promotion and Tenure Committee; Curriculum Committee; Advisory Committee on Undergraduate Programs and Educator Preparation (ACUPEP); Faculty Meetings; Core Adjunct Initiative; Education Department Quality Control Audit of Graduate Programs; Education Department Annual Report to the Dean of College of Liberal Arts; NHDOE/CTE Annual Reports and Program Approval; CAEP (National Accreditation of select programs) Annual Report; New England Association of Schools and Colleges (NEASC); Title II Annual Federal Reporting; Student Course Evaluations; Surveys (Qualtrics Survey Tool) for Interns – End of Year, Cooperating Teacher – End of Year, Graduate – 2 years out, Principal – 2 years out, and Follow up interviews with Graduates and Principals-graduate programs- from 2 year out surveys; and graduation rates.

It is apparent that programmatic decisions are made based on data collected through the candidate and program assessment systems.

2. Commendation: None

3. Suggestion: None

4. Recommendations that Require Responsive Action: N/A

5. Program/Certification Rating: Effective, 3

6. Evidence Supporting the Rating Includes:

UNH PEPP Program Assessment System Handout

Files in Evidence Room (Taskstream):

UNH Professional Educator Program (PEPP) Assessment System

UNH Self-Assessment Report

Data-based Decisions table

2015_16openresponsesInternandCTSurvey.pdf

2015_16InternandCTSurvey.pdf

2015-2019_Summary_of_Intern_and_Cooperating_Teacher_Surveys.pdf

2016_17InternandCTSurvey.pdf

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Profile for Evaluation of UNH Student Teachers doc

Individual program course syllabi

On Site Interviews Including:

10/21/19 Department Chair, Director of Ed. Prep, Coordinator of Cert/Accreditation, Field Experience Coordinator, Academic Advisor/Dept. Coordinator, and Graduate Coordinator

10/21/19 PE and Health Professors

UNH Report

10/21/19 Education Faculty: UNH Faculty (appx. 20)

10/21/19 Current UNH Students and Graduates

10/22/19 Ed. Dept. Chair, College Deans, and Vice Provost

10/22/19 UNH Intern and Student Teacher Supervisors

10/22/19 former Director of Educator Preparation and the Coordinator of Cert/Accreditation

Section IV: Specific Certification Programs

Institution: University of New Hampshire

Name of Program: Early Childhood Education (Baccalaureate)

Program Number: 612.03

Recommendation for Program Approval: Approval

Reviewer Name(s): Lisa Strout, PhD

1. Summary of Findings on the Unit's Program Assessment System:

The Early Childhood Education Program is a core concentration option housed within the BS in Human Development and Family Studies, “an academic discipline focused on understanding the development of individuals and families over time and across the ecological contexts in which they live... The HDFS curriculum offers students the opportunity to take courses from child and adolescent development to adult development and aging; family, parenting, and interpersonal relationships; classroom curriculum, observation, and assessment; and family programming, policy, and law. Courses in the HDFS major emphasize diverse experiences across age, gender, race and ethnicity, nationality, and socioeconomic status and prepare students for inclusive programming and practice.”

Students in the program are provided the opportunity to learn content knowledge, along with theories; more so, they are engaging in experiential learning with the ability to complete case studies, observations, face to face class sessions, to name a few. The Child Development Concentration “is intended for students who have a broad interest in working with children ranging in age from birth to age eight. The Child Development concentration has four major foci: child development, teaching methodology and curriculum development, developmentally appropriate learning environments for young children, and home-school-community relations.” Through a rigorous and competitive process, students may apply to the Child Development: Early Childhood Education (ECE) Teacher Preparation program which “prepares students for a career in teaching young children. Course work for this program is designed to maximize in-classroom mentorship and to provide a broad range of exposure across the pre-kindergarten to 3rd-grade levels.”

The Program Goals are supported by documentation within the syllabi provided, as well as interviews conducted with faculty, the field experience office coordinator, alumni students, and the executive director of the Child Study and Development Center (CSDC).

The NH Department of Education Program Reviewer 612.03 Early Childhood Education self-assessment worksheet data was comprehensive and information shared was focused on the nineteen (19) undergraduate course syllabi provided, as well as supporting documentation within appendix A, appendix B, and the statements echoed by the primary faculty member interviewed.

When reviewing the 612.03 standards, all but two standards are addressed in at least two or more courses with some standards being focused on in upwards of seven documented courses; all statements submitted on the program review sheet were verified against the content presented in the syllabus and found to be accurate.

Equally important, the thirteen (13) faculty members teaching the eighteen (18) courses within the program of study are diverse in their content knowledge and research focus areas. The professional credentials were uploaded via the Taskstream Faculty CV portal on nine (9) of the faculty members. All other Curriculum Vitae were located by clicking on a PDF titled “Links to faculty full profile,” also located in the same portal.

Lastly, UNH has a strong Theory to Practice model in which learners are engaging in theory based on content knowledge, reading current and relevant textbooks related to their field of study, posing questions regarding current teaching practices and then are actively engaging in the art of teaching [observing, documenting, creating lesson plans] in various aged classroom settings where the students are able to put their “theories of use” into practice.

2. Commendation:

Competitive (and rigorous) process in place for students interested in pursuing (limited openings) the Child Development Concentration in the Human Development and Family Studies (HDFS) department [teacher prep/ ECE baccalaureate program].

GPA’s in Early Childhood Education candidates are statistically higher than their peers in all UNH baccalaureate education degree programs.

Two *hallmark* courses [HDFS 635 and HDFS 709] are completed in the CSDC as part of the degree program. Specifically, the on-campus early learning program has established a classroom model (part day program open five days a week) in which the university students enrolled in these two HDFS courses complete field experience hours and assignments in one of these sessions held on MW, TR, or WF. The children, combination of community and university members, attend 9-12 or 1-4pm and the university students work in four hour shifts, arriving before and staying after the children leave for preplanning and post planning sessions with their cooperating teachers for reflective practice. This model provides a consistent rating for all students enrolled in the HDFS and becomes one of the factors considered for acceptance in the teacher prep program.

3. Suggestion:

More collaboration with the field experience office coordinator and the CSDC. This model provides consistency and should be considered across the degree programs in field experience.

Utilization of the ECE manual as part of professional development training [as evidenced by interviews with cooperating teachers]. Consider, reviewing each semester with the cooperating teacher before requesting signature. Additionally, clarity regarding the P3 handbook guide and its implementation should be consistent across the entire internship experience.

4. Recommendations that Require Responsive Action: None

5. Program/Certification Rating: Highly Effective, 4

6. Evidence Supporting the Rating Includes:

Child Development and Learning:

These seven (7) standards are being addressed through eleven (11) core courses in the degree program. Each standard is addressed in multiple courses and assignments range from field experiences and narratives to researching social indicators of children’s wellbeing in the United States to reflective journals, lesson plans, service learning, creation of a virtual child, etc.

Family and Community Relationships:

These six (6) standards are addressed in nine (9) core courses in the degree program. Each standard is addressed in multiple courses and assignments range from the virtual child parenting groups, service learning, reading reflections related to families, a project on diversity in the family life, family newsletter, to an introduction of academic and scholarly sources related to organizations dedicated to children and families within the state of NH and federal, etc.

Observing, Documenting, And Assessing:

These five (5) standards are addressed in seven (7) core courses in the degree program. Each standard is addressed in multiple courses and assignments range from assessments on kindergarten readiness, creation of position statements on curriculum, assessment, and program evaluation, reading reflections, service learning, lesson planning, reflective journals, photo essays, assessment portfolios, video reflections, etc.

Teaching and Learning:

These eight (8) standards are addressed in sixteen (16) core courses in the degree program. Each standard is addressed in multiple courses and assignments that range from practicum portfolios, reflective journals, responsive classroom evaluations, inquiry projects, lesson plans, review of standards related to social studies, reading, math, science, and the NH early learning standards, service learning, curriculum webbing, video reflections, etc.

Early Childhood Content:

These twenty eight (28) standards are addressed in eleven (11) core courses in the degree program. Each standard is addressed in multiple courses and assignments that range from lesson planning, reflective journals, assessment portfolios, practicum projects, group shares related to current events in education and curriculum approaches, classroom visits, creation of learning experiences, physical development activities, etc.

Professionalism:

These five (5) standards are addressed in ten (10) core courses in the degree program. Each standard is addressed in multiple courses and assignments range from a thorough review of NAEYC ethics, practicum evaluation rubrics, student teaching, lesson planning, reflective journals, young children evaluation rubrics, completion of the NH Health and Safety Trainings, video reflections, self-evaluation of teaching effectiveness, development of teaching philosophy, work family assignments, service learning, etc.

Name of Program: Early Childhood Education ED 612.03 (Graduate)

Program Number: 612.03

Recommendation for Program Approval: Approval

Reviewer Name(s): Lisa Strout, PhD

1. Summary of Findings on the Unit’s Program Assessment System:

The M. ED in Early Childhood Education is a core concentration option “is an advanced course of study designed to prepare teachers, administrators, and specialists to assume leadership roles in the development and implementation of programs and services for young children and their families. The program emphasis on leadership is interpreted as a means of empowering teachers who are both capable of and responsible for learning about, responding to, and advocating for all children in their care, including those with cultural and developmental differences.”

Students in the program are provided the opportunity to learn content knowledge, along with theories; more so, they are engaging in experiential learning with the ability to complete case studies, observations, narrative reflections, face to face class sessions, to name a few.

The “graduate program offers an advanced course of study designed for teachers, administrators and other early childhood practitioners who wish to improve their professional competence and broaden their career opportunities.” Students enrolled in the program “may complete electives in order to add teacher certification to your master’s degree.”

Candidates may elect to add Teacher Certification to their Master’s degree and “to be recommended for certification, candidates must demonstrate completion of teaching methods courses (Reading, Math, Science, Social Studies). This requirement can be fulfilled through elective credit coursework in the Master’s degree or through transcript evaluation of prior coursework. Master’s degree students who complete additional targeted coursework can be recommended for teacher licensure as an early childhood educator (PreK-3).”

The Program Goals are supported by documentation within the syllabi provided, as well as interviews conducted with faculty, the field experience office coordinator, and alumni students.

The NH Department of Education Program Reviewer 612.03 Early Childhood Education self-assessment worksheet data shared information that focused on the twelve (12) graduate courses (syllabi provided), as well as the statements echoed by a former faculty member interviewed.

When reviewing the 612.03 standards, all but four standards are addressed in at least two (2) or more courses (with some standards being focused on in three [3] documented courses; all statements submitted on the program review sheet were verified against the content presented in the syllabus and found to be accurate.

Equally important, the eleven (11) faculty members teaching the twelve (12) courses within the program of study are diverse in their content knowledge and research focus areas. The professional credentials were uploaded via the Taskstream Faculty CV portal with twelve (12) of the faculty members Curriculum Vitae [*one faculty members’ CV was uploaded and was not identified on a syllabi provided within the Taskstream portal Syllabi*].

Lastly, UNH has a strong Theory to Practice model in which learners are engaging in theory based on content knowledge, reading current and relevant textbooks related to their field of study, posing questions regarding current teaching practices and then are actively engaging in the art of teaching [observing, documenting, creating lesson plans] in various aged classroom settings where the students are able to put their “theories of use” into practice.

2. Commendation:

Undergraduate GPA’s for the eight candidates in M. ED. Early Childhood Education candidates were statistically higher than the admittance rate 3.0 [2015-2016: 3.38 and 2017-2018: 3.45]. More so, the UNH candidates also had Core Praxis

scores that met the minimum passing rate for the three exams, as well as was higher than the state average. Lastly, graduate GPA's increased from their undergraduate GPA to their graduation rate [2015-2016: 3.81 and 2017-2018: 3.85].

Learners enrolled in EDUC 942: Sociocultural Perspectives on Teaching and Learning “engage in a total of 25 hours field experience with infants and toddlers in Family-Centered Early Supports and Services and/or Early Head Start programs, or community organization and (2) participate in a variety of community-based experiences (a total of 25 hours of community-based experiences throughout EDUC 941, EDUC 942 and/or EDUC 948 coursework)” with course work focused on observations of children as well as a report focused on practices within the program. More so, students participate in Community-Based Experiences where they “participate in various aspects of community/program events that serve children and families at risk and examine sociocultural factors influencing EC practices within a Community (a total of 25 hours is to be spent for community-based experiences in various settings and activities)” and “students are required to submit a reflection paper based on the findings regarding sociocultural influences on teaching and learning.”

3. Suggestion:

More collaboration with the field experience office coordinator and the CSDC. This model provides consistency and should be considered across the degree programs in field experience.

Utilization of the ECE manual as part of professional development training [as evidenced by interviews with cooperating teachers]. Consider, reviewing each semester with the cooperating teacher before requesting signature. Additionally, clarity regarding the P3 handbook guide and its implementation should be consistent across the entire internship experience.

Look at coursework that could be specifically focused with all age ranges in the NAEYC early childhood spectrum. Currently, UNH students are completing field experiences with Infants and Toddlers, as well as primary aged learners; however, no evidence was seen where students are engaging in field experiences focused on the ECE age range (3-5's). Suggestion: Field Experience completed in the on-campus CDFS [consider model in undergraduate format].

4. Recommendations that Require Responsive Action: None

5. Program/Certification Rating (refer to Appendix): Effective, 3

6. Evidence Supporting the Rating Includes:

Child Development and Learning

These seven (7) standards are being addressed through five (5) core courses in the graduate degree program. Each standard is addressed in multiple courses and assignments range from field experiences, focused observations, case studies, curriculum projects, community based opportunities, lesson planning, etc.

Family and Community Relationships

These six (6) standards are addressed in three (3) core courses in the degree program. Five out of six standards are addressed in multiple courses and assignments range from interview papers related to PTAN inclusion, field experiences, curriculum projects, case studies, program reviews related to family partnerships, etc.

Observing, Documenting, Assessing

These five (5) standards are addressed in three (3) core courses in the degree program. Each standard is addressed in multiple courses and assignments range from case studies, focused observations, curriculum projects, field experiences, etc.

Teaching and Learning

These eight (8) standards are addressed in four (4) core courses in the degree program. Each standard is addressed in multiple courses and assignments that range from curriculum projects, observations, lesson planning, etc.

Early Childhood Content

These twenty eight (28) standards are addressed in eight (8) core courses in the degree program. Each standard is addressed in multiple courses and assignments that range from lesson planning, practicum projects, community participation, curriculum projects, etc.

Professionalism

These five (5) standards are addressed in four (4) core courses in the degree program. Each standard is addressed in multiple courses and assignments range from a thorough review of the NAEYC Code of Ethics, case studies, yearlong internships, review of federal and state laws and regulations, lesson planning, advocacy projects, reflective practice sessions, etc.

Name of Program: Special Education Program

Program Number: Ed 612.07

Recommendation for Program Approval: Conditional Approval

Reviewer Name(s): Jennifer Pomykato

1. Summary of Findings on the Unit's Program Assessment System:

The UNH Special Education Program generally provides their graduates with the learning experiences needed to meet the standards outlined in Ed 612.07. On the UNH website the mission of the special education program is to, "Prepare highly qualified educators who possess the knowledge, dispositions, and skills necessary to take the lead in establishing effective teaching and learning environments for a diverse population of learners, who are capable of collaborating with classroom teachers as team teachers or consultants, and who utilize these skills within their school communities, and within the profession itself." The goals and the required course work align with this mission.

Materials provided show multi-year data from fall 2015-spring 2018. During those three years 23 candidates enrolled in the Graduate General Special Education program. Additionally, 14 candidates pursued dual General Special Education certification. Of the 37 candidates, 28 graduated from the program, 8 will graduate in May 2019, 1 student left prior to completing the program. As of fall 2018, graduate employment data compiled using the NHDOE Educator Search database and program surveys show 15 graduates are teaching in NH public schools and 8 have sought certification out of state. Staffing issues and teaching space arise and may impact student schedules as reported by current and alumni UNH students.

Many General Special Education candidates enter the program with previous certification or a prior supervised experience in a public school setting (i.e.: paraprofessional, Title I tutor). The faculty reviews these experiences during the admissions process. Candidates without prior certification/experience take either EDUC 500: Exploring Teaching or EDUC 556: Mentoring Adolescents with Disabilities in the Transition to Work. Within EDUC 556, each mentor/mentee relationship is individualized based on the needs of the participants.

The University faculty is considering strategies to recruit candidates for the Special Education program. Six students are part of the fall 2019 cohort. Professor interviews and workload reports raise questions about staffing shortages that could impact the advisory and supervision capacity of intern supervision and course offerings aligned with the special education certification requirements. More information is needed but those issues arose during the current students' and alumni students' interviews as well as the cooperating teachers' session.

2. Commendation:

There is strong networking with area school districts to support internships and field experiences. Dedicated staff as reported by current students and UNH alumni.

3. Suggestions:

Current students, alumni and cooperating teachers each identified three areas of need: IEP development, special education law, and supporting students with behavior challenges.

Writing measurable goals and the IEP development process are challenges to even experienced special educators. As reported by during feedback sessions, providing additional instruction and guidance may prove beneficial.

Specialized instruction, especially in the area of reading was reported as a need during student interviews. This may be a factor as most of the interns are in NH schools. NH's "Dyslexia and Other Related Disorders" legislation in NH and most other states has raised awareness of screening and intervention using specialized reading programs and as noted under

standard (6) f. NH and other state laws require school districts to screen all primary grade students for dyslexia and related disorders with intervention plans in place within a certain timeframe.

Special education laws present a challenge to both experienced and novice special educators as identified under (9) a-e. Current students and UNH alumni requested additional time on IDEA and special education laws as they differ among states. For example, recent changes to the special education rules in NH effective March 2017, IDEA and NH laws impacting student discipline and behavior interventions as well as laws defining seclusion and restraint could be included.

4. Recommendations that Require Responsive Action:

Update syllabi as needed, see evidence supporting rating below for further details.

5. Program/Certification Rating (*refer to Appendix*): Needs Improvement, 2

6. Evidence Supporting the Rating Includes:

Syllabi reflect the standards are addressed but need updating to align with current instruction and current needs of students. However, students and alumni reported that specialized instruction to children as required under IDEA and state law seemed weaker under standard 6i “Implement systematic instruction to teach accuracy, fluency, and comprehension in content area reading and written language.”

Students and alumni reported that further instruction is needed for IEP development during or prior to internship. Cooperating teachers reported further instruction is needed for IEP development during or prior to internship.

Syllabi reflect the standards are met; current students, alumni and cooperating teachers reported need to further address IEP development, implementation and evaluation. However, there was limited evidence of focus on NH special education law as required in the standards based on available resources. Current students, alumni and cooperating teachers reported need for a deeper understanding of the special education rules, and laws that impact special education programs and procedures.

Areas needing improvement as reported by current students, alumni and cooperating teacher include: IEP development in general, special education law, and supporting positive student behavior. Areas as reported by current students, alumni and cooperating teacher that need improvement include: IEP development with focus on strategies for explicit reading instruction.

(602.13) The Institution shall submit to the Department within six (6) months of the state board approval decision a progress report.

Program name: Early Childhood Special Education

Program Number: 612.071

Recommendation: Approval

Reviewer: Deannah Rae

1. Summary of Findings:

“The graduate program in Early Childhood Education is an advanced course of study designed to prepare teachers, administrators, and specialists to assume leadership roles in the development and implementation of programs and services for young children and their families. The program emphasis on leadership is interpreted as a means of empowering teachers who are both capable of and responsible for learning about, responding to, and advocating for all children in their care, including those with cultural and developmental differences. This conception of early childhood professionals thus incorporates a view of teachers as decision -makers, advocates, and reflective practitioners who are committed to the well-being of young children and to their own continuing professional development.”

As stated by the University of New Hampshire (UNH) staff, Educator Preparation is a department and not a college or a school of education at UNH. As a result, there is a Department Chair instead of a Dean. Faculty shared that a Department Chair does not have the power of a Dean nor do they have financial control.

The Early Childhood Special Education Program (Graduate) offers two pathways for completion. A student can enroll in a 36 credit Early Childhood Special Education Program or dually enroll in Early Childhood Education and Early Childhood Special Education requiring approximately 38 credits and an additional 150 internship hours over the 600 hours required for just the Early Childhood Program. As evidenced in the Self-Assessment, the Early Childhood Special Education Program has had 20 completers over the course of four years (2015-2018) with there being only one completer in 2018. This decline in enrollment and completion of the program supports the critical shortage in this area across the state. The student is exposed early and often to hands on field experiences in order to cement their skills and passion for the profession as is evidenced in EDUC 856 Supporting Families of Individuals with Exceptionalities and EDUC 860 Introduction to Young Children with Special Needs. Interviewed students and cooperating teachers reported that candidates need more direct instruction in regard to standardized assessment, disability deliberations and determinations, process/procedures/laws and the writing of the Individual Education Plan. These topics are touched upon in a couple of courses however, not done in an in-depth manner. It is rather the informal assessment of a student’s day-to-day skill acquisition that is focused upon in lesson planning and practice.

The quality of the reviewed artifacts demonstrate an effective Clinical Practice model (Ed 604) is designed and in place for fostering early, often, and ongoing practice within this PEPP. Theory and pedagogy is rich. Candidates are provided multiple opportunities to learn and practice lesson planning and lesson delivery. Early and ongoing placement allows for immediate hands on hours with children. There is a highly effective systematic process in place for collecting and assessing candidate outcomes. The candidate, his/her instructors and ultimately his/her supervising teacher provide regular assessment and feedback throughout the coursework experience directly related to lesson planning, implementation, and delivery as well as interaction with colleagues and families.

The Candidate Assessment System (Ed 606) is effective with a systematic process for collecting and assessing candidate outcomes throughout the program. Syllabi across required coursework emphasizes research, oral and written output, synthesis of information, leadership, exposure to children and families and reflective practice. Candidates are regularly called upon to lead discussions and lessons in class in order to promote command of the content and a confidence in regard to his/her own pedagogy and teaching/leadership style. The visual provided by the faculty team clearly describes the three-phase process from admissions to coursework/field experiences and finally to the culminating experience, which

allows for multiple opportunities for evaluation and feedback and in rare cases being counseled out of the program. The NHTCAP is the culminating assessment tool, which requires multiple lesson plans and reflections.

The Program and Certification Standards (Ed 612) are highly correlated to both state and national standards. The program summary submitted by the UNH Early Childhood Special Education Team provides a crosswalk of the Early Childhood/Special Education Teaching Standards. Curriculum content is keyed to National Association for the Education of Young Children (NAEYC) and the Council for Exceptional Children (CEC) guidelines for advanced degree programs along with New Hampshire State Teacher Certification standards. “The program is designed for experienced teachers and other early childhood practitioners who wish to improve their professional competence and broaden their career opportunities. The curriculum emphasizes the acquisition of knowledge and competencies in child development (birth through eight years), learning environments, developmentally appropriate curriculum, developmental and cultural diversity, parent collaboration, and professional leadership. The course work culminates in an extensive 1-year internship experience. This program emphasizes the personal development of each student in close collaboration with faculty and fellow students.”

2. Commendations:

- In-depth understanding of child development
- Early and ongoing field experiences
- Focus on leadership and presentation skills
- Wide variety of field experiences required
- Emphasis on families, communication and collaboration
- Process and Product focused
- Dedicated faculty, show a personal interest in the students and an avid interest in the field

3. Suggestions:

During multiple forums, which included current students, alumni, faculty, and cooperating teachers, it was noted that coursework was not intensive enough in the areas of Individual Education Plan (IEP) writing and legal knowledge. These are critical areas of practice for a special educator therefore additional and in-depth coverage of these topics is suggested. During professor interviews it was confirmed that IEP writing primarily occurs during the internship where the candidate case manages two students and is responsible for the whole case plan. Additionally, there are current trends impacting classrooms and the field of education that alumni also noted as an area of weakness in the program. Recent graduates, now teaching in the field, noted having little to no knowledge or skill set in regard to the understanding and managing of a student who has experienced some sort of trauma as a result of adverse childhood experiences. Trauma and the Opioid crisis are greatly impacting our children and their ability to control their behaviors thus changing the landscape of our classrooms and our approaches to classroom management. Professors confirmed that these topics are addressed through student projects and initiatives and not through direct coursework. In the area of language development, EDUC 806: Introduction to Reading Instruction does a nice job with the methods and understanding behind reading and writing instruction however, this reviewer questions the lack of instruction/coursework dedicated to the understanding of social language and the development of communication skills. EDUC 806 is a traditional teaching of reading course. A child’s language development and social communication skills do not appear to be addressed. Augmentative, alternative and assistive technologies are also not addressed. EDUC 860 does mention developmental language concerns on one class period of the course outline. Social emotional and language/literacy development is referenced in EDUC 861. Finally, students and alumni reported that course availability has been a struggle as well as clear advisory regarding when courses will be offered and when to take them in order to have a clear path to completion. Several students have had to take Independent Studies to complete their degrees. These Independent Studies have at times resulted in up to seven students needing the same course for graduation. This reviewer would think that seven students would constitute a course being

offered. One additional overarching theme that emerged throughout all discussions was the declining facility available to the Education Department. Morrill Hall appears to be in physical heavy decline from a structural and functional perspective and the buildings do not have adequate/current educational technologies. Current students and alumni praise the dedication of the faculty in the Education Department and are concerned about their workload and thus their ability to adequately support the student body and the department as a whole. Frequency of course offerings appear to have diminished in recent years, which in turn is impacting faculty workload and student progression through the program.

4. Recommendations that Require Responsive Action:

612.071 Standard (5) a-c and e states that a candidate shall:

- a. Understand the legal policies and ethical principles of assessment related to early intervention and the special education process;
- b. Understand the range of formal assessment instruments and their purposes;
- c. Administer and write reports for formal developmental and academic assessment instruments;
- e. Interpret and report information from formal and informal assessments

It is recommended that a robust, intensive course offering be added to address formal/standardized evaluations, the deliberation of an educational disability, the determination process, and the paperwork process and legal ramifications around this process. Alumni shared that they were unable to drive the team process for evaluation and eligibility due to a true lack of understanding regarding standardized tests, the administration and scoring of those tests, interpretation and then how that relates to the deliberation and identification process.

It is essential of a case manager/special education teacher needing a broad repertoire of assessments regarding the evaluation process through special education process. In the syllabus for EDUC 862: Curriculum for Young Children with Special Needs: Evaluation and Program Design it is indicated that instruction on universal design as well as assessing child development and learning is addressed. This syllabus does indicate that certain formal assessment instruments are taught, however, it does not indicate that interpretation and report writing is addressed. There is only one assessment assignment with a focus a current assessment practice. Furthermore, there is one individual/assessment project that explores current assessment practices going beyond known assessments to explore new assessment tools. It is recommended that students are provided guided practice in the selection, application and analysis of varied assessment tools that are part of the required mandates for specific learning disabilities within NH.

5. Program/Certification Rating (*refer to Appendix*): Effective, 3

6. Evidence Supporting the Rating Includes:

Syllabi across coursework emphasizes research, written and oral output
Visual describing three phases of candidate assessment system
NHTCAPs
Alumni & current student interviews
Cooperating teacher interviews

Program name: Health Education (Graduate Level)

Program number: Ed 612.16

Recommendation: Approval

Reviewer: Nick Marks

1. Summary of Findings on the Unit’s Program Assessment System:

“Health and physical education provides school-aged students with the knowledge and skills that will enable them to achieve and maintain a physically active and healthful life, not only during their time in school but for a lifetime. The program’s focus on health, physical education and adapted physical education will give you a strong foundation for teaching all students in a K-12 educational setting. Coursework includes a mix of activity-based classes such as lifetime sports and adventure education, knowledge of teaching health and physical education, and hands-on course work.”

The Health Education graduate program at the University of New Hampshire seeks to prepare teacher candidates by addressing 6 standards, 10 key elements, and 6 sub-elements as outlined in the New Hampshire Department of Education’s Ed 612.16 certification requirements. The Health Education program is a graduate-level program offering, in addition to the University of New Hampshire’s consolidated Health and Physical Education offering available at the undergraduate level (and reviewed separately). There are no graduates, applicants or students currently enrolled in the graduate program as reviewed.

The program seeks to prepare teacher candidates through targeted course offerings and field experiences, in the area of Health Education certification and ultimately for careers including Health Education teacher, Physical Education teacher and Coach. The reviewer was able to find sufficient evidence for all standards, elements and sub-elements. Evidence suggests that students are being given sufficient opportunities to engage in coursework, readings, and application through field experiences to adequately prepare them for appropriate careers in Health Education.

In addition to course and program requirements outlined in the program self-assessment worksheet, the reviewer had an opportunity to meet with a number of stakeholder groups during the on-site visit including interviews with University field supervisors, faculty, current students and alumni. Consistent themes emerged through these interviews in the area of field placement and field experiences, including:

- A focus on selection of placements appropriate to student need and student career aspirations
- Practicum experiences that were specific to Health Education
- Promoting community involvement and connection within K-12 schools
- Preparing students to meet the needs of culturally diverse learners through embedded multiculturalism in courses and an over-arching concept of cultural competency
- Technology as a potential challenge owing to availability in K-12 classroom settings

Other themes not related to field experiences and program preparation underlined the quality of faculty and the support of University of New Hampshire staff and faculty to students throughout all points of the program.

2. Commendations:

The strength of the program’s field experience component was noted a number of times through the site visit and review of course and program materials. In instances where there were issues of alignment in technology at the K-12 classroom level, the University embraces the idea that “good teaching is good teaching” and transcends the lack of alignment at the school level to technology, as well as potential alignment issues that may exist in the form of knowledge-based acquisition as opposed to skills-based acquisition. The University seeks to prepare teacher candidates to be able to move skills-based acquisition initiatives forward in K-12 classrooms and work collaboratively with other educators to improve program efficacy.

3. Suggestions:

There are no suggestions at this time. A limitation in this review is a lack of student data to support claims, but this does not speak to any specific areas of proposed program improvement.

4. Recommendations that Require Responsive Action: None

5. Program / Certification Rating (refer to Appendix): Effective, 3

6. Evidence Supporting the Rating Includes:

A review of course syllabi based on the information outlined in the self-assessment worksheet indicated multiple opportunities for each standard to be addressed, through a variety of assignment formats and assessment methodologies. Additional information to inform the program review was gathered through participation in large group question and answer sessions across multiple stakeholder groups during the site visit. The reviewer individually with Steve Wright and Holly Alperin, the program faculty of the Health Education and Physical Education programs.

The selected rating was based on information provided in the self-assessment and supporting documents reviewed during and prior to the site visit. As noted, the self-assessment worksheet indicated satisfactory addressing of all competencies required to meet NH DOE certification standards. There was abundant emphasis in courses on building skill through practical experiences and applications, and a review of all course materials found resources to be current and relevant.

Abundant opportunities to engage in self-reflection and participate in peer review included:

During the teaching practicum (KIN 712) teacher candidates journal about challenging teaching experiences and strategies to solve that challenge in the future. Additionally, in class, students role play fielding difficult questions and crafting responses. Time is spent discussing appropriate supports in difficult situations, establishing an appropriate environment and boundaries and the importance of school rules and policies.

In NUTR 400, students are required to record nutritional intake in a health journal and assess their behavioral practices with overall health.

Throughout coursework in *Health Content and Youth Risk Behaviors (KIN 702)* teacher candidates create public service announcements aimed at disease prevention. Candidates are peer-assessed on the project in addition to personal reflection and instructor feedback.

During the *Current Issues in Teaching Health* course (KIN 648) teacher candidates are required to create an advocacy campaign around a health behavior they wish to see improved around campus. Students must provide rationale for the problem, craft a message that is compelling to college students, and create materials (i.e. presentation, online materials, or brochure) to persuade others to make a healthier choice. Following the assignment, teacher candidates reflect on the implementation of the skill and strategies for teaching this skill to students.

Additionally, the self-assessment worksheet and mapping to course syllabi underlined multiple opportunities to move from theory to practice in a classroom setting. Notable assignments include:

Since the growth and development of students is central to teacher preparation, various courses prepare teacher candidates by reviewing theories of human development and behavior change theory. Each is put into practice as teacher candidates prepare lesson plans, activities and assessments that are developmentally and age appropriate.

Through a variety of courses, teacher candidates develop unit block plans, lesson plans, and activities to be used in the classroom. All units, lessons and activities must align with standards and work students through a series that will result in demonstrated growth towards intended outcomes. Each unit, lesson, and series of activities is evaluated and teacher candidates are provided with feedback to support their learning.

During the *Current Issues in Teaching Health* course (KIN 648) teacher candidates are required to evaluate risk behavior statistics, current health trends and behaviors that mitigate or prevent youth from engaging in risk behaviors. Additionally, candidates demonstrate further application of this skill by creating a project for future students to demonstrate their ability to apply the skill proficiently.

In KIN 910, students are expected to create a unit plan dealing with substance abuse that can be utilized during the internship.

Throughout coursework in *Health Content and Youth Risk Behaviors* (KIN 702) candidates will examine the role that mental and emotional health plays on overall health, research strategies for creating a classroom culture that supports students and strategies related to suicide prevention and intervention.

Through a variety of courses teacher candidates are required to develop authentic assessment prompts and rubrics that could be used in the classroom to measure student growth and proficiency. All assessment measures must be tied to student outcomes and build off of previously designed lessons and activities. Teacher candidates receive feedback on their submissions to support personal growth.

More information may have been obtained through student work samples and specific student data to inform a deeper understanding of the program in order to inform further program suggestions and recommendations. Without such data, the program as reviewed provided sufficient evidence to support the rating provided above.

Program name: Health Education and Physical Education Integrated (Undergraduate Level)

Program number: Ed 612.16 / Ed 612.21

Recommendation: Approval

Reviewer: Nick Marks

1. Summary of Findings on the Unit's Program Assessment System:

“Health education and physical education provides school-aged students with the knowledge and skills that will enable them to achieve and maintain a physically active and healthful life, not only during their time in school but for a lifetime. The program’s focus on health, physical education and adapted physical education will give you a strong foundation for teaching all students in a K-12 educational setting. Coursework includes a mix of activity-based classes such as lifetime sports and adventure education, knowledge of teaching health and physical education, and hands-on course work.”

The Health Education and Physical Education Integrated undergraduate program at the University of New Hampshire seeks to prepare teacher candidates by addressing two sets on teacher education standards: 4 standards and 8 indicators as outlined in the New Hampshire Department of Education’s Ed 612.16 Health Education program standards (2018), and 3 standards and 11 indicators as outlined in the New Hampshire Department of Education’s Ed 612.21 Physical Education program standards (2018). The Health Education and Physical Education Integrated program is an undergraduate-level program offering, in addition to the University of New Hampshire’s Health Education certification offering available at the graduate level (and reviewed separately).

The program seeks to prepare teacher candidates through targeted course offerings and field experiences, in the areas of Health Education and Physical Education certification and ultimately for careers including Health Education teacher, Physical Education teacher and Coach. The reviewer was able to find sufficient evidence for all standards, elements and sub-elements. Evidence suggests that students are being given sufficient opportunities to engage in coursework, readings, and application through field experiences to adequately prepare them for appropriate careers in Health and Physical Education.

The program goals speak to an alignment to the National Board for Professional Teaching Standards (NBPTS) and specific preparation in pedagogical knowledge and a depth of content knowledge for K-12 teaching. The program addresses the following NBPTS standards:

- Graduates will have both content knowledge and pedagogical knowledge in health education and physical education (modified for the HPE major)
- Graduates are committed to students and their learning
- Graduates are responsible for managing and monitoring student learning
- Graduates will be thoughtful and reflective practitioners who learn from experience
- Graduates are active members of learning and professional communities
- Graduates are effective organizers of the classroom environment
- Graduates are informed decision-makers and agents of change.

In addition to course and program requirements outlined in the program self-assessment worksheet, the reviewer had an opportunity to meet with a number of stakeholder groups during the on-site visit including interviews with University field supervisors, faculty, current students and alumni. Consistent themes emerged through these interviews in the area of field placement and field experiences, including:

- A focus on selection of placements appropriate to student need and student career aspirations
- Practicum experiences that were specific to Health and Physical Education
- Promoting community involvement and connection within K-12 schools

- Preparing students to meet the needs of culturally diverse learners through embedded multiculturalism in courses and an over-arching concept of cultural competency
- Technology as a potential challenge owing to availability in K-12 classroom settings

In terms of proficiency in teaching, the program summary outlines three elements: planning, pedagogical content knowledge, and critical reflection. The Health and PE working model includes:

Planning -> teaching a lesson -> critically reflecting – self reflection
-reflect with a peer
-reflect with a cooperating teacher
-reflect with a university supervisor
->re-plan -> teach again

This model underlines the iterative approach to developing skill in teaching through extensive opportunities to self-reflect on practice. The system is based on a systematic, integrated approach that ensures teacher candidates are not developing based on isolated pieces of instruction both rather are able to construct their own knowledge over time through gained experiences.

Other themes not related to field experiences and program preparation underlined the quality of faculty and the support of University of New Hampshire staff and faculty to students throughout all points of the program. Students engage in cooperative experiences that provide them with an opportunity to reshape the work that is done in the field, contributing perspective to practice in K-12 classrooms.

2. Commendations:

The strength of the program's field experience component was noted a number of times through the site visit and review of course and program materials. In instances where there were issues of alignment in technology at the K-12 classroom level, the University embraces the idea that "good teaching is good teaching" and transcends the lack of alignment at the school level to technology, as well as potential alignment issues that may exist in the form of knowledge-based acquisition as opposed to skills-based acquisition. The University seeks to prepare teacher candidates to be able to move skills-based acquisition initiatives forward in K-12 classrooms and work collaboratively with other educators to improve program efficacy.

3. Suggestions:

Based on feedback obtained from faculty and student / alumni information sessions, it would be beneficial to examine a more consistent scheduling model to ensure that courses are being offered regularly to meet student course sequencing needs.

4. Recommendations that Require Responsive Action: None

5. Program / Certification Rating (*refer to Appendix*): Effective, 3

6. Evidence Supporting the Rating Includes:

A review of course syllabi based on the information outlined in the self-assessment worksheet indicated multiple opportunities for each standard to be addressed, through a variety of assignment formats and assessment methodologies. Additional information to inform the program review was gathered through participation in large group question and answer sessions across multiple stakeholder groups during the site visit. The reviewer individually with Steve Wright and Holly Alperin, the program faculty of the Health Education and Physical Education programs.

Extensive review material in addition to course syllabi was provided in the program summary in TaskStream as well as through availability of the following documents:

- Educator Preparation handbook and guidelines
- HPE Early Field Experiences document – outlining contact hours and settings in addition to nature of fieldwork
- Physical Education Practicum Assessment – Cooperating Teachers – specific work samples were provided outlining student assessment data from field experiences

The selected rating was based on information provided in the self-assessment and supporting documents reviewed during and prior to the site visit. As noted, the self-assessment worksheet indicated satisfactory addressing of all competencies required to meet NH DOE certification standards. There was abundant emphasis in courses on building skill through practical experiences and applications, and a review of all course materials found resources to be current and relevant.

Abundant opportunities to engage in self-reflection and participate in peer review included:

- In Middle and Secondary PE Pedagogy, teacher candidates are required in their three peer teaching episodes to analyze and correct motor skill performance. This ability is part of the assessed grade for these episodes.
- In Team Sports, teacher candidates are assessed and do a self-assessment on their ability to perform in six sports, via the use of a holistic rubric. This rubric has criteria related to skill execution, decision-making, effort and sportsmanship. This is worth 20% of an individual's overall grade.
- Teacher candidates in Middle/Secondary PE Practicum find, discuss and implement an app, during a peer-teaching lesson. They utilize the Internet to help plan the lesson, and use the app during the lesson.

Additionally, the self-assessment worksheet and mapping to course syllabi underlined multiple opportunities to move from theory to practice in a classroom setting. Notable assignments include:

- In KIN 675, students peer teach lessons with an application of Newell's Ecological Model. Students are asked to provide two examples in each of the three categories (individual, task and environment) where variables are manipulated.
- During the student teaching experience, teacher candidates are assessed by their cooperating teachers. This is done through the "Profile for Evaluation of UNH Student Teachers" form. This form encompasses 10 beginning teacher standards and 22 outcomes. Teacher candidates are rated for each outcome with either a (1) rarely, (2) occasionally or (3) consistently meets the outcome. Teacher candidates are consistently rated a 3 for this outcomes (S6.2), with the mean score (n=24 for the past 3 years) of 2.869. A folder with over 50 cooperating teacher assessments is available upon request.
- Teacher candidates in middle/secondary PE practicum and student teaching are assessed on their planning and teaching by their university supervisor. This assessment places a strong emphasis on lessons meeting national standards and grade level outcomes.
- Teacher candidates are required to develop and implement lessons that address all of these issues (utilizing managerial rules, routines, and transitions to create and maintain a safe and effective learning environment) when teaching peers or school-aged children.
 - KIN 570 Elem Prac
 - KIN 610 Elem Ped
 - KIN 655 M & HS Ped
 - KIN 666 M & HS Prac
 - KIN 781 Inclusion
 - KIN/EDUC 694 St Teach

Name of Program: Mathematics for Grades 5 – 8

Program Number: Ed 612.17

Recommendation for Program Approval: Approval

Reviewer Name: Chelsea Huckins

1. Summary of Findings on the Unit’s Program Assessment System:

The mathematics program *“is tailored to students who want to teach mathematics at the elementary or middle school level. It provides a strong foundation in mathematics with current pedagogical approaches and insightful study of student learning. Mathematics education students have the advantage of working directly within the mathematics department and coordinating with the education department to obtain New Hampshire teacher certification.”*

The program provides future educators with a variety of learning opportunities to observe, teach, and interact with students in a school setting prior to acceptance into the program through their student teaching experience.

The first course in the program EDUC 500: Exploring Teaching starts students with 60 hours of field experience. The concepts introduced in the course are then embedded in all future courses. Students are assessed on their ability to link their observations to their coursework, teach or develop lessons implementing their learning into a classroom setting, and reflect on their knowledge of the content. Each course has a nice balance of theory and practice, always linking learning to the field. MATH 700, MATH 708, and MATH 797 are standout courses in the program, allowing future educators many opportunities to familiarize themselves with the mathematics classroom. These courses provide future educators with a solid foundation in mathematical content and pedagogy. This is evidenced by the syllabi, classroom observation, and interviews with faculty, students, and alumni.

The state of New Hampshire Department of Education changed the standards for the Mathematics 5 - 8 certification in the spring of 2019. Due to the timing of this site visit, the program was reviewed using the older, 2015, state standards.

2. Commendations:

Mathematics department has placed an emphasis on mathematical proofs and developing logical arguments throughout all the mathematics courses offered in the program.

Professor created a learning environment focused on; strong relationships, ability to make mistakes, and developing mathematical understanding through growth-mindset as demonstrated by an observation of Math 700.

The mathematics department uses variety of resources outside the standard textbook to address relevant research, pedagogy, and trends within the profession.

3. Suggestions:

Change minimum class requirements to match cohort size.

EDUC 751 B should include education law, especially relating to special education and 504s.

4. Recommendations that Require Responsive Action:

Discrete mathematics standards are not met. Address discrete mathematics standards through a discrete math course or fully embedding the concepts into the current classes offered.

5. Program/Certification Rating (refer to Appendix): Effective, 3

6. Evidence Supporting the Rating Includes:

Course syllabi, interview with faculty, observation of classes, conversations with students, alumni, and cooperating teachers.

A foundation is laid in EDUC 500: Exploring teaching then built upon in MATH 700: Introduction to Mathematics Education and MATH 708: Teaching Mathematics in Grades 7-12. Throughout the core math classes students are taught mathematical content with a pedagogical focus. From how the material covered in class should be taught in school to focusing on a balance between concrete and procedural understanding. Students are required to demonstrate their knowledge of pedagogy in their capstone class MATH 797: Senior Thesis through their portfolio and presentation. A strength in the course work includes multiple explanations and representations, including, but not limited to intuitive and formal arguments or proofs, as demonstrated by goals and objectives listed in the syllabi and interviews with professors. An area of weakness relates to planning and conducting a variety of assessments and evaluations appropriate for the grade range. Although assessments are a key component according to class syllabi, a theme among interviews with students, faculty, and cooperating teaching the foundation laid in EDUC 500 may not be meeting the needs for students to build upon in the mathematics teaching courses.

Courses require students to use problem-solving skills to investigate, understand, and reflect on the mathematics they will eventually teach. Throughout the required courses for program completion, multiple courses have an emphasis on proofs and mathematical writing. A common resource used in many of the required mathematics classes are the Common Core State Standards, and the Common Core Standards for Mathematics Practice, which are habits of mind.

The program showed evidence in teaching concepts starting with a concrete representation and building to the procedure. MATH 700 dedicates a week to mathematics mindsets in Math Task #6 to help address math anxiety. There was no evidence to support that poor attitudes about mathematics solidify in the middle school years.

Students focus on representing numbers, relationships between numbers, number systems, and how operations relate to one another. Through this course students are required to develop a deeper understanding of the content prior to teaching. The course uses a variety of teaching materials that are relevant to current teaching trends in mathematics and focus on the use of periodicals to support instruction.

Students build on their prior knowledge from high school geometry in MATH 760 with a focus on technology using GeoGebra. In MATH 622 students are led through a variety of learning activities to demonstrate common misconceptions in geometry and measurement. A couple activities were discussed in interviewing faculty; distance to New York, viewing tubes, and calculating pi modeled how mathematics should be taught in the middle school classroom.

Students discuss the pedagogy of teaching functions and algebra in, MATH 700: Introduction to Mathematics Education, MATH 708: Teaching Mathematics in Grades K - 8, and MATH 625: Functions and Algebra for Teachers. Throughout the courses, students learn how to teach algebraic thinking using a balance of concrete tools, technology, and multiple representations as demonstrated by course syllabi and classroom observation. This standard is an area of strength for the program.

In MATH 539 students are introduced to the topics, while in MATH 623 students focus on the pedagogy of teaching the topics at the elementary and middle levels.

The subject area of calculus is met through MATH 425: Calculus I and MATH 426: Calculus II. Through these courses, students are expected to demonstrate an understanding of basic calculus concepts demonstrated through solving real-

world problems. In MATH 708: Teaching of Mathematics, 7-12 students are then required to understand the connection of calculus to middle and high school math topics.

The subject area of discrete math is briefly touched upon in MATH 531: Mathematical Proofs, MATH 545: Introduction to Linear Algebra, MATH 445: Mathematics with MATLAB, and MATH 790: Historical Foundations of Mathematics as homework assignments. In interviews with faculty and reviewing the self-assessment documents, this standard was determined as an area weakness for the program.

Name of Program: Mathematics Education

Program Number: Ed 612.18

Recommendation for Program Approval: Approval

Reviewer Name(s): Dorothy Ball

1. Summary of Findings on the Unit's Program Assessment System:

The program sets high expectations for learning and achievement through (a) rigorous content and course requirements in both in mathematics and teaching, (b) multiple opportunities to engage in professional conversations with peers and faculty, (c) access to appropriate course materials*, and (d) a continuum of candidate approval. Emphasis on proof and reasoning - UNH addresses these skills through 4 different courses (MATH 624, MATH 760, MATH 531 and MATH 797). Senior Seminar (MATH 797) is the capstone course for the undergraduate math education program. It validates that the intention of the entire program is to improve the candidate's ability to justify mathematical ideas and to enable candidates to teach mathematics through problem solving.

Ability to adjust course expectations to meet student needs. In the past years, two important concerns have been addressed. (a) Lesson Planning. The response to candidate concerns that they did not have enough experience in creating lessons has been to include more instruction and practice into courses (MATH 709, MATH 624, MATH 797) and (b) Improved focus on proof and reasoning. After recognizing the need to improve candidates' ability to apply proof and reasoning to their math instruction, the faculty applied and received an NSF grant to improve this component of the math education program. These improvements were embedded into Senior Seminar (MATH 797).

2. Commendations: None

3. Suggestions:

All components of standard Ed.612.18 were met. However, in terms of continuous improvement the following suggestions are being made to broaden the scope of some areas.

Technology

It was unclear how much emphasis is placed on the use of the graphing calculator in the UNH math education courses. None of the math courses or education courses required this technology. However, this is a tool used in most high school math classes.

The SMART board is another tool widely used in high school classrooms. While candidates can acquire the basic skills outside of a given course, the tool should be available to students as they learn to create lessons. On-line tools available for the SMART board greatly enhance math lessons allowing for greater student engagement. Presently, there are no SMART boards available in the education department.

Presently, there are no SMART boards available in the education department.

There are a multitude of apps available to mathematics educators to support the classroom experience. There is evidence supporting analyzing of manipulatives and online apps (virtual manipulatives) for modeling solving of equations, including algebra tiles; and the use of technology such as *Geogebra*, *Geometer's sketchpad*, *Desmos* and graphing calculators. It is suggested to expand/enhance (a) the opportunity to explore math apps, not necessarily limited to those online (b) understand how apps can be used to enhance instruction or (c) how to evaluate their usefulness.

Assessment

Although the math education classes are exemplary in their use of alternative assessments, it appears that candidates should have increased experience in creating appropriate assessments for the math classroom. Candidates need to have experience in using a multitude of assessment tools.

Differentiating for the Exceptional Learner

Most math classrooms will have at least three or four students with IEPs or 504 plans. Differentiating for these students so as to be in accordance with the specific goals and objectives of the IEP/504 plan can be challenging for the experienced teacher. Due to the nature of mathematics, differentiating for abilities for exceptional learners can be especially difficult in terms of access to appropriate materials. The goals of many IEPs do not always fit with the grade level content being addressed. As candidates learn to prepare lesson plans, emphasis should be placed on those components addressing the needs of exceptional learner.

Additional collaboration with the supervising teacher

The current supervising teacher reported she has no input into which cooperating schools/teachers are chosen. She observed an inequity in the placement experience with some schools/teachers providing a broader experience than others. Input from supervising teachers would provide students with a more equitable experience.

Modern Perspectives

Create opportunities (with a separate course or included in a current course offering) for students to explore current trends in secondary education (examples: Competency-based grading, SEL).

4. Recommendations that Require Responsive Action:

Discrete Math - The standard includes knowledge of Discrete Math. There is no course meeting this requirement. A course should be developed to include these topics.

5. Program/Certification Rating (*refer to Appendix*): Effective, 3

6. Evidence Supporting the Rating Includes:

- Course syllabi
- Cooperating teacher interview
- Plan of Study
- Program summary
- UNH self-assessment worksheet

Name of Program: Music Education

Program Number: Ed. 612.20

Recommendation for Program Approval: Conditional Approval

Reviewer Name(s): Erin Zaffini

1. Summary of Findings on the Unit's Program Assessment System:

Preparation through the UNH department of music education include (1) the development of high musicianship and performance skills among its preservice teachers, (2) the efforts made by music education faculty to place student teachers with exceptional music cooperating teachers who lead high quality music programs throughout the state, (3) allowing preservice music educators the option to enroll in *Marching Band Methods*, a course that is necessary for those teachers who wish to successfully direct and run a marching band program, and (4) the hiring of a current classroom general music specialist to serve as faculty for the *Elementary Methods* course.

The standards in which student teachers are being held accountable are divided into two different areas: musicianship skills and K-12 music education pedagogy. Since the standards for musicianship skills are being met within the program, but the strides to meet the pedagogical standards within the program, overall, are being deemed ineffective by cooperating teachers, it is the recommendation of the reviewer that the music education program receive conditional approval from the Department of Education.

The UNH department of music education has many performance opportunities to offer its students, and students who graduate from the program are highly-trained musicians. A conversation with music education faculty revealed some areas that both the UNH music education faculty and the program reviewer deemed as valid suggestions for improvement that might strengthen the program. These suggestions, as well as suggestions derived from discussions with cooperating teachers and former students, are not mandated.

2. Commendations: None

3. Suggestions:

Suggestions for the program come from conversations with cooperating teachers, current music and music education faculty, and alumni. During their interview with the reviewer, music education faculty agreed that potential areas for growth include (1) the addition of the current 2014 National Core Arts standards for music education in all related coursework, (2) the renovation of facilities to update rehearsal, classroom and performance space, as well as to make the building more accessible to students with varied physical abilities, (3) the addition of ukulele methods within general music methods courses, (4) providing cooperating teacher training and clear guidelines of cooperating teacher roles and responsibilities to enhance their ability to serve in their positions as mentors. Conversations with cooperating teachers, students, and graduates of the program reveal that graduates could benefit from further preparation in the "realities of teaching", particularly the completion of administrative tasks associated with being a music educator, as well as being more prepared and more informed about the realistic daily complexities of serving as a music educator within a comprehensive K-12 music program.

Interviews with cooperating teachers provided some insights into possible suggestions for the program as well. Cooperating teachers cited a lack of opportunities to provide feedback about the preparation program to music education faculty, as well as a lack of opportunities to provide feedback regarding student teacher progress throughout the student teaching semester. It is suggested that regular opportunities are provided for cooperating teachers to share feedback regarding student teacher preparation, as well as offer regular meeting times to more thoroughly discuss student teacher progress. Cooperating teachers desire to learn more details about their roles and responsibilities as host teachers. Music education faculty might consider providing cooperating teachers a detailed summary of cooperating teacher roles and

responsibilities, as well information about the standards for student teaching and details about specific course content and learning experiences that students experience prior to student teaching. In addition, cooperating teachers desire to collaborate more with music education faculty, citing a lack of support in their roles, as well as missed opportunities to conference with university supervisors and student teachers during observation visits.

4. Recommendations that Require Responsive Action:

Recommendations for the program, which are tied directly to standards for music educator preparation, are centered on the music pedagogy standards within the program. Specifically, cooperating teachers and alumni addressed three standards in particular that they agreed were not being met: student teachers' successful ability to:

- (1) design standards-based curriculum, planning and instruction and assessments including modifications to meet all learners,
- (2) use competency-based assessment strategies to determine and communicate student progress and achievement, and
- (3) guide all students through singing, playing instruments, and moving purposefully.

Overall, cooperating teachers noted that preservice teachers in the program, while excellent performers and musicians, lack critical content and pedagogical knowledge that would enable them to be effective educators in the K-12 student teaching setting. They do, however, note that these skills can improve over time during the student teaching semester.

Specifically, interviews revealed that cooperating teachers and alumni agree that student teachers receive little to no training in basic curriculum design, assessment practices and adaptive music methods geared towards teaching students with exceptionalities in the choral, instrumental and general music setting. The professor of *Choral Music Methods*, a course that was observed during the second day of the site visit, also noted a lack of time allotted for course content, and mentioned that he would most likely be unable to include any instruction on curriculum, assessment, or accommodations and modifications pertaining to choral music instruction.

Although the course sequence and syllabi demonstrate that teaching students with exceptionalities is addressed (as discussion topics in music education coursework as well as in *Educating Exceptional Learners*, a specific course offered through the Education Department that is required of all education majors), cooperating teacher feedback indicates that more must be done to prepare music education preservice teachers on how to instruct K-12 music students within specific musical settings. In addition, although course syllabi indicate that curriculum and assessment is discussed in music education coursework, cooperating teacher feedback, along with some assessments and rubrics developed within the TCAP and shared as evidence with the reviewer, indicate that more should also be done to prepare preservice music educators in the basics of curriculum and assessment development.

During this review, it was evident that vocal music education students learn to play instruments in *Instrument Techniques* courses, however, they do not take a class that is specifically designed to teach preservice music teachers how to instruct K-12 students in the instrumental setting. It is recommended that all vocal music education majors (who, upon graduation, will be certified to teach vocal, instrumental and general music to K-12 students) be required to also take *Instrumental Methods* courses to ensure they learn the proper pedagogy associated with instrumental music instruction within the K-12 setting.

(602.13) The Institution shall submit to the Department within six (6) months of the state board approval decision a progress report.

5. Program/Certification Rating (refer to Appendix): Needs Improvement, 2

6. Evidence Supporting the Rating Includes:

Evidence collected for this review include faculty, student, alumni and cooperating teacher interviews, course syllabi, TCAP assessments, and class observations.

- UNH Music Education Department Self-Assessment Report
- UNH Music Education Department Instrumental Plan of Study: MusicInstrumental.pdf
- UNH Music Education Department Vocal Plan of Study: MusicVoice.pdf
- Plan of Study_Cataloguelink.pdf
- Course Syllabi
- Faculty CV
- MusicprogramsummaryFinal.pdf
- Clinical Partnership Documents
- NH TCAP Reports:
 - EDUC 694 Music A Spring 2019
 - EDUC 694 Music B Spring 2019
 - EDUC 694 Music Fall 2018
 - EDUC 694 Music Spring 2018
- NH Department of Education Self-Assessment Worksheets

On Site Interviews Including:

- 10/21/19: Music Education Faculty Interview, including the Coordinator of Music Education and the Senior Lecturer of Music Education
- 10/21/19: Current music education students and alumni interview
- 10/22/19: Cooperating music teachers

Informal music faculty conversation (after class observation)

10/22/19: Director of Choral Activities

Name of Program: Principal Program

Program Number: ED 614.04

Recommendation for Program Approval (*refer to Appendix*): Approval

Reviewer's Name: Nancy "Nan" L. Parsons, EdD

1. Summary of Findings on the program Assessment System:

Overall the School Principal Program (ED 614.04) at the University of New Hampshire (UNH) seeks to address the 6 standards, 11 key elements, and 32 sub-elements through its course offerings, supporting syllabi, learning tasks, and readings in order to prepare candidates for their certification as a principal in New Hampshire. The reviewer was able to find evidence for each element and sub-element. The preponderance of the available evidence suggests that students are being provided services that support their career trajectory in school leadership as a principal. The limitations of the review were in the area of evidence demonstrating concrete structures for continuous improvement of the program as demonstrated by faculty collecting and reviewing a variety of data sources, making data driven decisions, and implementing those decision.

The importance of relationships that are developed was noted, specifically mentioning Dr. DeMitchell, as important and ongoing while candidates and as graduates of the program. This makes sense considering Dr. DeMitchell provides all advisory services and much of the instruction for the program. He is seen as the face and voice of the program.

The breadth of experiences required of the candidates support the practical aspects of the program. The readings, in class discussion topics and online threads, learning tasks, and case studies are relevant and cornerstones of most of the courses offered. Students see the relevance between their course requirements and the work they are doing in the school, essentially theory joining practice.

Additional themes were uncovered during interviews with candidates, graduates, and faculty.

There was a high-level of consistency in the following areas:

- The inequity in quality of the Education Department facility as compared to other departments in the University. On two occasions it was stated that this was indicative of the value assigned to the Education Department at UNH.
- The frequency of course offerings due to limited faculty impacts students' Program of Studies' timeline
- Lead faculty member's multiple roles in the Education Department and other departments in the University with limited recognition of a person's capacity
- Decentralization of financial resources
- Declining physical plant/buildings and knowledge of accessibility throughout the Education Department is a clear physical barrier for parents, students, faculty, and guests

The noted themes are all focused on resource allocation and not the quality of the instruction. Interviews and the artifacts reviewed pointed to the quality of instruction remaining intact.

2. Commendations:

Relationship with the primary faculty member and a secondary faculty member were mentioned repeatedly throughout the process. Candidates and graduates made the following statements:

- "The support of [instructors] then and now that I am working in the profession has been invaluable."
- "The relationships with [faculty] were invaluable. [My advisor] took personal interest in what I do and how well I did it."
- "The connections made with [faculty] are a strength. [The professor] always goes above and beyond."
- "[The professor] knew that we needed more than theory; we needed to be able to take what we were reading and talking about and apply it to the principalship."

Case Studies are a primary method for aligning and evaluating theory with practice. Extensive use of case studies is used in most courses. By reading these cases, candidates learn to diagnose problems, recognize multiple influences and perspectives on schools, schooling, and student learning to engage in informative conversations with other professionals. The cases and their discussions foster an intellectual and practical investigation of the complexities and dilemmas in PK-12 education.

3. Suggestions:

Providing instructional coaching for administrator candidates can be the foundation for continuous improvement through deliberate practice. Although UNH principal candidates are usually fulltime teachers, and this in itself provides its own challenges, the value of instructional coaching to move practice cannot be overestimated. The literature suggests that developing the desired level of expertise requires sustained deliberate practice, reflection, and inquiry; all characterized by metacognition, motivation, and productive responses to uncertainty over time. The nature of leadership and the imperatives of school improvement demand a scaffolded experience of continuous improvement towards increasing expertise.

People who have developed expertise in particular areas are able to think effectively about problems, identify patterns, and formulate responses in their domains. Research indicates that it is not simply general abilities, such as memory or intelligence, nor the use of general strategies that differentiate experts from novices. Instead, experts have acquired extensive knowledge that affects what they notice and how they organize, represent, and interpret information in their environment. This, in turn, affects their ability to remember, reason, and solve problems (National Research Council, 2000). This is developed and enhanced through instructional coaching. This support is intended to promote a principal's learning and application of leadership expertise (Taylor, 2008), and has the capacity to promote professional growth and deepen personal and professional relationships (Baron, Moir, & Glass, 2008).

Create a facility that represents the importance of the education programs at UNH and to model a quality educational environment.

The limitations of the School Principal Program review were in the area of evidence **demonstrating continuous improvement** of the program as demonstrated by faculty collecting and reviewing a variety of data sources, making data driven decisions, and implementing those decision. The School Principal Program should engage in ongoing efforts to improve all aspects of the program by engaging in the process of continuous improvement. This could have been demonstrated through faculty meeting/retreat minutes, changes in course syllabi and/or assignments, or survey analysis.

As a necessary part of regular planning and a continuous improvement process, the reviewer suggests engaging a variety of stakeholders in meaningful ways. This gap in practice was noted during the interview with candidates and graduates expressing the interest and need for practitioner inputs into all aspects of the program.

Engaging stakeholders should be a necessary part of the University's regular planning and improvement agenda to engage in open discussions with its key stakeholders. In some way, stakeholder groups are or will be affected by what the UNH Education Department does and produces.

It is the suggestion of the reviewer that the faculty structure for the School Principal Program be closely examined. One faculty member is responsible for all administrative aspects of the program (and the superintendent and special education administrator programs), along with advising and teaching students, and chairing/being a committee member for PhD candidates. This faculty member also teaches in two other departments at UNH in addition to the education department.

There are four additional adjunct professors also teaching one to two courses in the principal certification program, primarily one, and one adjunct professor who supervises principal candidate placements. The position expectations for Dr. DeMitchell appear to be an undue burden on him and the department as a whole. A program must not be built on the strength of one person's extensive skills set. The reduction in faculty over the years has had an impact on the number of courses offered at any one time and the frequency that a course can be offered. There can be multiple year rotation cycles for courses that have caused present and past students delays in their program completion.

4. Recommendations that require responsive action: None

5. Program/Certification Rating (*refer to Appendix*): Effective, 3

6. Evidence Supporting the Rating Includes:

The reviewer read all materials provided by the institution and requested additional syllabi that were used as evidence for the standards; participated in a large group question and answer session with present students and graduates from all the programs being reviewed; met individually with the John and H. Irene Peters Professor of Education, Todd DeMitchell; and participated in a small group question and answer session with supervising faculty for teachers and administrative candidates. The selected rating was based solely on the information provided prior and during the time of the accreditation visit.

As noted on the reviewer's worksheet demonstrating adequate evidence for each of the 6 standards, 11 elements, and 32 sub elements, there are multiple opportunities within the course offerings to examine the standards and elements and rate progress toward those standards and elements through class discussion topics and online threads, learning tasks, and case studies. There is a significant emphasis in most courses on case study analysis requiring candidates to demonstrate the knowledge, skills, and dispositions necessary to integrate theory and practice.

The internship placement is a cornerstone of the candidate's experience and allows for experiential and highly personalized leadership development. An assignment requiring the candidate to develop a prospectus stating what you want to accomplish in each the six certification standards seeking focus on the areas of effectiveness that need the most activities based on candidate self-assessment. Candidates are frequently relating all aspects of the program to the standards by deliberately reflecting on practice, setting goals, engaging in the practice, and evaluating that practice. Along with the internship, the value of the mentor was noted by both faculty and candidates. It is clear that the intention of the internship and the work with a mentor is to introduce candidates to the realities of the principalship.

The selection of quality primary, secondary, and tertiary literature serves as a starting point for class and online discussions, required experiences, and assignments that were directly related to their internship placement. This was a common thread throughout all courses offered in the School Principal Program: moving from theory to relevance to demonstrated knowledge and skills. The Principal Log and Task List provided evidence of deliberate practice and experience in each of the 6 standards, 11 elements, and 32 sub elements. Relevant assignments were noted in each of the standards to move candidates to competency. A few notable examples of assignments that meet the standards and focus on relevance and transferable skills are as follows:

- Written analysis of a district strategy and implementation including final memorandum for superintendent.
- Teacher Development and Observation Portfolio: This project is designed to engage the candidate in thinking about teacher development, how it relates to supervision and evaluation, and practical experience in clinical supervision processes. Furthermore, the experience in its whole aims to engage the candidate in conversation about learning, teaching, and educator development in a focused and meaningful way.
- A short personal essay that synthesizes the readings and describes the candidate's beliefs about the overarching culture of a school and a school system and its articulated goals in promoting the development and implementation of high-quality education.

- Reflection: Think of the culture in your school and/or district. What do you see as strengths? What suggestions might you have to strengthen the culture? How might the school and district t you have to strengthen the culture?
- Development of a case study on a local legal issue.
- Conduct the *Introductory Facilities* Maintenance Checklist and compare your school/school district's vision statement to the role of facilities maintenance.
- Policy Issue Presentation: Select a policy issue and prepare a PowerPoint, plus a handout with a reference section that you would give to a school board. You must compact the definition of the policy issue, potential policy responses, and your preferred policy response within the timeframe of a normal school board meeting presentation. This presentation is designed to be presented in an open meeting with the public attendance.
- Field Project focused on a problem of practice, course of action, plan, and references.

For the benefit of future reviews and to provide effective feedback focused on continuous improvement and growth to UNH's Education Department, the reviewer would recommend the following artifacts, interviews, and experiences as a standard course of operation for a review:

- Provide student work samples for significant assessments and assignments
- Schedule in an opportunity to observe a class
- Schedule an opportunity to meet individually with a focus group of principal candidates presently in the program
- Schedule an opportunity to meet individually with a focus group of principal program graduates
- Schedule an opportunity to meet individually with principal mentors of candidates past and present
- Schedule an opportunity to meet individually with a focus group of superintendents who have recently (0-3 years) hired UNH principal candidates for principalships in their districts
- Provide artifacts noting data analysis for ongoing and continuous improvement to the program

The wealth of information gained from a more thorough examination of the program could have provided the reviewer with greater depth in examining the strengths and gaps in the School Principal Program. This in turn would have provided a deeper understanding in order to increase the value of the commendations, suggestions, and recommendations.

Name of Program: Superintendent

Program Number: Ed 614.05

Recommendation for Program Approval: Approval

Reviewer Name: Dr. Gail E. Paludi

1. Summary of Findings on the Unit's Program Assessment System:

The Superintendent Program “is designed for those educators who possess a master's degree in school administration or a master's degree in a related educational field. This program offers advanced preparation for those educators who desire careers as school superintendents, assistant superintendents, state department of education personnel, vocational education coordinators, curriculum coordinators, or educational personnel in private organizations. This program leads to certification as a Superintendent in New Hampshire.”

Educational leaders are provided with a variety of learning opportunities including, but not limited to, face-to-face, on-line, case studies, collegial dialogue, theory, practice, and professional readings as evidenced by course syllabi, faculty interviews, student interviews, and alumni conversations. The variety of learning experiences strengthen the program.

The EDUC 974 Internship and EDUC 975 Advanced Field Project provide students with opportunities for student learning that is a practical application of theory in a real-world setting. These opportunities are individualized based on each student's unique needs in a professional setting. These projects are rigorous, extensive, and shed light on the diversity and complexities of the multi-faceted roles of a Superintendent. This is evidenced by the syllabi, the interview with one of the professors teaching these courses, examples of Superintendent Internship activities and a review of actual project proposals and completed field projects. A review of Superintendent candidates' individual logs also supports this finding. The relationship to ED 610.02 Professional Education Standards is strong with these courses. Part of that standard states the following should be accomplished:

“Learner development, as demonstrated by:

- a. An understanding of how learners develop, recognizing that patterns of learning and development vary individually within and across the personal, physical, social, and academic dimensions; and
- b. The ability to facilitate developmentally appropriate and challenging learning experiences based on the unique needs of each learner;”

Additionally, ED 610.02 states the following should be accomplished:

“Learning environment, as demonstrated by:

- a. Working with learners to create and access learning environments that support self-directed individual and collaborative learning, based on each learner's interests and passions; and
- b. Use of learning environments not limited to the classroom but extended into the larger community as well as virtual experiences.”

The two previously mentioned courses meet all the above by allowing students to create personal, individualized learning experiences that are carried out in the field.

Other courses such as Introduction to Educational Evaluation (EDUC 972), Educational Supervision (EDUC 965), School Facilities (EDUC 971), Human Resources Administration (EDUC 964), Collective Bargaining (Educ 968), Policy, Politics, and Planning in Education (EDUC 973) provide students with learning in critical areas of administration and address many of the diverse roles necessary to be an effective Superintendent. The course syllabi are detailed, rigorous and allow for theoretical discovery and practical application of the learning in multiple settings.

Given the many opportunities to gain knowledge in the field as part of this program, students will be prepared to face the many challenges in the central office administration position of Superintendent and other related positions.

2. Commendations:

*The course syllabi provide for learning that is rigorous, current, and essential to success in the field.

*Faculty have outstanding qualifications and extensive experience in the field. Faculty are supportive and serve as mentors for students during program completion and beyond.

*The internship and advanced field project experience are designed to provide substantial, individualized, and practical application of learning carried out in the field.

*Reflective practice and constructive feedback are promoted as evidenced by review of several pre and post self-assessment documents for field projects.

3. Suggestions:

Courses should be offered on a more regular cycle to facilitate program completion. Student interviews indicated an inability to complete the program when anticipated due to courses not being offered on a regular cycle.

Hire additional faculty to meet the needs of the administrative certification programs. One full-time professor and an adjunct professor teach all the required courses.

Facility could be upgraded to promote a positive culture, climate, and appreciation of the importance of the Education Department.

All buildings and campus should be upgraded to conform to applicable state and federal health and safety regulations. A parent reported not being able to tour the campus because of a disability. A student reported not being able to access the third floor of a building preventing that student from fulfilling his educational obligations. Increased communication and or signage should be available to further prevent lack of knowledge to access facilities and classrooms for all.

EDUC 967 School Law, EDUC 972 Introduction to Educational Evaluation and EDUC Educational Supervision and Evaluation are electives for the Superintendent Program. If these courses are not obtained through the principal certification program, they must be required courses for all candidates.

4. Recommendations that Require Responsive Action: None

5. Program/Certification Rating (refer to Appendix): Effective, 3

6. Evidence Supporting the Rating Includes:

Course syllabi, interview with faculty, conversations with students and alumni, review of candidates' logs, examples of Superintendent internship activities, review of internship proposals and completed field projects. Specific examples are included in the narrative.

In the EDUC 974 Internship and Educ 977 Leadership: The District Level Administrator courses, students are required to develop a vision, mission and goals for student achievement that are individualized based on their personal school community. Students work to identify all stakeholders who will be partners in implementing the vision, mission, and goals. Individual case studies including *Making Hard Choices in Tough Times* and *There's Battle Lines Being Drawn* are examples that are discussed as part of the process.

In the EDUC 972 Introduction to Educational Evaluation, EDUC 965 Educational Supervision and Evaluation, and EDUC 974 Internship courses, theoretical and practical application of the supervision and evaluation of personnel to improve teaching and learning is emphasized. EDUC 972 Introduction to Educational Evaluation emphasizes the importance of evaluation and supervision within an educational context. Evaluation Essentials from A-Z and Getting Teacher Evaluation Right: What Really Matters for Effectiveness and Improvement are required textbooks.

In the EDUC 965 Educational Supervision and Evaluation course, it requires students to critically analyze the understandings, perspectives, and experiences of educators regarding supervision and evaluation. Readings, responses, seminar participation, papers, and projects are required. Texts for the course include: Personnel Priorities in Schools Today: Hiring, Supervising and Evaluating Teachers and Supervision: A Redefinition.

In the EDUC 975 Advanced Field Project and EDUC 977 Leadership: The District Level Administrator courses, the texts required for EDUC 977 are Reframing Organizations: Artistry, Choice and Leadership and The Leadership Challenge. Case studies such as *Leading Systemic Improvement: Confronting Complexity in Turnaround Schools*, and *Making the Shift to Co-Teaching Model*, a class project, and the *Leadership Challenge* final reflection paper are requirements.

Culture, curriculum, and instructional programming must be addressed as part of the field project in the EDUC 974 Internship and EDUC 975 Advanced Field Project courses. A review of final field projects and activity logs support this finding.

EDUC 972 examines educational evaluation from multiple perspectives including, but not limited to, student achievement, teacher effectiveness, and programmatic success.

Interviews with selected personnel including a selection of Business Administrator, Custodian, Superintendent, and/or Director of Finance. Students are also required to complete a safety inspection analysis for their school or schools.

The topics focused on in EDUC 964 include an introduction to human resources, recruiting, hiring, retaining, and developing employees; providing a non-discriminatory environment, and evaluating and disciplining employees. A review of policies in these areas is an integral part of this course. A paper that analyzes policies as they relate to human resources functions is an example of a required activity. EDUC 968 Collective Bargaining requires critical analysis of the understandings, perspectives, and experiences of educators regarding supervision and evaluation.

EDUC 968 Collective Bargaining focuses on negotiations, provides simulations in negotiations, and requires students to apply conflict management techniques as they relate to negotiations and collective bargaining. The text for this course is Labor Relations in Education: Policies, Politics, and Practices. The *Arroyo Wells School District Simulation* is an activity that provides an exercise in contract analysis as it pertains to negotiations and collective bargaining.

EDUC 971 School Facilities and EDUC 973 Policy, Politics, and Planning in Education, and EDUC 974 Internship. Requirements include an analysis of schools for potential safety hazards and a review of policies specific to the welfare and safety of all stakeholders which culminates in a written report.

EDUC 974 Internship course is one of the culminating experiences in the Educational Specialist Program (Ed.S.) in Educational Administration and Supervision Program. This learning experience is designed to “provide students with the opportunity to synthesize and apply prior knowledge and to continue to develop the skills essential to successful school/school district level leadership.” The list of examples of Superintendent Internship activities is a sampling of the extensive experiences provided by this course. Students gain multiple perspectives into the complex, diverse roles Superintendents play on a daily basis. A review of completed internship proposals and time logs support the above.

EDUC 964 Human Resources Administration and EDUC 967 School Law courses deal with ethical and legal issues in education. One topic is a review of legal issues related to providing a non-discriminatory environment.

The EDUC 973 Policy, Politics, and Planning course provides an understanding of processes of policy development, practice gaining skill at policy analysis and experience evaluating policy decisions. The required text for this course is Policy Studies for Educational Leaders: An Introduction. Also, a review of several websites including the National School Boards Association, and the American Association of School Administrators Policy and Legislation related websites are activities that are part of the course.

Finally, the standards state “the program shall be flexible enough to allow for individualized programs of study and experience” and “the program shall provide for a field-based experience”. These are met through the extensive, in-depth work done in EDUC 974 Internship and EDUC 975 Advanced Field Project. These courses are design to meet individual student needs while addressing the standards. A review of completed field projects, internship proposals, and Superintendent candidate logs are evidence that these courses require vigorous, hands-on experiences that allow students to apply previous learning in a real-world setting.

Name of Program: Elementary Mathematics Specialist

Program Number: 614.14

Recommendation for Program Approval: Approval

Reviewer Name(s): Anne K. Wallace

1. Summary of Findings on the Unit's Program Assessment System:

At this time there are no graduates of or candidates within this program to assess candidates' works. The UNH Elementary Mathematics Specialist program has developed an integrated curriculum through collaboration between the Mathematics and the Education departments. This program provides candidates to develop both as curriculum leaders and as specialists within mathematics and the learning of mathematics by children.

While there are no graduates or candidates at this point in time, UNH-Durham has shown that their Elementary Mathematics Specialist program has carefully considered how candidates can develop and practice the knowledge and skills outlined in the competencies and standards for certification. UNH-Durham sets and maintains high expectations for learning and achievement for all as seen in the course work and internship/practicum. Recognizing that these specialists will be both leaders within their buildings and/or districts as well as content specialists, leadership skills are developed along with content pedagogy, concepts and skills, curriculum, and assessments, along with national trends through a collaboration of the Education and Mathematics departments.

However, in looking through the program's course syllabi, the *UNH Handbook for Seminar and Internship for Elementary Mathematics Specialist*, the *Elementary Mathematics Specialist for Grades K-6 alignment matrix*, and the *University of New Hampshire Education Department Professional Educator Preparation Program Self-Assessment Report*, along with electronic communication with Dr. Karen Graham, Professor and Chair of the Department of Mathematics and Statistics, one can see that careful consideration has been made in how to develop and assess Elementary Mathematics Specialist candidates comprehensively as building leaders and content specialists. This is seen through, but not limited to, the following requirements:

- Creation and implementation of lesson plans which include learner outcomes,
- Analyzing student work and standardized testing results,
- Building understandings of individual learners and needs,
- Creation of an integrated UbD unit,
- Building understanding of concepts and skills for mentoring and co-teaching,
- Writing grade appropriate tasks,
- Investigations and Analyses of various texts/curriculums,
- Investigations, activities, explorations, and projects (short and long term),
- Integration of various technologies within lessons/units,
- Analysis of online resources,
- Developing a strategic school wide-plan for development, implementation, and assessment of coherent curriculum aligned to current content standards, ISTE, NETS, and 21st Century skills,
- Discussions, essays, and reflections,
- Understanding assessment concepts, current trends, equity, and ethical considerations, and
- Analyzing and critiquing current educational assessments.

Along with assessing program candidates relative to the program's standards, UNH-Durham has taken care to determine ways in which it can also assess the Elementary Mathematics Specialist program itself. This is seen through UNH's Professional Educator Preparation Program (PEPP) Assessment System which includes, but is not limited to, surveys and follow-up interviews from interns, cooperating teachers, graduates, and principals, the use of quality audit controls, and accreditation and approval feedback. That this system is used is seen in the incorporation recommendations from their initial review in 2016. These include the integration of more history of mathematics and performance tasks as seen through the course syllabi and in the University sharing information on this program at

various opportunities within the state such as at New Hampshire Teachers of Mathematics' (NHTM) Spring Conference and Fall Dine and Discuss events.

2. Commendation: None

3. Suggestion:

While this program is strong, I would encourage the inclusion of (or make more visible) further readings centered on the prek-2 grade span along with the grades 3-8 readings in the supplemental materials of the mathematics courses.

4. Recommendations that Require Responsive Action: None

5. Program/Certification Rating (*refer to Appendix*): Effective, 3

6. Evidence Supporting the Rating Includes:

Evidence supporting an Effective rating was based on information from the following:

- the program's course syllabi,
- the *UNH Handbook for Seminar and Internship for Elementary Mathematics Specialist*,
- the *Elementary Mathematics Specialist for Grades K-6 alignment matrix*,
- *University of New Hampshire Education Department Professional Educator Preparation Program Self-Assessment Report* , along with
- electronic communication with Dr. Karen Graham, Professor and Chair of the Department of Mathematics and Statistics.

Throughout the program candidates will be assessed in multiple ways, receiving constructive feedback throughout all phases of the program, focusing on developing and supporting the candidate in assuming greater responsibility and professional competence in within their current schools and/or districts and beyond. Along with assessing the candidates, UNH-Durham has created a system in which to continually assess their programs, making changes as needed to maintain high expectations and quality.

Name of Program: Special Education Administrator Certification

Program Number: Ed 614.15

Recommendation for Program Approval: Approval

Reviewer Name(s): Jennifer Pomykato

1. Summary of Findings on the Unit's Program Assessment System:

The UNH Special Education Administrator certification program generally provides their graduates with the learning experiences needed to meet the standards outlined in Ed 506.07. Entry-level requirements are clear with a process by which each candidate's application is reviewed before acceptance into the certification program. With an emphasis on listening, speaking and writing effectively as defined in Ed 1102, these requirements are embedded within course syllabi as part of the course goals and course participation requirements.

Leadership skills addressed in EDUC 977 (Leadership) and EDU 974 (Internship) effectively address the knowledge, organizational structure and theories as they contribute to the management of an educational organization. Personnel management and development skills are reinforced through EDUC 964 Human Resources. School district policies, professional development plans, while considering areas of critical shortage and how to recruit, hire and retain staff members needed those positions. Work management issues as they impact the workplace are included in the curriculum with problem of the day discussions and applications.

School and community partnerships emphasize organizational supports and their roles within the community while exploring the decision-making processes within those environments. As an area of focus for the Special Education Administrator, the program addresses families of students with disabilities and working with the agencies supporting children before arrival and after departure from our public schools. Special Education Administrator candidates are required to complete Educational Finance (EDUC 962) provides an overview of the planning, developing and auditing processes for school district budgets.

Generally there is minimal emphasis on the special education portion of the school district budget. Suggestions below include expanding the EDUC 962 to include greater emphasis on special education expenditures and revenues.

Special Education Administrators enrolled in EDUC 951 Laws and Regulations in Special Education gain knowledge of current federal and state laws and rules for students with disabilities particularly as they relate to the operation of schools and the development of school district policies. The Education Code is a requirement students must follow when locating, using, and citing New Hampshire laws and rules.

The UNH candidate for Special Education Administration must have knowledge of various elements of diversity and be able to communicate the standards of behavior for staff. This starts during the application process and is reinforced through coursework as reported by UNH staff and as noted in course evaluations.

Administrators of Special Education programs and services must have knowledge of the characteristics of learners as see through the coursework of EDUC 850, Introduction to Exceptionality. Students must have an understanding of child and adolescent development to understand those exceptionalities identified under and supported through special education. Students participate in five learning modules while completing other tasks as outlined within the syllabus. While EDUC 850 serves as a general overview, EDUC 939 Assessment of Students with Disabilities, EDUC 956 Developing Positive Behavioral Supports and EDUC 940 Teaching Students with Learning Difficulties each help develop teacher competence in analyzing learners, their learning environments and their behavioral supports. Suggestions below may enhance the students' level of competence in these areas.

Collaboration with members of general education is a skillset address during the EDUC 974 Internship for each candidate of the Special Education Administrator program. During their internship, candidates must be able to facilitate student participation in school activities while coordinating services within those learning environments. Knowledge of the federal and state laws, policies and procedures apply to program development and in support academic and behavior interventions as evidence in the EDUC 974 and EDUC 956 syllabi. As noted above, updating instructional resources ensures current information about best practice based on current research.

Consider including Manifestation Determination procedures as required under IDEA and monitoring of disciplinary actions that may result in student suspensions that exceed 10 days (therefore a change of placement).

2. Commendation: None

3. Suggestion:

Consider expanding the scope of EDUC 962 Educational Finance to include a focus on budget development aligned with IDEA requirements as well as special education federal grant revenues. Special education administrators need to understand the impact of special education expenditures and anticipated special education revenue as part of the district-wide budget.

Consider expanding and updating EDUC 956 Developing Positive Behavior Supports for Students with Challenging Behaviors. The text, Positive Behavioral Support: Including People with Difficult Behavior in the Community published in 1996 may contain valuable information but may not reflect best practice within our public schools. More recent federal and state laws may not be included (i.e. seclusion and restraint, and using functional behavior assessments and data to develop behavior intervention plans).

Consider reviewing and revising EDUC 939 Assessment of Students with Learning Disabilities to reflect current practice. Evaluations, deliberations and determinations of a learning disability must first include data review under Multi-Tiered Systems of Support (MTSS) or Response to Intervention (RtI) as noted in the NH Standards for Special Education in Schools. Additionally, NH and other state laws require school districts to screen all primary grade students for dyslexia and related disorders with intervention plans in place within a timely fashion.

Special Education Administrator candidates' gain knowledge of priority special education federal law and regulations, state law and regulations and local policies. As noted above, consider review and revision of those courses to include recent changes in regulations regarding learning disabilities evaluation procedures and behavior interventions requirements.

Special Education Administrators may have supervisory duties for staff. Standard (7) b. states, "Ability to communicate and practice a high standard of professional behavior as documented by supervisors evaluating the candidate's on-the-job performance". The NH DOE'S Code of Ethics and Code of Conduct publications were not included within available materials but may be useful to students within the NH schools as required by legislative vote.

Professor interviews and workload reports raised questions about staffing shortages that could impact the advisory and supervision capacity of intern supervision and course offerings aligned with the special education administrator certification requirements. More information is needed but issues were raised during the current students' and alumni students' interview session.

4. Recommendations that Require Responsive Action: None

5. Program/Certification Rating (*refer to Appendix*): Effective, 3

6. Evidence Supporting the Rating Includes:

- Taskstream/Watermark Exhibit Room
- Staff member interviews
- Taskstream/Watermark Exhibit Room resources
- UNH Self Report: “The following courses must be completed to ensure that the student has the ability to listen, speak, and write effectively concerning all the areas of special education: EDUC 850 Introduction to Exceptionality, EDUC 856 Supporting Families of Individuals with Exceptionalities, EDUC 938 Advanced Seminar in Special Education, EDUC 939 Assessment of Students with Learning Difficulties, EDUC 940 Teaching Students with Learning Disabilities, EDUC 951 Laws and Regulations in Special Education, and EDUC 956 Developing Positive Behavioral Supports.”

Taskstream/Watermark Exhibit Room resources

- EDUC 974 Internship and EDUC 977 Leadership syllabi
- Taskstream/Watermark Exhibit Room resources
- EDUC 964 Human Resources syllabus
- EDUC 974 Internship and EDUC 977 Leadership syllabi and course goals
- EDUC 856 Supporting Families of Individuals with Exceptionalities syllabus
- EDUC 856 Portfolio; students must gather and reflect on interagency agreements
- EDUC 962 Educational Finance syllabus
- Special education administrators’ responsibilities for budgets per IDEA requirements as well as special education federal grants and federal special education program reimbursements may be addressed within the course, but not referenced within the available resources.
- The role of the special education administrator may be discussed but not referenced within available resources.
- EDUC 951 Laws and Regulations in Special Education syllabus
- EDUC 856 Supporting Families of Individuals with Exceptionalities syllabus
- NH DOE’S Code of Ethics and Code of Conduct were not included within available materials but may be useful to students within the NH schools as required by legislative vote.
- EDUC 850 Introduction to Exceptionality syllabus
- During interviews current UNH students and UNH alumni requested additional background on best ways to support students coping with trauma and students exhibiting behavioral needs.
- National and local state statistics support a rise in behavioral needs.
- Research identifies resources available to support students, staff and administrators (i.e. social-emotional learning, trauma-informed schools, Response to Intervention for behavior and academics)
- EDUC 974 Internship syllabus
- EDUC 951 Special Education Law syllabus
- Module # 5 discusses discipline
- Manifestation determination processes required under IDEA may be available but were not included within the materials available.

Recommendation for Program Approval
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The review team recommends the following programs for full approval for 7 years:

Ed. 612.03	Early Childhood Education (BS, M.ED)
Ed. 612.071	Early Childhood Special Education (M.ED)
Ed. 612.16	Health Education (M.ED, MAT)
Ed. 612.16/612.21	Health and Physical Education Integrated (BS)
Ed. 612.17	Mathematics Education (5-8) (BS)
Ed. 612.18	Mathematics Education (7-12) (BS)
Ed. 614.04	School Principal (Conversion, Ed.S)
Ed. 614.05	School Superintendent (Ed.S)
Ed. 614.14	Elementary Mathematics Specialist (M.ED)
Ed. 614.15	Special Education Administrator (Certificate)

The review team recommends the following programs for conditional approval for 2 years:

Ed. 612.20	Music Education (BS)
Ed. 612.07	General Special Education (M.ED)

Appendix- Program Performance Levels

4 Highly Effective - Teacher Preparation programs performing at the *Highly Effective Level* consistently do the following:

Consistently advance candidate growth and achievement. They set and maintain high expectations for learning and achievement for all candidates and create an environment of mutual respect, inquisitiveness, and caring. Highly effective programs demonstrate extensive knowledge of content, standards, and competencies, and connect them to relevant local and global issues. These programs model and encourage innovation, creativity, critical thinking, and engagement on the part of their candidates, and use their expertise and skills to engage their candidates in authentic, accessible, and meaningful learning opportunities aligned to the content, standards, and competencies. Highly effective programs facilitate personalized learning through intentional, flexible, and research-based strategies. They are literate in multiple forms of assessment and incorporate and model these multiple assessment strategies to evaluate candidate and program performance and adjust curriculum and programs accordingly. Highly effective programs integrate and model technology into their instructional and assessment approaches in ways that advance candidate learning opportunities. Highly effective programs consistently demonstrate leadership in their contributions to their college/university and K-12 school partners' progress and culture of growth. They engage productively in learning communities and continuously strive to maximize their own self-directed professional growth. These programs consistently uphold high standards of professional practice.

3 Effective - Teacher Preparation programs performing at the *Effective Level* consistently do the following:

Programs performing at the effective level generally advance candidate growth and achievement. They set and maintain high expectations for learning and achievement for all candidates, create an environment of mutual respect and caring, and engage candidates in appropriate learning opportunities. Effective programs demonstrate sound knowledge of content, standards, and competencies, and connect them to relevant real world issues. These programs model and encourage innovation, creativity, critical thinking, and candidate engagement, and use their expertise and skills to engage their candidates in authentic, accessible, and meaningful learning opportunities aligned to the content, standards, and competencies. Effective programs facilitate personalized learning through research-based strategies and model these strategies for candidates. They use multiple forms of assessment to evaluate candidate and program performance and adjust curriculum and programs accordingly. Effective programs appropriately integrate and model use of technology into their instructional and assessment approaches. Effective programs contribute collaboratively to their college/university and K-12 partner's progress and culture of growth by engaging in learning communities, fostering their own self-directed professional growth, and frequently providing leadership to support improvements in their colleagues' performance. These programs consistently uphold professional standards of practice.

2 Needs Improvement - Teacher Preparation programs performing at the *Needs Improvement Level* do the following:

Programs performing at the needs improvement level inconsistently advance candidate growth and achievement. They establish expectations for learning and achievement for most candidates and engage candidates in appropriate learning opportunities. Programs performing at the needs improvement level demonstrate knowledge of content, standards, and competencies. These programs use their knowledge and skills to engage their candidates in accessible and meaningful learning opportunities aligned to the content, standards, and perhaps competencies. Programs performing at this level attempt to facilitate personalized learning using a mix of research-based and other strategies. They use multiple forms of assessment to evaluate candidate and program performance but do not consistently use the results to adjust curriculum and programs accordingly. Programs performing at the needs improvement level may use technology in their instruction and assessment approaches. Programs performing at this level participate in learning communities, but do not consistently attend to their own self-directed professional growth. These programs uphold professional standards of practice.

1 Ineffective -Teacher Preparation programs performing at the *Ineffective Level* consistently do the following:

Programs performing at the ineffective level may advance some candidate growth and achievement, but frequently fail to improve most candidates' growth. They are unable to establish ambitious and reasonable expectations for candidate learning for most and may be unable to engage candidates in appropriate learning opportunities. Programs performing at the ineffective level may have some knowledge of content, standards, and competencies, but these programs do not use their knowledge and skills to engage their candidates in accessible and meaningful learning opportunities aligned to the content, standards, and perhaps competencies. Programs performing at the ineffective level may attempt to facilitate personalized learning using a mix of research-based and other strategies but cannot prove consistent improvement in candidate learning. Programs performing at the ineffective level participate in learning communities, but do not attend to their own self-directed professional growth and/or support the growth of their colleagues. These programs generally uphold professional standards of practice.

As of February 1, 2020
Nonpublic School Approvals
Report List

City	Renewing Nonpublic Schools	Status	Expiration	Approval with the Office of Nonpublic Schools
Elkins	US Performance Academy	AA	15-Feb-2020	23-Jan-2020

Nonpublic School Checklist for Renewal Applications

Reviewed By: Shireen Meskoob

Please note: Yearly renewal requirements and changes since last filing were submitted. Categories reviewed are highlighted in yellow.

School Name: US Performance Academy		Phone Number: 877-350-8772	
About the School: USPA is a private, online, middle and high school created for high-performance athletes. It is designed for athletes looking for a school that supports students who are training, traveling, and competing. The online curriculum allows for flexible school schedules and academic calendar, and leverages technology for a virtual education.			
Address: PO Box 293, Elkins, NH 03233 (The school is an online school.)			
Head of School: Pete Smith		Email: pete.smith@gouspa.org	
Date Application Received: 1/17/2020		Date of Initial Approval: 2/25/2019	
Multi Grade Classes: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Co-Educational: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Boarding School: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Application: Renewal (AA Status) <input checked="" type="checkbox"/> For Profit <input type="checkbox"/> Nonprofit <input type="checkbox"/>	
Grade Levels: 6-12		Enrollment Total: 128 for school year 2019-2020	

Approved	Required Documents	Date Received	Comments
<input type="checkbox"/>	Accrediting Agency		
<input type="checkbox"/>	Summer School/Programs		
<input checked="" type="checkbox"/>	School Calendar	1/17/2020	First scheduled day of classes is 9/3/2019 and the last day is 6/26/2020. Students may, at the same time, enroll throughout the year through the approved application process given that the school's purpose is to accommodate athletic events.
<input checked="" type="checkbox"/>	School Hours Survey	1/17/2020	A minimum of 1080 hours is required for each grade level at the school. This meets the minimum requirement in Ed 401.03, 945 hours for grades 1-6, 990 hours required for grades 7-12.
<input type="checkbox"/>	Curriculum/Objectives Changes		
<input type="checkbox"/>	Graduation Requirements		
<input type="checkbox"/>	Phys. Ed Credit on High School Transcript		
<input type="checkbox"/>	US-NH History, RSA 189:11		
<input type="checkbox"/>	Staff List		
<input type="checkbox"/>	New Staff Resume		
<input type="checkbox"/>	Criminal Records Check		
<input type="checkbox"/>	Board Members List		
<input type="checkbox"/>	Fire and Life Safety Report	N/A	The school is an online school and therefor this report is inapplicable.
<input type="checkbox"/>	Health Inspection Report	N/A	The school is an online school and therefor this report is inapplicable.
<input checked="" type="checkbox"/>	Secretary of State Certificate of Good Standing	1/17/2020	USPA is in good standing with the NH Secretary of State. Business was created on 1/11/2019 with a principal office address in New London, NH.
<input type="checkbox"/>	Federal Tax Exempt Status		
<input type="checkbox"/>	Authority to Sign Financial Documents Bonded		
<input type="checkbox"/>	Receive Funds from Local District		
<input type="checkbox"/>	United States Flag Displayed		
<input type="checkbox"/>	Student Handbook		
<input type="checkbox"/>	Grievance Policy		
<input type="checkbox"/>	Student Records Location Upon School Closing		

<input type="checkbox"/>	Emergency Operations Plans Uploaded	N/A	The school is an online school and therefore submitting this plan is inapplicable.
<input type="checkbox"/>	A3N General Statistics for Nonpublic Schools	N/A	The survey was due June 29 and was not completed in 2018-19 because the school had yet to complete a full calendar year.
<input checked="" type="checkbox"/>	A12C General Fall Report of Nonpublic Schools	1/3/2020	The survey was due October 15. The school was late in submitting the information.
<input type="checkbox"/>	Restraint/Seclusion Report	N/A	The school is an online school and therefore this report is inapplicable.
<input type="checkbox"/>	Date of Visit by the Department of Education		
<input type="checkbox"/>	Facility Location		
<input checked="" type="checkbox"/>	Application Complete and Reviewed by DOE	1/23/2020	The Office of Nonpublic Schools determines that US Performance Academy (USPA) complies with the minimum requirements set forth in Ed 400 relative to the continuance of its renewed status for attendance purposes only (AA Status). With the approval of the State Board of Education, our office will send a letter to the school indicating the approval for explicitly attendance purposes only, good through June 30, 2022. Upon researching the school's website and conferring with the school's president, Pete Smith, the USPA neither advertises nor markets itself as a school with an AA nor an AP status. The school further understands and has certified that its current approval status is for attendance purposes only, as indicated on the application they submitted.



Making Community Connections Charter School
Charter Renewal
January 31, 2020

Empowering me with the knowledge, skills, and dispositions to use my unique voice effectively and with integrity in co-creating our public global world.

Introduction

Leveraging New Hampshire's Unique Context

In 2005, the New Hampshire State Board of Education passed new *Minimum Standards for School Approval*, which require that graduation be based on demonstration of student mastery of course-level competencies. Making Community Connections Charter School aspires to epitomize the potential inherent in the vision of this groundbreaking policy framework for education and learning.

Research Based Solution

Built on the footprint of the original MC² (Monadnock Community Connections School in southwest New Hampshire), Making Community Connections Charter School incorporates the successes of the original model, as well as the lessons learned through that eight-year development and pilot cycle. Most importantly, we note that sustainable system change includes developing adult capacity through intentional monitoring and adjustments. Effectively implementing Making Community Connections requires coaching and mentoring for adults, along with administrative support and data-based decision-making.

The primary premise of the Making Community Connections (MC²) system is a shift from the “batch and queue” model of public schooling, where all students of an age cohort move through the same learning process at the same time; if one doesn’t pass, they are sent back to repeat the whole process, to “continuous flow,” where learners progress and graduate based on demonstrated proficiency in competencies, rather than the amount of time they have spent sitting in classes. This provides essential flexibility for systematically responding to specific needs of all learners. A second key premise is that implementing high standards and high quality assessments requires students to engage directly with understanding the content and skills needed to meet those standards and to co-design work that enlists them in mastering academically rigorous and relevant content and skills.

MC² leverages research on the role of autonomy, mastery, and purpose for intrinsic motivation, and the impact of formative assessment on improving student achievement by connecting students with the community to create rigorous, real-life learning experiences that will prepare them for citizenship, college, work and life. Additionally, high quality community-based learning naturally embeds 21st century themes and skills: learning and innovation skills; information, media and technology skills; and life and career skills.

MC² represents the synthesis and application of extensive research and years of experience, deriving foundational elements, best practices, and guiding principles from: the Coalition of Essential Schools, ASCD’s First Amendment Schools and Whole Child

initiative, the Asia Society's International Studies Schools Network, Antioch University New England's Critical Skills Program, Public Achievement, School Reform Initiative, League of Professional Schools, All Kinds of Minds, What Works in Schools, Understanding By Design, Leadership and Learning Center, and the Teachers College Reading and Writing Project.

Target Population

MC²'s design explicitly provides multiple entry points and pathways to high quality learning for every child. Students and parents/guardians who wish to have more choice and voice in the learning process are the primary audience for MC². Historically, we have found MC²'s design to be especially beneficial for students who are not achieving to their potential, academically, socially, and emotionally. MC² intentionally focuses on students' gifts and abilities, leveraging children's strengths while providing multiple strategies for addressing challenges. MC² believes that a high-quality learning environment can meet the needs of all learners, regardless of race, class, language, gender, and special abilities. By empowering students to be contributing participants in their education, our community, and the diverse global society we live in, and by working with families and the community to create a learning community that provides students with learning experiences that are immediately relevant, MC² believes every student, including students put at risk of academic failure, at risk of not graduating on time, who have dropped out or are far below grade level, or are over-aged and under-credited, can graduate with the knowledge and skills to be successful at college, career, and life.

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MAKING COMMUNITY CONNECTIONS (MC²) CHARTER SCHOOL

a. Educational Mission

Vision

Making Community Connections Charter School (MC²)'s vision is to **ensure each child's success by working together with families and communities to interrupt the predictive value of race, class, language, gender, and special capacities on student achievement in our schools and our communities.**

Mission

The Making Community Connections Charter School mission is both bold and pragmatic. We aspire to establish a sustainable network of multiple preschool through graduate school pathways that enable every learner to confidently say MC² is:

Empowering me with the knowledge, skills, and dispositions to use my unique voice effectively and with integrity in co-creating our public global world.

MC² seeks to uncover, recover, and discover the unique gifts and talents that each child brings to school everyday. MC² works collaboratively with families, community members, and social service agencies to solve real problems, locally and globally, as well as create art for public spaces. Students graduate from MC² as stewards of the environment with the will, skill, capacity, and knowledge to contribute to the greater good.

We believe every young person deserves to have aspirations, and to be supported in every way possible in developing the will, knowledge, skill, and capacity to achieve their aspirations. Every young person deserves to graduate from high school with options: the option to go to college, and the option to work. Every young person deserves to have the skills and know-how to co-create their public world, to participate in their community and help shape the local and global decisions that will impact their lives. Every young person deserves to know their strengths, to know how to leverage their strengths to overcome or compensate for their challenges, and to know how to access and effectively utilize resources.

To that end, our learning community design is based on four Guiding Principles:

- **We are all learners** with aspirations and passions that deserve to be supported in every way possible.

Learning changes lives by helping us develop the will, knowledge, skill and capacity to achieve our aspirations.

Learning needs to happen in different ways, so we use various strengths and resources to engage with the world around us.

Learning empowers us to co-create our public world and to shape the local and global decisions that impact our lives.

Making Community Connections Charter School is grounded in the four characteristics of effective learning environments: learner centered, knowledge centered, assessment centered and community centered (*How People Learn*). The MC² system builds on successful existing models that leverage NH's unique educational context of competency-based graduation to engage young people in negotiating personally meaningful standards based application, documentation, and defense of learning, combines research-based best practices with technological tools, and establishes reciprocal partnerships where youth are learning from and contributing to their communities.

MC² begins with a definition of “what success looks like” in the form of a Graduate Profile that delineates the knowledge, skills, and dispositions needed to be college and career ready and globally competent. The MC² design provides a comprehensive approach to school organization and culture, curriculum and instruction, teachers’ professional development, and parent and community involvement that guides the implementation of practices needed to achieve the tenets of the Graduate Profile. The design provides clear guidance on how to accelerate achievement within the New Hampshire framework of standards and accountability, while thoughtfully infusing global perspectives.

b. Governance and organizational structure and plan

FOUNDING ORGANIZATION

The Q.E.D. Foundation, a 501(c)(3) organization dedicated to creating and sustaining student-centered learning communities, has served as the Founding Organization of Making Community Connections Charter School (MC²). All of the members of the Q.E.D. Foundation are directly involved with education, and have experience with budgets and financial management at both the school building and the district level. Three of the founders have served as building-level administrators, and two have served as school board members. This experience includes the vast array of financial and fiscal responsibilities a school administrator takes on, including managing instructional supply budgets, professional development funds, capital projects, facilities, buildings and grounds, and technology. The group also has members with extensive experience in state, federal, and private grant writing and management. The founders realize that the financial management of a charter school creates unique challenges and intricacies, so we will enlist the help and services of community representatives with a diverse set of financial, legal, and business skills, as well as school finance experts, entrepreneurs, and service providers.

BOARD OF TRUSTEES

In accordance with RSA 194-B: §5, MC² will be governed by a five- to twelve-member Board of Trustees that has general supervisory control and authority over operations of the charter school. The Board has a statutory responsibility for reporting progress and achievement of the school's stated goals.

The Board of Trustees meets at least monthly to review the charter school's progress in achieving its stated goals.:

The Board of Trustees can establish *ex officio* board members and/or advisors who will be non-voting.

MC² campuses endeavor are encouraged to enter into mutually advantageous contractual relationships with host school districts and community based organizations wherever possible, with the intentions of sharing of transportation, instructional, athletic, maintenance, and other service and facilities.

For purposes of conducting business, a majority of the board members must be present and participating in person to be considered a quorum. Video or voice communication will be available for every meeting as a means of encouraging participation. Records and minutes of meetings will be kept in accordance with New Hampshire's Right to Know statute, which applies to chartered public schools.

OFFICERS

Board officers include: chair, vice chair, secretary, and treasurer. Officers of the board shall be elected by majority vote of those present at the annual organizational meeting to be held in January of each year and shall serve until the next annual organizational meeting.

COMMITTEES

The Board of Trustees will have subcommittees such as fundraising, facilities, etc. as it deems necessary to pursue specific topics and report back to the board for action, unless the board specifically votes to delegate a subcommittee to act. One standing subcommittee will be for board recruitment (so potential board members can be identified in a timely manner) and one standing committee will be for finance and entrepreneurial revenue (to maintain focus on financial sustainability).

GOVERNANCE

The Board of Trustees of MC² is responsible for supporting the vision, mission and core beliefs of the school, and for providing active and sound fiscal oversight for the school. MC²'s Board of Trustees oversees the school's finances. While school leadership and contracted business management consultants hold primary responsibility for creating and maintaining a sound budget, they report directly to the Board of Trustees, who ultimately approve and be responsible for all of the school's budget and financial matters.

The Board of Trustees is responsible for:

- Approving an annual operating budget for the school.
- Meeting monthly with school leadership to review the budget and address any concerns or issues, as well as to plan for financial growth, development and sustainability.
- Developing an annual financial timeline for the school.
- Approving fiscal reports; facilities plans; fundraising plans and reports; marketing plans and reports; annual performance review of the MC² Director; the contract of the MC² Director; and all human resources decisions and contracts.
- Developing and maintaining the MC² accounting and finance manual.
- Ensuring proper accounting and reporting practices.
- Creating a systematic fundraising plan and raising funds for the school.
- Reviewing and evaluating the school's relationship and contract with any outside accounting, bookkeeping and other service providers.
- Supporting the curriculum and educational plan outlined in the charter by supporting the work of the Director and MC² faculty.
- Creating a student recruitment plan in the unlikely case of low student enrollment in any particular school year.
- Developing a long-range, strategic growth plan.
- Developing public understanding, demand, and will for high quality education for every child.

The Board of Trustees also has oversight and authority to render final decisions on matters pertaining to:

- Appointing one or more advisory members or committees.
- Reviewing and approving significant contracts, e.g., for facilities and benefits programs.
- Matters for which the board serves as a hearing body for action or appeals.
- Any other matters which are prescribed in statute or rule.

BOARD OF ADVISORS

The governing Board of Trustees may be augmented by an Advisory Board, non-voting, who represent academia, research, international relations, students and faculty, legislators, and topics of interest to the board. The Advisory Board purposefully seeks to include diverse perspectives of partners collaborating with the school to advise on program quality, current research and developments, and business strategy.

c. Methods by which trustees and their terms are determined

Trustee selection is based on personal and professional background and a

commitment to the school's mission, support, and sustainability. Trustees represent the diversity of stakeholders and contributors.

There shall be no less than one (1) and no more than three (3) members of the Founding Organization (Q.E.D. Foundation, Inc.) on the Board of Trustees. The board has a conflict of interest policy, which is reviewed annually and as needed to ensure the school is never at risk of a conflict of interest.

Trustees shall be chosen for a term of three (3) years to succeed those whose term expires. Incumbent Trustees shall be eligible for re-election or reappointment; provided, however, no person may serve as a Trustee for more than three (3) consecutive three (3) year terms without unanimous consent of the Board of Trustees at each subsequent renewal. Any vacancy among the Board Trustees caused by death, resignation, removal or otherwise shall be identified and filled by the Board of Trustees. A Trustee elected to fill a vacancy shall hold office until the expiration of the term of the Trustee causing the vacancy and until a successor shall be elected and qualified.

(d) General description and proposed or potential location of facilities to be used, if such information is available.

MC² Manchester is currently located on the east side of Manchester, close to the city police and municipal complex. Administration and the board are in negotiations to relocate for the purpose of providing outdoor recreation space and expanding facilities to meet enrollment interest.

MC² Monadnock is currently located close to the center of Keene, with three years remaining on that building lease.

(e) Maximum number, grade, or age levels, and, as applicable, other information about pupils served

ENROLLMENT

The charter school currently has two campuses: one in Manchester and one in Monadnock (Keene). The Manchester campus will grow to 150 students, across grades 6 - 12. The Monadnock campus will grow to 120 students, in grades 9 – 12.

The MC² charter was written for the possibility of ultimately having multiple campuses in different communities, with alternative pathways for students attending, preschool through high school. The school's maximum enrollment capacity will be determined by a combination of variables, including the number of locations, building size, and public demand, but each campus will have no more than 200 students.

As a state-sponsored charter school MC² is an open enrollment school of choice for

students throughout New Hampshire. For state-sponsored student placements, MC² will comply with statutory provisions whereby not more than 10% of the resident pupils in any grade shall be eligible to transfer to a charter school in any school year without the approval of the local school board.

On a space-available basis, the Board of Trustees accepts students funded in alternative ways for available slots, including tuition students from out of state.

INFORMATION ABOUT PUPILS SERVED

The mission of this charter school is clearly tied to educational equity, global competency, and mastery-based learning. Academically rigorous learning standards are held constant within a learning community that is systemically responsive to diverse learners' needs for achieving those standards and to community context and resources.

The school is intentionally designed for students from all academic and economic backgrounds who seek a public school that will prepare them to graduate college, work and life ready through a diversity of challenging learning experiences and expectations in all academic areas. MC² is a learning community committed to continually implementing research-based best practices for all students, including students who have had limited access to high academic expectations and supports, are underserved and/or are high need students. High need students are those put at particular risk of academic failure and include those who have particular learning needs, are at risk of not graduating on time, who have dropped out or are far below grade level, or are over aged and under-credited. High need students may be living in poverty, be homeless, be in foster care, or have been incarcerated. They may be students with disabilities or they may be limited English proficient.

Students who are apt to choose MC²:

- Welcome community-based opportunities for learning in a variety of situations and environments.
- Value having adult advocates and mentors who serve as students' coaches and advocates, without compromising expectations and belief in student success.
- Aspire to earn a high school diploma and graduate college and career ready.
- Desire a program where students gradually take on responsibility for their own program design and educational goal-setting.
- Welcome a personalized school environment designed to cultivate student interests and talents.
- Choose a school community that values diversity and is based on rights, respect, and responsibility.
- Have parents/guardians who support these attributes in a learning environment as well as seek an active voice and role in their child's learning.

(f) Curriculum that meets or exceeds state standards in the subject areas offered

At the heart of MC² is a strong intellectual mission, engaging students in analyzing experts' knowledge in various domains of knowledge and connecting academics to service learning, career paths, and internships. Students engage directly with making meaning of the standards, co-designing work that will best engage them in deep exploration of the standards.

DISTINGUISHING (SPECIAL) CURRICULUM FEATURES

Learner Profile

Led by the advisors, learning teams (student, advisor, parents or guardians, and other relevant adults) work together to develop learning profiles for each student. Students and families are partners in this process, with students learning about their own learning and consciously developing and applying strategies for effectively managing their own learning experiences. Parents are provided information and training as well, and a common language is developed for talking collaboratively about students' learning. Ongoing analysis of each student's learning strengths and weaknesses combines with analysis of quantitative and qualitative data to provide a continually updated foundation for targeting supports, modifications and accommodations, while leveraging students' strengths and affinities.

MC² utilizes the state Early Warning System as well as other data monitoring to identify students put at risk of dropping out of school and for tracking and monitoring students' progress. Individualized transition planning will be part of every student's plan throughout their MC² experience, including school-to career planning and support services.

Standards/Competencies

State and national standards provide the footprint of our students' learning, with the Common Core Standards as the foundation. Standards from national academic organizations, such as National Science Teachers Association, National Council for Social Studies, and Modern Language Association, will be continually reviewed, aligned with New Hampshire state competencies and incorporated into MC² academic expectations. The Asia Society Global Competencies and Global Leadership Competencies are an explicit component of the MC² standards. All curriculum standards are correlated to Career Clusters, guiding students to explore relationships between academic learning and career, vocational, and recreational pathways.

Competencies are clustered in Key Stages: Primary (K - 2), Intermediate (3 - 5), Middle (6 - 8), High (9 - 12). Each Key Stage will be delineated by appropriate academic and social and emotional learning progressions, with clearly defined documentations for progress.

Learning Opportunities

Through a variety of **project based and experiential learning** opportunities, ranging from interdisciplinary classes to personal learning experiences, students work with teachers and mentors to design personally meaningful work that addresses curriculum standards while infusing **global competencies**. Progress is **proficiency-based**, with clearly identified benchmarks and documentation requirements articulated and shared with students and parents/families. **Community based learning** is an integral component of our learning program, beginning with service learning for younger students and culminating in internships (and apprenticeships as appropriate) for older students.

There are four main types of learning opportunities at MC²: interdisciplinary classes, community based learning, treks, and personal life experiences.

- **Interdisciplinary classes (called learning studios):** Classes are designed based on students' needs, and focus on life-roles, relevant issues, and personal perspectives. Students integrate their knowledge and understanding through a variety of activities that promote critical thinking, collaboration, and self-reflection. Classes begin with an experience that connects students to the “essential question” or “big idea” of the course (example: “What does it mean to be human?” and “Are data always right?”). That experience is debriefed by the whole class, and then unpacked through learning around core knowledge and skills for that course. About halfway through the class, students identify topics of interest related to the class, and develop personalized projects with targeted goals for investigating specific areas of the course more in depth. Global competencies are intentionally infused throughout all domains of knowledge. Goals also target Habits of Lifelong Learning (detailed in section (g) below). Students are assessed based on their application and extension of the core knowledge and skills, as well as the specific Habits goals they set. Students are expected to meet or exceed MC² expectations for application, documentation, and defense demonstrating proficiency in competencies. The Critical Skills Program model from Antioch University serves as a basis for developing all students' will, knowledge, skill, and capacity to assume ownership and accountability for their learning over the course of their educational career.
 - Literacy is developed through multiple strategies, including but not limited to:
 - Linguistics Workshop Model: Workshops are highly structured, predictable, purposeful, and well planned: they allow for students to take initiative, create work, and learn in a way that is meaningful. Readers' and Writers' Workshop occur daily and are the heart of the reading and writing curriculum. Although students read and write throughout every component of the curriculum, this is where students are explicitly taught the strategies and habits of effective reading and writing, throughout all stages of their school career.
 - Literacy Stations, Guided Reading, and Book Clubs: Depending

on the needs of individualized students, they will be engaged in one or more small groups settings for further reinforcing and extending literacy skills and content, applying and developing fluency and comprehension skills, and engaging in literary response and analysis.

- Critical Literacy: Critical literacy is the crucial link between the Linguistics Workshops and projects and community-based learning applications. Students are taught how to read their work with a critical lens, using the Four Dimensions of Critical Literacy (as developed by Mitzi Lewison, Amy Seely Flint, and Katie Van Sluys [2003]): disrupting the commonplace, interrogating multiple viewpoints, focusing on sociopolitical issues, and taking action and promoting social justice, for the purpose of engaging students in looking at how to make the world they live in a better place.
- Numeracy is developed through multiple strategies, including but not limited to:
 - Workshop Model: Similar to Readers' and Writers' Workshop, the Numeracy Workshop are highly structured, predictable, purposeful, and well planned. Students are explicitly taught the essential concepts of numbers and computation, geometry, data analysis, probability, problem solving, measurement, and algebra. Through a series of investigations, students encounter and use important mathematical ideas, actively engaging in mathematical reasoning to solve complex mathematical problems.
 - Active Explorations, Projects, and Math Clubs: Depending on the needs of individualized students, they will be engaged in one or more small group settings for further reinforcing and extending numeracy skills and content, identifying problems and persisting in solving them, reasoning abstractly and quantitatively, constructing viable arguments and critiquing the reasoning of themselves, using appropriate tools, attending to precision, and modeling and making use of patterns and structure.
 - Critical Numeracy: Similar to critical literacy, students are taught how to view their work with a critical lens, applying the Four Dimensions of Critical Literacy to numeracy issues, particularly through applications and modeling of mathematical structures and patterns.
- **Community Based Learning** - Community based learning requirements help students find their place in the world as they explore service opportunities individually and in groups. In service learning opportunities, students identify areas of concern or need in their larger community and work with adults to enact positive

change in the world. Career exploration will be an integrated component of community based learning, with students explore careers through a variety of developmentally appropriate experiences.

- Primary and Intermediate Key Stages will highlight group Service Learning experiences, along with developmentally appropriate career explorations.
 - Middle Key Stage will engage students in group and individual Service Learning, with investigations and explorations of career clusters.
 - Division I and Division II Key Stage students will engage in individual and group Service Learning experiences. Career learning will expand to incorporate job shadows, internships, and for older students, dual enrollment and apprenticeships to discern areas of vocation, avocation and hobbies. Job shadows can be short visits or a series of interviews in a particular career cluster for the student to explore the area, and can lead to a longer-term Internship. Internships will involve students working in a one-on-one relationship with an adult mentor, doing real work culminating in a project that adds value to the work environment while simultaneously evidencing students' application and mastery of their learning.
- **Treks:** Field experiences provide students opportunities to develop skills and apply learning in meaningful settings. Treks aim to engage students' sense of curiosity, wonder, and exploration while promoting lifelong learning and developing skills, knowledge, and good judgment. Treks may be initiated by students or teachers, and may be school-based or personal. All treks include pre-trek work, involving research, forming questions and, in some cases, hypotheses, and addressing logistical planning. Post-trek work is also required, where students reflect on the experience, analyze their information, and synthesize their learning into a final product (e.g. paper, project, presentation, etc.). Students are assessed based on their application and extension of content knowledge and skills, as well as specific related habits (detailed in section (g) below), including Management and Information and any additional Habit goals they set.
 - **Personal life experiences:** Students will be encouraged to design Extended Learning Opportunities (ELOs) to earn academic credit for learning outside the MC² program. Each ELO plan will include clearly identified competencies, accountability and assessment checkpoints, and teacher and community mentors. All ELOs will meet or exceed MC² expectations for application, documentation, and defense of demonstrating proficiency in competencies.
 - Personal life experiences may include, but are not limited to, after school and recreational learning experiences, online courses, community college and continuing education courses, and vocational training such as Fire Explorers, Firefighter Training, and Nurse's Aide training.

Documentation of Learning

Assessment of learning is based on shared responsibility, between academic and content/skill experts, and among the learning team. A strong emphasis is placed on formative and performance-based assessments, including portfolios and exhibitions of learning. Students are coached on developing responsibility for documenting and defending their learning in relation to the standards and identified academic and personal goals. Students are expected (and provided support) to communicate their learning through a variety of methods, including but not limited to, demonstration, informal and formal reflective writing, informal conversation and formal presentation, and both norm-referenced and criterion-referenced tests. Information and communication technologies are essential tools in students' documentation process. An online learning management system provides the basis for timely feedback and communication to all members of the learning team and allows students to build a body of work for life. Student engagement in the learning management system begins in the early grades, through developmentally appropriate use of communications technology, including photos, scanned work, and audio and video clips, and increases in sophistication over students' educational careers.

Learning Community

Advisories are the structural foundation for learning at MC². Students work with their learning teams to develop goal setting and project management, while learning how to maximize their learning strengths and improve weaknesses. Students identify long-term (quarterly) goals in their Individualized Learning Plans, and then set weekly targets for making progress toward their goals. The learning team consists of the student, parents and/or family members, and the advisor, with community partners/mentors as appropriate.

MC² is an intentionally democratic community, with student voice at the center of the process. The school governance structure is designed to provide multiple opportunities for students to develop and practice using their voices to co-construct their learning community. Throughout all key stages, teachers solicit regular feedback from students, coach them on articulating their feedback so it is audible, credible, and actionable, and help them develop comfort with multiple perspectives.

(g) Academic and other learning goals and objectives

Student Goals

MC²'s student and organizational goals are a direct outgrowth of its core beliefs, mission, and vision. Each goal addresses multiple core beliefs, and each supports the overall mission and vision of the school. MC² believes that a truly successful school serves all kids well, including those who have historically not been served well by public schools. We have high expectations for our faculty and our students, and we will hold ourselves accountable for the success of all of our students, especially those with the highest need.

I. On average, students will meet the following benchmarks:

- **Applications – progressing in habits; progressing in all Essential**

Knowledge competencies,

- **Creations, Phase 1 – proficient in 15% competencies, proficient in Self Direction, Community, Ownership, and Technology**
- **Creations, Phase 2 – proficient in 40% competencies, proficient in Self Direction, Community, Ownership, Technology, Quality Work, Management, Decision Making, and Collaboration**
- **Creations, Phase 3 – proficient in 80% competencies, proficient in all habits**
- **Creations, Phase 4 – proficient in 100% competencies, exemplary in all habits**

Measurement: MC² Progress Reports.

- 2. Each student successfully completes no less than two substantive projects as measured by MC²'s criteria every year.**
 - a. Measurement: Documentation of student exhibitions, Student Portfolios, MC² Progress Reports, and Project Specific Rubrics
- 3. Each student can articulate his/her personal beliefs and values through artistic expression.**
 - a. Measurement: Documentation of student exhibitions, Student Portfolios, and MC² Progress Reports
- 4. Each student demonstrates his/her ability to listen for understanding, supports his/her peers' learning, and takes responsibility for his/her own learning, and meaningfully collaborates with peers to further their own learning.**
 - a. Measurement: Documentation of self, peer, and teacher reflection in student exhibitions and student portfolios, MC² Habit Rubrics, Teacher Developed Rubrics
- 5. Each student knows his/her unique strengths and can apply those strengths to overcome academic challenges.**
 - a. Measurement: Documentation of self, peers, and teacher reflection in student exhibitions and student portfolios
- 6. On average, students make no less than one year's growth in reading, writing, and math.**
 - a. Measurement: New Hampshire State Assessment System, SATs, and NWEA Measures of Academic Progress testing

Learning Practices

MC²'s core beliefs, mission, and vision are embodied in and implemented through five Learning Practices, each of which is integrally linked with the others, and all of

which are embedded throughout all aspects of the school's academic and social community:

Global citizenship - Globally competent students can investigate the world of their immediate environment and beyond, recognize and weigh both their own and others' perspectives, communicate ideas to diverse audiences, and take action to improve conditions both locally and globally. Developing global competence requires acquiring critical competencies that are now required for success in work and citizenship, including 21st century skills such as problem identification and resolution, analysis, synthesis, interpretation, and critical thinking embedded within rigorous disciplinary study.

Social and emotional competence – Social and emotional competencies are as essential as discipline knowledge and skills to effectiveness in learning as well as success in life and career. Students learn about why, what, and how to develop these critical assets through intentional experiences, coaching, exploration, and assessment embedded within their learning experiences. Parents, guardians, and community members are partners in investigating and coaching key developmental assets and competencies that will serve children well throughout life.

Service learning - Service learning integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities. Through service-learning, young people—from kindergarteners to college students—use what they learn in the classroom to solve real-life problems. They not only learn the practical applications of their studies, they become actively contributing citizens and community members through the service they perform. Research on effective service learning shows youth build resilience, while developing a personal sense of ability to take action in the world.

Inquiry – Cultivating students' natural sense of curiosity and wonder through developing students' capacity for making meaning of the world around them is at the heart of lifelong learning. Students are actively engaged in identifying questions of interest and importance, construct and organize knowledge, employ MC² Habits of Lifelong Learning (see below), including critical thinking, problem solving, and creative thinking, consider alternatives, and synthesize findings to identify new questions of interest and importance. In research with 2,100 students in over 23 schools, “use of these practices resulted in stronger performance regardless of race, gender, or prior achievement.” *Teaching for Meaningful Learning*

MC² Habits of Lifelong Learning – Critical competencies that are essential to success in learning and life, as well as success in work and citizenship, including self direction, ownership, problem identification and resolution, critical thinking, management, organization, collaboration, curiosity and wonder, and systems thinking, are explicitly modeled, coached, and assessed throughout every aspect of students' MC² career.

(h) Achievement tests to be used to measure pupil academic and other goal achievement including, but not limited to, objective and age-appropriate measures of literacy and numeracy skills, including spelling, reading, expository writing, history, geography, science, and mathematics.

Student achievement will be assessed:

- through a variety of strategies, including but not limited to discussions, observations, formative and summative performance based assessments, discipline area portfolios, and state and national standardized tests, including norm and criterion referenced tests. NWEA's Measures of Academic Progress (MAP) testing program will be used a minimum of twice a year for every student from the end of the primary key stage (equivalent to second grade) on. The New Hampshire state tests (currently NH Statewide Assessment System, and SATs) will be given to students commensurate with state policy.
- Through a variety of perspectives, including teachers, students, parents/guardians, mentors, community members, and discipline experts.

Quantitative and qualitative data will provide a continually updated foundation for targeting supports, modifications and accommodations, while leveraging students' strengths and affinities. MC² will utilize a variety of data tools to monitor students' progress.

MC² uses online learning management systems linked to school competencies and expectations. Faculty, parents or guardians, and appropriate adult mentors are able to review student work online and provide feedback using a variety of assessment tools. Students will create specific portfolios for different discipline areas, and for progression through Key Stages: Primary, Intermediate, Middle, Division I and Division II. The online learning management systems include online secure blogging to be used for daily student journals, shared with learning team members, and customizable reports that include real-time snapshots of a student's progress, ensuring students and their learning teams have ready information at hand.

(i) Graduation requirements

MC² minimum high school graduation requirements will meet and exceed the state minimum, preparing every student to graduate with multiple pathway options, including readiness for entry into and success at college.

Minimum Graduation Requirements:

The Board of Trustees have approved a multiple pathways process for high school students to accommodate students who are “off track” (i.e. over-aged/under credited) or have extenuating circumstances (e.g. teen parents).

Students following the “standard” MC² pathway will accrue a minimum of 24 credits for graduation, distributed as follows:

Domains of Knowledge	Credit(s)
Arts	1.5
Information and communication technologies	0.5
English	4.5
Mathematics	3.0
Physical sciences	2.0
Biological sciences	1.0
US and NH History	1.0
US and NH government/civics	0.5
Economics	0.5
World history, global studies, and geography	1.0
Health education	1.0
Physical education	1.0
Advisory	2.0
Design World	1.0
Career Exploration	2.0
Post Secondary Planning	0.5
Community Service	1.0
Totals	24 credits

Students following the “accelerated” pathway will accrue a minimum of 21 credits for graduation, distributed as follows:

Domains of Knowledge	Credit(s)
Arts	0.5
Information and communication technologies	0.5
English	4.5
Mathematics	3.0
Physical sciences	2.0
Biological sciences	1.0
US and NH History	1.0
US and NH government/civics	0.5
Economics	0.5

World history, global studies, and geography	1.0
Health education	0.5
Physical education	1.0
Design World	0.5
Career Exploration	1.0
Advisory	1.0
Post Secondary Planning	0.5
Community Service	1.0
Totals	21 credits

The school definition of “credit” shall be based on demonstration of proficiency of competencies for core and elective domains of knowledge. Core competencies shall be based on Common Core Standards, NH competencies, and national organization standards.

Progress at MC² – and ultimately graduation from MC² – is “competency based”. This means students must provide evidence of application of proficiency of competencies in order to receive credit. Performance based assessments include application, documentation, and defense of student learning and proficiency. Students and teachers use assessment tools, including Understanding By Design Facets of Understanding, learning progressions, and rubrics, to evaluate proficiency of the competencies.

Performance based assessment will form the basis of the determination of proficiency and will include, but not be limited to:

- **Projects** - Projects are designed by students and teachers collaboratively to provide opportunities for the student to apply the higher levels of Bloom’s Taxonomy, Creating, Analyzing, and Evaluating. Projects are not anchored in time, but may have authentic deadlines that necessitate timely completion. Students, teachers and mentors agree upon the assessment criteria before the project is completed. Projects should be interdisciplinary and tailored to leverage a student's strengths to address an area of challenge.
- **Domains of Knowledge portfolios** – Students develop specific portfolios to present evidence of their competency-based proficiency. Portfolios are created for specific domains of knowledge (algebra, geometry, biology, physics, modern language, etc.) through application, nonfiction writing, and reflective self-assessment based on work artifacts linked to domain competencies, and clearly defined and predetermined criteria.
- **Exhibitions of Learning** -- The purpose of the exhibition is to bring the student’s learning team together, to get an update on the student’s work, and to set goals for the student’s next period of learning. Exhibitions also serve as building blocks to the higher stakes Gateway Exhibition, providing students with the opportunity to gradually add and practice the components required

in a Gateway.

- **The Gateway Exhibition** is how a student demonstrates competency and progresses to graduation. A student is asked to reflect on his/her self as a learner, provide evidence of growth, and evidence preparedness for moving to the next level of expectations. A **Portfolio** represents the documentation while the **Exhibition** is the presentation of a student's growth and preparedness.

The Gateway process is designed to accomplish **three tasks**:

1. help students identify and reflect on their learning and personal growth;
2. engage students in publicly presenting and explaining their learning; and
3. collaboratively set goals for students' next stage of learning.

The **Gateway Exhibition** is a public presentation of the student's growth and preparedness. In a developmentally specified time frame (5 – 10 minutes for primary level; 10 – 15 minutes at middle level; 20 – 30 minutes for secondary level; 30 – 45 for graduation) the student presents his or her learning to an audience, followed by questions from the audience. The student is assessed by a panel, comprised of the student's learning team, a student advocate, two MC² staff members, and a number of outside panelists (depending on the student's current level).

The panel then meets to assess the student's performance. Following this deliberation, the student meets with the panel to receive the panel's assessment and feedback, and to set learning goals for the next phase of his or her learning.

(j) Staffing overview

Daily School Management

The daily management of MC² is distributed among all employees. Administrative positions include the MC² CEO, the Business Manager, a School Leader for each campus, and an Administrative Assistant for each campus. All positions are employed by MC² and are responsible for the day-to-day financial management and reporting at the building level. The CEO and School Leaders will work within the proposed budget and will make all budget decisions based on MC²'s core beliefs, mission, and educational program. The CEO and School Leaders meet at least monthly with the Board of Trustees and consult with that group as needed throughout the year. The CEO and Business Manager will work closely with the board's Finance Committee to build internal financial capacity for the school. There will be quarterly budget meetings to review the current year's budget, prepare for reporting and audits, and prepare the operating budget for the next fiscal year.

Each campus will have a School Leader, responsible for working directly with the MC² CEO and Business Manager.

RESPONSIBILITIES

The CEO and SCHOOL LEADERS are responsible for:

- mentoring each other and students to maximize achievements consistent with MC²'s vision and philosophy.
- assuring the school is administered according to board policy, its budget, and requirements that apply,
- establishing a school culture built on respect, responsibility, support, and common goals of excellence,
- developing public outreach and relationships with partners, parents, and sending districts,
- assuring coordination of personnel functions and recommend or engage contracted and salaried personnel within guidelines proposed by the board of trustees,
- assuming shared responsibility for professional accountability,
- assuring the individual and collective assessment programs are meaningful and provide accountability for progress and achievements,
- initiating and sustaining ongoing, inclusive dialogue for ever-improving the school culture and parent relationships, according to the school's belief in standards, openness, and support,
- promoting safety and good health practices by adherence to public codes/regulations and MC² standards.

The CEO, SCHOOL LEADERS, and MC² TEACHERS are responsible for:

- embedding the MC² guiding beliefs, vision and mission throughout day-to-day operation of the school.
- collaborating on curricular, instructional, and assessment decisions to meet MC²'s Learner Goals.
- determining essential instructional materials expenditures.
- prioritizing and deciding professional development expenditures.
- creating effective learning schedules.
- recruiting students.
- establishing and maintaining discipline in alignment with the MC² guiding beliefs, vision and mission.
- making all personnel decisions, excluding the contract of the Director, which will be approved by the Board of Trustees.

BUSINESS MANAGEMENT responsibilities include:

- preparing purchase orders.
- preparing bank deposits.
- matching purchase orders to vouchers.
- preparing vouchers.
- preparing information for payroll processing.
- assisting the CEO when needed.
- filing proper paper work with proper agencies such as NHDES when new hires come on board.

- working with the CEO and School Leaders to see ADM count is administered properly.
- supporting grant writing and management.
- Processing payroll, preparing applicable tax filings, and remitting applicable taxes and employee deductions
- Statutory reporting to applicable governmental agencies such as the NH Department of Employment Services, US Bureau of Labor Statistics, Internal Revenue Service, and the NH Department of Education.
- Processing accounts payable, including purchase order maintenance.
- Complete bank reconciliations.
- Prepared invoices for billable services and maintain account receivables.
- Support grant fiscal management.
- Assist the CEO as requested.
- Ensure proper internal controls are developed and implemented.
- Ensure the School's chart of accounts adhere to the structure delineated in the NH Financial Accounting Handbook for Local Education Agencies.

ADMINISTRATIVE ASSISTANTS are responsible for:

- supporting all the day-to-day operations of MC².
- serving as the public relations specialist to the families and the community.
- being an advocate for children and families.
- performing administrative responsibilities including preparing reports, day-to-day bookkeeping, and receptionist duties.
- immunizations and other health requirements.
- properly handling student medical records.
- first aid and emergencies.
- dispensing medication and medical treatments.
- health and vision screening.
- greeting visitors and treating them like family.
- opening mail.
- maintaining teacher attendance logs.
- maintaining student attendance logs.
- organizing substitute teachers.
- assisting Director/School Leaders when needed.
- answering the phones.
- maintaining the school calendar.

The INTERNSHIP COORDINATOR is responsible for:

- Developing relationships with school and community resources and agencies as needed for a broad range of educational related needs of individual learners.
- Establishing and maintaining a system of records relative to extended learning opportunities (ELOs), including but not limited to community partnerships, mentors, and student work-based learning.
- Ensuring compliance with NH Department of Labor expectations and

requirements.

- Ensuring all mentors have records and/or background checks
- Prepare learners for all stages of work-based learning opportunities
- Working to assure the systems, policies, and programs of mentorship are meaningful, progressive, and successful.
- Schedule work-based learning transportation
- Representing MC² at local business meetings, events, and conventions
- Presenting with MC² learners at local service organization meetings (Lions, Kiwanis, Rotarians, etc.)
- Working with the MC² community to research models of career development, mentorship and guidance.
- Fundraising for, planning, and managing the annual Mentor Recognition Dinner.

SPECIAL EDUCATION LIAISON responsibilities include:

- coordinating all state and federal requirements as necessary for MC² to fulfill the responsibilities that fall to a New Hampshire charter school, in accordance with RSA 194-B:11.
- ensuring that documented Special Education students achieve their maximum potential.
- realizing that all students are special and providing individualized help in certain areas as needed.
- committing to the success of MC² students, and to MC²'s program goals.
- embodying all of the characteristics of an MC² teacher.

LEAD TEACHER responsibilities include:

- Assist teachers in understanding MC² mission and core values.
- Provide direction and coordination for how the MC² competency model is implemented consistent with District initiatives and recognized best instructional practices.
- Support the instructional development of all teachers in understanding the MC² competency structures, Teacher Effectiveness Framework, and data analysis.
- Assist teachers with resources, materials, tools, information, etc. to support instructional design and planning, including new resources.
- Help identify professional development needs and provide if possible.
- Provide coaching for teachers and advisors.

Qualifications for Administrative Staff Positions Employed by MC²

MC² works from the belief that the most important decision a school makes is deciding who will be responsible for creating the learning experience for the students in the school. The description of the MC² leader and teacher is a direct outgrowth of the core beliefs, mission, vision, and educational philosophy of MC². Each characteristic is directly connected to what we believe and what we intend to provide for students and families.

MC² Teachers

MC² works from the belief that the most important decision a school makes is deciding who will be responsible for creating the learning experience for the students in the school.

As the educator working most closely with students and families, an MC² Teacher:

- is committed to being a contributor to a collaborative culture
- committed to personal and professional growth
- embodies a strong work ethic
- is committed to creativity and innovation
- is committed to social justice and equity
- is committed to development and infusion of global learning and global competence
- is committed to innovative curriculum development and instruction
- is committed to working with integrity and with moral and ethical purposes
- is committed to being a contributor to a culture of critical friendship
- is committed to appreciation and infusion of the arts
- is committed to working from an asset-based view of children, families, and communities
- is highly qualified

The MC² CEO and School Leaders

The MC² CEO and School Leaders embody all of the characteristics of an MC² Teacher and possess unique instructional leadership qualities as well.

As leaders committed to ***distributive, progressive, and servant leadership***, MC²'s CEO and School Leaders are experienced in and committed to:

- shared, consensus-based decision making and knowledgeable of practices and protocols to enable this kind of decision making to thrive.
- the creation of a democratic school where all voices are heard and used in decision making.
- being an instructional leader, not just a manager of people.
- the growth of each faculty member in the school.
- finding ways to support creativity and innovation and removing obstacles that threaten progressive and innovative methods, pedagogy, and instruction.
- holding himself/herself and faculty members accountable to MC² core beliefs, mission, vision, and educational philosophy, and accountable for the success of each child at MC².
- eliminating the predictive value of race, class, gender, language, special abilities, and sexual orientation on success in school and life
- engaging families as the first and most important teachers in their children's lives.

Additional Desirable CEO and School Leader Qualifications:

- At least three years of school leadership experience
- Extensive (minimum three years) experience leading and facilitating professional development for teachers
- Experience and skills necessary to manage the day-to-day budget of a small, autonomous school
- Extensive (minimum three years) experience in creating a Professional Learning Community focused on equity for all students
- Experience with facilitating Critical Friends Groups
- Extensive (minimum three years) experience in data-informed decision making
- Extensive (minimum three years) experience in authentic engagement of the community in support of a school's mission
- Extensive experience with project-based curriculum, integrated instruction, and service learning, including design, implementation, and evaluation

The Business Manager Qualifications:

- No less than three years experience as a Business/Operations Manager
- Experience preparing purchase orders
- Experience preparing bank deposits
- Experience matching purchase orders to vouchers
- Experience preparing vouchers
- Experience preparing payroll processing
- Experience filing proper paperwork with proper agencies such as NHDES when new hires come on board
- Experience working with a school leader to see ADM count is administered properly
- Experience with grant writing and management

Administrative Assistant Qualifications

- No less than three years of experience in an administrative assistant role to the leader of an organization
- Experience filing reports to federal, state and local agencies
- Extensive experience with working with families and students in a school setting
- All the requisite skills necessary for the responsibilities outlined above (see the day-to-day responsibilities)

MC² will recruit highly qualified teachers who share a passion for teaching and learning. Positions will be posted locally and nationally. Recruitment also occurs through professional organizations.

Estimates provided in the following table are based on full-time equivalent (FTE) (based on one urban middle/high school and one suburban high school, in years 2020-2025).

	2020-21	2021-2022	2022-23	2023-24	2024-25
Assumptions:					
Student Population	150	150	170	170	210
Teaching Functions	8	8	10	10	12
Teaching Assistant Functions	4	4	4	4	5
Head of School Functions	2	2	2	2	2
Administrative Assistant Functions	2	2	2	2	2
Internship/Community Partnership Coordinator Functions	2	2	2	2	2
Special Education/ESL Liaison Functions	2	2	2	2	2
Grant-writer/Fundraiser Functions	.5	.5	.5	.5	.5
Superintendent/Business Office Functions	1.5	1.5	1.5	1.5	1.5
IT Support	1	1	1	1	1
Total Full Time Equivalents	23	23	25	25	27

(k) Personnel compensation plan, including provisions for leaves and other benefits, if any

COMPENSATION

The philosophy of staffing and compensation is to recruit highly motivated and talented personnel, committed to the excellence described in the charter and the philosophy of instruction and support. The school requires faculty who embrace teamwork within and across traditional subject disciplines.

The philosophy of compensation is based on whole school accomplishments, value, fairness, and freedoms afforded charter schools from traditional track and step compensation models. The current compensation range for teachers is \$31,500 to \$47,500. MC² leadership and staff are collaboratively developing a compensation schedule based on a progression of proficiency and leadership in the MC² model. Increasing compensation and benefits is a priority for the MC² Board.

BENEFITS

Leave and other benefits will be determined prior to actual contracts with professional personnel and will allow for health, bereavement, personal needs, civic duty, and other

typical personnel leave, and will comply with state and federal guidelines that may apply.

(l) Pupil transportation plan, including reasonable provision from the charter school's own resources for transportation of pupils residing outside the district in which the charter school is physically located.

Charter school students have access to transportation only if they reside in the district where the charter school is located. The charter school will comply with charter law provisions that govern student transportation under Section 194-B:2, which states:

Attendance at a charter school for the purposes of transportation shall not constitute assignment under the provisions of RSA 189:6 and RSA 189:8. Pupils who reside in the school district in which the open enrollment or charter school is located shall be provided transportation to that school by the district on the same terms and conditions as provided for in RSA 189:6 and RSA 189:8 and that transportation is provided to pupils attending other public schools within that district. However, any added costs for such transportation services shall be borne by the charter school.

For the purposes of open enrollment, neither the sending nor the receiving school district shall be obligated to provide transportation services for pupils attending an open enrollment school outside the pupil's residential district. No transportation will be provided by a sending school district or receiving charter school for students whose residence is other than where the school program is located.

(m) Statement of assurances related to non-discrimination according to relevant state and federal laws

MC² does not discriminate on the basis of race, color, religion, national or ethnic origin, age, sex, sexual orientation, disability or marital status in the selection of students or staff or in the administration of its educational program or in any other way as is prohibited by relevant state and federal law. (See Policy AC Non-Discrimination and Policy KED Grievance Procedure for Alleged Discrimination.)

(n) Method of coordinating with a pupil's local education agency (LEA) for matters pertaining to any special education programs or services including method of compliance with all federal and state laws pertaining to educationally disabled pupils

The charter school will discuss the school with any parent and will accept applications for review from any parent or student. Under New Hampshire's charter school statute, RSA 194-B: 11, III, the local school district continues to be responsible for special education funding and decision-making for any child whose parents seek the child's attendance at a charter school.

COORDINATING WITH A PUPIL'S SCHOOL DISTRICT

MC² will respect the LEA's responsibility under statute for handling special education

decision-making, and have a charter school liaison that collaborates with the local education agency on individual student matters.

CURRENT SCHOOL DISTRICT SPECIAL EDUCATION RESPONSIBILITY

In 1994, Section ED 1102.11 defined “educational decision making process” in RSA 186-C:14 11(b), as the “identification, evaluation, and placement, as well as the hearing, mediation, and appeal procedures.” Under ED 1106.01 in the 200 rules revised, the special education process is defined as: 1) referral, 2) evaluation, 3) determine eligibility, 4) development of an IEP (individualized education plan), and 5) placement.

CHARTER SCHOOL RESPONSIBILITY AND METHOD OF COORDINATING

The school will assure that a person is designated to be the liaison for special education and, if needed, will employ or contract with an appropriate specialist to oversee proper handling of special education matters. The school responsibilities are:

1. To assure that districts are alerted about requests for admission.
2. To provide information about the school to the sending district, and when possible, attend meetings for the purpose of district review of choice requests.
3. To obtain copies of parent rights provided to parents by districts and to assist parents who want choice to understand their own district’s procedures.
4. To obtain copies of any IEP that is in place, and assure that each teacher and service provider employed by MC² listed as having responsibility for implementing the IEP has a complete copy of this document and explanation as to what is required of the charter school.
5. To keep name, address, phone, and email for the person(s) in each district who are responsible for special education vis-à-vis students attending the charter school, and make contact, when needed.
6. To alert the sending district of pre-referral issues that rise to a level of concern of needing district attention.
7. To meet with special education administrators or their designees to understand how districts would like certain procedures to take place in accordance with NH Title XV Education Chapter 194-B:1 I, III (a)(b)(c).
8. To notify the LEA if the IEP written in one setting does not seem pertinent for the student’s needs within the charter school and to ask for a review of the IEP when a portion of the IEP seems inadequate, unneeded, inappropriate or too long in duration.

9. To assist the local education agency in development of the IEP and procedures designed to ensure that individualized education programs are monitored in a regular and systematic manner, including a clear definition of case management responsibilities and determining who will be responsible for carrying them out.
10. To work with the district and articulate services or accommodations the student needs, from the charter school's perspective, and to continue the dialogue about concerns until they are reviewed.

(o) Admission Procedures

ELIGIBILITY

MC² is an open enrollment, public school. New Hampshire students who meet the school's admission criteria may apply. The school may accept out-of-state students on a space-available basis.

If more students apply and are eligible than the number of spaces available in any grade or program, the board will conduct a lottery according to an established lottery policy. Eligible students who are not chosen in the lottery will be listed on a wait list in the order their names are drawn, according to grade or program. Should a selected student not attend or an opening otherwise occur, placement will be offered based on waiting list order. If a student offered admission from the waitlist declines admission, the board will continue to contact students/parents in the order listed.

APPLICATION PROCEDURES

The application process allows the school to understand student needs and abilities to ensure experience at MC² is positive if the student is enrolled. MC² offers a unique opportunity for students to become deeply involved in their own education. MC² recognizes such a shift in responsibility will not necessarily happen naturally or easily, and is committed to supporting students and their parents or guardians through that process. At the same time MC² wants to ensure each student and his or her parent(s)/guardian(s) are clear about the mutual commitments being made upon admission to MC². The process of establishing a mutual relationship focused on student needs begins at the time of application.

1. A student interested in attending MC² schedules a full day visit. Parents or guardians are welcome to visit as well, but are not required to do so.
2. During the student's visit, he or she participates in school activities and classes, including writing a reflection at the end of each day of his or her visit.
3. The student submits a completed school application, including a personal statement of interest in the school, and a statement of interest and support from the student's parent, guardian, and/or adult advocate.

4. Upon completion of the application, the student and his or her parent or guardian meet with the School Leader or their designee to review the program and share expectations and interests.
5. The student and parent will review the responsibilities, rules, and commitments needed to attend and sign the Admissions Commitments, which are also signed by the student's Advisor and the School Leader.
6. If a student is enrolled in a school district special education program, the respective special education department will be notified of the student's request for admission, but such students are continued in the lottery pool.
7. The school will have an annual lottery if there are more applicants than there are seats. Dates and guidelines for the lottery will be publicly advertised.
8. New students must successfully complete the MC² orientation learning experience (MOLO) before their formal admissions period is completed.

(p) Philosophy of student governance and discipline, an age-appropriate due process procedures to be used for disciplinary matters including suspension and expulsion

Believing Carl Glickman's statement "Democracy is a way of learning as much as a way of governing," MC² is committed to coaching students in MC² Habits of Lifelong Learning in all aspects of school culture and life. Cognitive coaching is at the heart of MC²'s governance and discipline structure, with foundational tenets based in Antioch University's Critical Skills Program,, Daniel Goleman's work on Social and Emotional Intelligence, the work of the late Dr. Mike Mezzocchi, and Think:Kids Collaborative Problem Solving. The common premise of all of these models is the necessity of explicit systems of support for defining, teaching, and supporting appropriate student behaviors and decision-making strategies.

Young citizens must acquire the civic skills and virtues needed to exercise their freedom with responsibility. MC² intentionally engages students of all ages in reflecting on, inquiring into, and dialoguing and debating about the meaning of the five freedoms of the First Amendment for individuals, groups, and communities. Explicit habits of lifelong learning are connected with individual rights, responsibilities, and respect. Opportunities for leadership and citizenship are embedded within the curriculum for every student. A program of shared community governance is integral to the school's culture.

MC² is committed to a respectful and safe environment for all. A student may be suspended or expelled in accordance with statute and policy. With a goal of helping students develop maturity and responsibility, the school provides fair and age appropriate due process in administering student discipline and complies with current suspension and expulsion provisions in RSA 193:13 (Suspension and Expulsion of Pupils).

A pupil may be withdrawn from a charter school based on criteria determined by the Board of Trustees consistent with the advice of the principal and teachers in conformance with RSA 193:13. No public school shall be obligated to enroll an expelled pupil.

In addition to clear and fair guidelines for unacceptable and dangerous behavior, the school strives equally to provide opportunities for positive recognition. The school recognizes that education includes evolving maturity and will provide programs, such as mediation, to teach skills. Situations requiring intervention not available at the school will be discussed and handled with parents.

COMMITMENT TO MEDIATION AND DISPUTE RESOLUTION

Students and staff members are trained in and practice mediation techniques, which are the intervention of choice for resolving interpersonal conflicts within the school community. Training will be offered for parents and guardians as well, who are considered valuable partners in problem solving, mediation, and behavioral coaching. Models for mediation include restorative justice processes that focus on rule-breaking as a violation of people and relationships rather than on a violation of policy. In restorative practices, there is recognition that violations of rules create obligations to the community and to the victim. This is in contrast to traditional punishment-based practices where rule-breaking has a focus on the guilt of the rule-breaker. Traditional practices have the school impose punishment for rule-breaking, but restorative practices involve the victims, offenders, community members (including families) in an effort to put things right. Traditional practices put the focus on the offender "getting what they deserve." Restorative practices put the emphasis on the victim's needs and on holding the offender responsible for repairing the harm that they have caused. These practices are based on a growing body of research into effective use of restorative justice practices in school settings.

(q) Method of administering fiscal accounts and reporting, including a provision requiring fiscal audits and report to be performed by an independent certified public accountant

MC² follows public school accounting guidelines and internal accounting controls necessary to safeguard its assets. MC² maintains accurate financial records in accordance with Generally Accepted Accounting Principles (GAAP) for non-profit corporations. An annual financial report will be provided with audit by an independent, certified public accountant.

The MC² Treasurer works with the Business Manager to provide the oversight necessary to monitor the school's financial status. The Board of Trustees has adopted and periodically reviews policies for the financial management of the school, including policies on Conflict of Interest for board members and faculty.

MC² complies with all requirements specified in the law pertaining to reporting requirements (RSA 194-B: 101-V). This includes annual report, annual financial audit and report, program audit, and participation during the annual school budget process.

Pursuant to ED 318.07, MC² 's-annual report includes, at a minimum, the following elements:

- An assessment and report of how the Charter School is meeting its educational and financial goals, as identified in its mission statement,
- Changes, if any, in the organizational structure and make-up of the Board of Trustees,
- Assessment and report of business, parent, and volunteer involvement in MC²,
- Description of community services available at the site,
- A report of enrollment statistics including but not limited to, attendance, per-class enrollment, graduation rates, and any occurrences of withdrawal,
- Commentary about successes in program, collaboration, or goal achievement,
- School calendar,
- Transportation services,
- Financial statement and balance sheet identifying Charter School's assets, liabilities, and fund balances or equities,
- Projections of income and expenses for the upcoming school year.

(r) Annual budget, including all sources of funding

MC² uses the current state adequacy allocation as a basis for shaping its budget. The design for MC² explicitly reconsiders how resources including time, human, space, and community resources, are leveraged and utilized, intentionally seeking to minimize duplication of services wherever possible, deploying technology as an essential 24/7 information, communication, and collaboration tool, and tapping the vast array of community knowledge and expertise to offer richly meaningful learning experiences.

MC² seeks to work with local school districts and communities to explore all possible avenues for collaboration and resource sharing. The ideal for MC² campuses will be to acquire local support and develop collaborative plans for sharing resources to best ensure every child is college, career, and life ready.

As appropriate, MC² utilizes Corporation for National and Community Service AmeriCorps and AmeriCorps VISTA volunteers to build the capacity of MC², and taps the collaborative power and capacity of local and national organizations and networks.

Projected Expenditure and Revenue Budget for fiscal years 2021 through 2025:

*Making Community Connections Charter School
5-Year Budget Projection
Fiscal Years 2021 - 2025*

	Current FY2020	FY2021	FY2022	Projected		
				FY2023	FY2024	FY2025
<i>Revenues:</i>						
State	1,210,133	1,223,533	1,232,050	1,240,635	1,248,207	1,259,100
Local	210,563	181,645	189,877	198,175	206,538	219,969
Total Revenues	1,420,696	1,405,178	1,421,928	1,438,810	1,454,745	1,479,069
<i>Expenses:</i>						
Instruction & Support Services	567,053	577,314	585,978	594,786	603,741	612,865
Executive Administration	74,325	94,325	95,675	97,046	98,439	99,854
School Administration	220,900	221,966	225,240	225,354	228,730	232,160
Business Administration	71,150	51,551	52,364	53,197	54,052	54,927
Op. & Maintenance of Plant	354,444	308,252	312,793	317,770	323,066	328,058
Transportation	22,300	22,300	22,300	22,300	22,300	22,300
Benefits	101,868	102,606	104,352	106,123	107,931	109,775
Debt Service	3,131	3,131	3,131	3,131	3,131	3,131
Transfer to Food Service	1,500	1,500	1,500	1,500	1,500	1,500
Total Expenses	1,416,671	1,382,945	1,403,333	1,421,207	1,442,890	1,464,570
Projected Net Position	4,025	22,233	18,595	17,603	11,855	14,499
Beginning Fund Balance	213,467	217,492	239,725	258,319	275,922	287,778
Projected Ending Fund Balance	217,492	239,725	258,319	275,922	287,778	302,277
Personnel costs as a % of revenue	65%	66%	67%	66%	66%	66%
Lease costs as % of revenue	18%	18%	18%	19%	19%	18%

ENTREPRENEURIAL SOURCES OF REVENUE

In addition to sources of guaranteed revenue, MC² is exploring revenue streams from other sources based on a comprehensive marketing and development program.

1. Entrepreneurial ventures will be developed by MC² and operated largely by students, with mentor support e.g. green technologies, computer and communication technology initiatives, artistic events, and other ideas will be pursued.
2. Fundraising events will be developed as community traditions, such as a community social benefit dinner to honor volunteers and student accomplishments, on-line events such as auctions and eventually an individual annual giving campaign.
3. Fee for service programs associated with MC² will be developed as a source of revenue for operations, including professional development institutes, materials, and parent and community partner led training events.

(s) School calendar arrangement and the number and duration of days pupils are to be served pursuant to RSA 194-B. II

Annually, the Board of Trustees will approve a school calendar that conforms to laws and rules of the state as to number and duration of days required by law, including any existing provisions for exceptions that may be pursued.

MC² operates on a year-round school calendar, with flexible scheduling based on student, family, and community needs. MC² has several signature features that have bearing on how school days are used, e.g. opportunities for community based learning, college courses which may be on a different calendar schedule, and competency-based learning, which allows students to document domains of knowledge as competencies are mastered instead of when a number of seated hours are completed.

All school policy on time use and calendar will be in conformance with laws that apply.

(t) Provision for providing continuing evidence of adequate insurance coverage

MC², pursuant to RSA 194-B:1, III, is a public school subject to the same protections as any public school under RSA 50 (b) which provides for Limited General Liability for the charter school and its agents.

MC² maintains a comprehensive insurance program that provides protections needed for a public charter school, including worker compensation, board errors and omissions, and facility coverage. All needed insurance will be continued for the life of the Charter School.

(u) Identity of consultants to be used for various services, if known

- Ashoka Changemakers Schools: MC² is proud to be one of 85 Changemaker Schools in the United States (~230 worldwide). The Changemaker Schools Network is a global community of leading elementary, middle and high schools that prioritize empathy, teamwork, leadership, problem-solving and changemaking as student outcomes. These schools are leading a transformation in education that supports children as changemakers – individuals with the skill set and connection to purpose that enable them to generate ideas and take initiative to effectively solve problems and drive positive change.
- Education Reimagined: MC² is also proud to be a member of Education Reimagined, a diverse group of educational practitioners, scholars, business people, parents, and advocates who have come together around a vision for the future of education that can unite us. Education Reimagined is “committed to what we believe is a widely held view of the purpose of education: To enable all children to fulfill their full potential as empowered individuals, constructive members of their communities, productive participants in the economy, and engaged citizens of the US and the world.” To this end, we are a collaborative community working to design educational systems that are competency-based, personalized, relevant & contextualized, characterized by learner agency, socially embedded, and open-walled.
- The Virtues Project: MC² is grateful for the opportunity to partner with Dara

Feldman and The Virtues Project in the continued development of the culture of MC²'s learning community culture. The Virtues Project is a global grassroots initiative to inspire the practice of virtues in everyday life. The Project is sparking a global revolution of kindness, justice, and integrity in more than 95 countries through its facilitators and Virtues Connections. The Virtues Project empowers individuals to live more authentic meaningful lives, families to raise children of compassion and integrity, educators to create safe, caring, and high performing learning communities, and leaders to encourage excellence and ethics in the workplace. It has inspired and mobilized people worldwide to commit acts of service and generosity, to heal violence with virtues.

Through the efforts of MC² Advisory Group members, we are building collaborations with experienced organizations committed to educational equity through literacy development. These organizations include:

- The Algebra Project: The Algebra Project uses mathematics as an organizing tool to ensure quality public school education for every child in America. We believe that every child has a right to a quality education to succeed in this technology-based society and to exercise full citizenship. We achieve this by using best educational research and practices, and building coalitions to create systemic changes.
- The National Writing Project: The National Writing Project is a network of sites anchored at colleges and universities and serving teachers across disciplines and at all levels, early childhood through university. NWP provides professional development, develop resources, generate research, and act on knowledge to improve the teaching of writing and learning in schools and communities.

(v) Philosophy of parent involvement and related plans and procedures

A hallmark of the MC² design is that parents, legal guardians, and adult advocates are partners on students' learning teams and essential members of the MC² school community. Their knowledge of their children is sought throughout every aspect of their children's school careers. Resources, support, and/ training are provided for parents, legal guardians, and adult advocates for the purpose of building shared language, purpose, and strategies around and for student learning. Parents and legal guardians are encouraged to participate in school governance structures. Parents and legal guardians receive daily communications about their children's learning, along with periodic progress reports. Parents and legal guardians have real-time access to their children's work and learning progress through the online portfolios.

(w) A plan to develop and disseminate information to assist parent and pupils with decision-making about their choice of school

To ensure all residents have equal opportunity to apply to the charter school, information is disseminated through bulletins, advisories, and postings on informational websites. Materials are disseminated to public school administrators, school personnel, parents, businesses, and community and faith based organizations and service agencies.

(x) A global hold harmless clause

In accordance with RSA 194-B: 3, II(x) Making Community Connections Charter School, its successors and assigns, covenants and agrees at all times to indemnify and hold harmless the school district, any other school district which sends its students to the charter school, and their school boards, office directors, agents, employee, all funding districts and sources, and their successor and signs, (the "indemnified parties) from any and all claims, demands, actions and causes action, whether in law or in equity, and all damages, costs, losses, and expenses, including, but not limited to, reasonable attorney's fees and legal costs, for any action or inaction of the charter school, its board, officers, employees, agents, representatives, contractors, guests and invitees, or pupils.

(y) Severability provisions and statement of assurance

Any provision of the charter school contract found by competent authority to be contrary to applicable law, rule, or regulation shall not be enforceable.

If any provision of the Contract is determined to be unenforceable or invalid for any reason, the remainder of the Contract shall remain in effect unless otherwise terminated by one or both of the parties in accordance with the terms contained therein.

(z) Provision for dissolution of the charter school including disposition of its assets

The Board of Trustees, in the event of dissolution, would develop a prompt but strategic plan that addressed debt obligation, contracts, and assets.

All property which MC² has leased, borrowed, or contracted for use shall be returned or handled according to contractual prearrangement.

Disposal of other property, furniture, supplies, equipment, vehicles, and the like will be handled as follows:

1. The board will first consider any debt obligation and will research the disposal of property, etc. that best enables the Trustees to meet its debts
2. Once debt obligations are met, any remaining property and assets of the school will be distributed depending upon how it was obtained. Items obtained through

federal or state charter school funding will be offered to other charter schools. Assets provided with funds from local school districts will be offered to public schools in a manner deemed fair and appropriate, e.g., either returned to the district that provided the asset or valued or liquidated and distributed on a participation basis. Items that schools do not want will be consigned in the most beneficial manner with the proceeds reverting to the New Hampshire's charter school support fund.

3. All property personally or individually owned by the employee of the charter school shall be exempt from distribution of property as prescribed herein and shall remain the property of the individual teachers and staff. Such property includes, but is not limited to, albums, curriculum manuals, personal mementos and other material or equipment that have been personally financed or acquired or personally developed by teachers and staff.

All outstanding debts/encumbrances for which the charter school is legally liable will be properly settled with the creditor of record. Under no circumstances shall a sending school district be liable for any obligations of the dissolved charter school. Making Community Connections Charter School shall coordinate any planned or voluntary bankruptcy filing with the area school board(s) to facilitate reintegration of its students. A minimum notice of 120 days for voluntary dissolution of the charter school will be given to school districts with students as Making Community Connections Charter School.

(aa) In the case of the conversion of a public school to a charter conversion school, provision for alternative arrangements for pupils who choose not to attend and teachers who choose not to teach at the charter school.

Not applicable.

(bb) A plan for the education of the school's pupils after the charter school may cease operation.

A plan for each student's continued education, should the school cease to exist, will be determined individually with each student and his/her parent or legal guardian. Likely options would be 1) re-integration into the student's assigned public school, 2) application to a different chartered public school, if available, or 3) other available options based on parent and student priorities.

Upon cessation of operation, the records all the students would be transferred in a timely manner to the receiving school, and the staff and trustees would work with the receiving school, parents, and students to assure smooth and timely transitions.

(cc) In addition to an application, each charter school, in consultation with the local school board, shall prepare a proposed contract.

Contracts for the sharing of local resources are negotiated as applicable with the local school board of any school district in which an MC² Charter School campus is located.

(dd) An outline of the proposed accountability plan which clarifies expectations for evaluating the school's program and which contains an acknowledgement that a full accountability plan shall be developed and ready to implement prior to the date of opening.

Making Community Connections Charter School collects and reports data regarding student progress and program effectiveness in a number of ways including as outlined in section (g) Academic and Other Learning Goals and Objectives. An annual report is prepared and submitted to the State Board of Education for their review in August following each academic year.

Adopted: February 22, 2011

Revision History: April 22, 2017, January 31, 2020

Amendments to Making Community Connections Charter School's Charter

Requesting approval to make the following updates to the MC2 Charter:

Revision Description	2017 Charter	Amendment	2020 Charter Pages
<p>The wording of the vision was reorganized to make the statement a positive charge, rather than a negative charge.</p>	<p>Making Community Connections Charter School (MC2)'s vision is to eliminate the predictive value of race, class, language, gender, and special capacities on student achievement in our schools and our communities by working together with families and communities to ensure each child's success.</p>	<p>MC2's vision is to ensure each child's success by working together with families and communities to interrupt the predictive value of race, class, language, gender, and special capacities on student achievement in our schools and our communities.</p>	<p>Page 6</p>
<p>Section (g) Academic and other learning goals and objectives were updated to increase clarity through providing benchmarks for progress in MC2's Competency based model, and more clearly articulating the connection between the MC2</p>	<p>1. On average, students make no less than one year's academic growth each year in reading, writing, math, social studies, and science. Measurement: NWEA, Workshop, Project, and Community-Based Learning Assessments</p>	<p>1. On average, students will meet the following benchmarks:</p> <ul style="list-style-type: none"> • Applications – progressing in habits; progressing in all Essential Knowledge competencies, • Creations, Phase 1 – proficient in 15% competencies, proficient in Self Direction, Community, Ownership, and Technology • Creations, Phase 2 – proficient in 40% competencies, proficient in Self Direction, Community, Ownership, Technology, Quality Work, Management, Decision Making, and Collaboration • Creations, Phase 3 – proficient in 80% competencies, proficient in all habits 	<p>Page 16</p>

<p>Mission and the academic goals:</p>		<ul style="list-style-type: none"> • Creations, Phase 4 – proficient in 100% competencies, exemplary in all habits <p>Measurement: MC2 Progress Reports.</p>	
	<p>4. Each student demonstrates his/her ability to listen for understanding, supports his/her peers’ learning, and takes responsibility for his/her own learning Measurement: Documentation of self, peer, and teacher reflection in student exhibitions and student portfolios, MC2 Habit Rubrics, Teacher Developed Rubrics</p>	<p>4. Each student demonstrates his/her ability to listen for understanding, supports his/her peers’ learning, and takes responsibility for his/her own learning, and meaningfully collaborates with peers to further their own learning. Measurement: Documentation of self, peer, and teacher reflection in student exhibitions and student portfolios, MC2 Habit Rubrics, Teacher Developed Rubrics</p>	<p>Page 17</p>
	<p>6. Each student knows his/her unique strengths and can apply those strengths to overcome academic challenges. Measurement: Documentation of self, peers, and teacher reflection in student exhibitions and student portfolios</p>	<p>6. On average, students make no less than one year’s growth in reading, writing, and math. Measurement: New Hampshire State Assessment System, SATs, and NWEA Measures of Academic Progress testing</p>	<p>Page 17</p>
<p>Section (h) updated the reference for New Hampshire state tests.</p>	<p>Student achievement will be assessed: through a variety of strategies, including but not limited to discussions, observations, formative and summative performance based assessments, discipline area portfolios, and state and national standardized tests, including norm and criterion referenced tests. NWEA’s Measures of Academic Progress (MAP) testing program will be used a minimum of twice a year for every student from the end of the primary key stage (equivalent to second grade) on. The New Hampshire state tests (currently</p>	<p>Student achievement will be assessed: through a variety of strategies, including but not limited to discussions, observations, formative and summative performance based assessments, discipline area portfolios, and state and national standardized tests, including norm and criterion referenced tests. NWEA’s Measures of Academic Progress (MAP) testing program will be used a minimum of twice a year for every student from the end of the primary key stage (equivalent to second grade) on. The New Hampshire state tests (currently NH Statewide Assessment System, and</p>	<p>Page 19</p>

	SBAC, NECAP Science, and SATs) will be given to students commensurate with state policy.	SATs) will be given to students commensurate with state policy.	
Section (i) updated Graduation Requirements:	World Languages 2.0	The “Standard” MC2 pathway of 24 credits replaced the required 2 World Languages credits with 2 Advisory credits	Page 20
	Students following the “accelerated” pathway will accrue a minimum of 20 credits for graduation, distributed as follows: Career Exploration 2.0	The “Accelerated” MC2 pathway was increased from 20 credits to 21 credits through adding 2 Advisory credits and decreasing the Career Exploration credit to 1.	Page 20
	Progress at MC2 – and ultimately graduation from MC2 – is “competency based”. This means students must provide evidence of application of proficiency of competencies in order to receive credit. Performance based assessments include application, documentation, and defense of student learning and proficiency.	A sentence was added to clarify the assessment tools that form the basis for evaluating proficiency of competencies. Progress at MC2 – and ultimately graduation from MC2 – is “competency based”. This means students must provide evidence of application of proficiency of competencies in order to receive credit. Performance based assessments include application, documentation, and defense of student learning and proficiency. Students and teachers use assessment tools, including Understanding By Design Facets of Understanding, learning progressions, and rubrics, to evaluate proficiency of the competencies.	Page 21
Section (j) updated Staffing overview to more accurately reflect the Business Management tasks	<i>The BUSINESS MANAGER is responsible for:</i> <ul style="list-style-type: none"> • preparing purchase orders. • preparing bank deposits • matching purchase orders to vouchers. • preparing vouchers. • preparing information for payroll processing. • assisting the CEO when needed. 	<i>BUSINESS MANAGEMENT responsibilities include:</i> <ul style="list-style-type: none"> • preparing purchase orders. • preparing bank deposits. • matching purchase orders to vouchers. • preparing vouchers. • preparing information for payroll processing. • assisting the CEO when needed. 	Page 23

	<ul style="list-style-type: none"> • filing proper paper work with proper agencies such as NHDES when new hires come on board. • working with the CEO and School Leaders to see ADM count is administered properly. • supporting grant writing and management 	<ul style="list-style-type: none"> • filing proper paper work with proper agencies such as NHDES when new hires come on board. • working with the CEO and School Leaders to see ADM count is administered properly. • supporting grant writing and management. • processing payroll, preparing applicable tax filings, and remitting applicable taxes and employee deductions • statutory reporting to applicable governmental agencies such as the NH Department of Employment Services, US Bureau of Labor Statistics, Internal Revenue Service, and the NH Department of Education. • processing accounts payable, including purchase order maintenance. • complete bank reconciliations. • prepared invoices for billable services and maintain account receivables. • support grant fiscal management. • assist the CEO as requested. • ensure proper internal controls are developed and implemented. • ensure the School’s chart of accounts adhere to the structure delineated in the NH Financial Accounting Handbook for Local Education Agencies 	
<p>Section (j) updated Staffing overview to update the Internship</p>	<p><i>INTERNSHIP/COMMUNITY PARTNERSHIPS COORDINATOR is responsible for:</i></p> <ul style="list-style-type: none"> • Working to assure the systems, policies, and programs of career exploration and development are meaningful, progressive, and successful. 	<p><i>The INTERNSHIP COORDINATOR is responsible for:</i></p> <ul style="list-style-type: none"> • Working to assure the systems, policies, and programs of career exploration and 	<p>Page 24</p>

<p>Coordinator responsibilities.</p>	<ul style="list-style-type: none"> • Collaborating with others to assist all students in their academic, personal and social development, particularly with relation to career and workplace skills and dispositions. • Developing relationships with school and community resources and agencies as may be needed for a broad range of educational, psychological, personal or health related needs of individual students or families. • Teaching as necessary. 	<p>development are meaningful, progressive, and successful.</p> <ul style="list-style-type: none"> • Collaborating with others to assist all students in their academic, personal and social development, particularly with relation to career and workplace skills and dispositions. • Developing relationships with school and community resources and agencies as may be needed for a broad range of educational, psychological, personal or health related needs of individual students or families. • Teaching as necessary. • Developing relationships with school and community resources and agencies as needed for a broad range of educational related needs of individual learners. • Establishing and maintaining a system of records relative to extended learning opportunities (ELOs), including but not limited to community partnerships, mentors, and student work-based learning. • Ensuring compliance with NH Department of Labor expectations and requirements. • Ensuring all mentors have records and/or background checks • Prepare learners for all stages of work-based learning opportunities • Working to assure the systems, policies, and programs of mentorship are meaningful, progressive, and successful. • Schedule work-based learning transportation 	
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		<ul style="list-style-type: none"> • Representing MC2 at local business meetings, events, and conventions • Presenting with MC2 learners at local service organization meetings (Lions, Kiwanis, Rotarians, etc.) • Working with the MC2 community to research models of career development, mentorship and guidance. • Fundraising for, planning, and managing the annual Mentor Recognition Dinner. 	
Section (j) updated Staffing overview of the Lead Teacher job description,	New Section Added	LEAD TEACHER responsibilities include: <ul style="list-style-type: none"> • Assist teachers in understanding MC2 mission and core values. • Provide direction and coordination for how the MC2 competency model is implemented consistent with District initiatives and recognized best instructional practices. • Support the instructional development of all teachers in understanding the MC2 competency structures, Teacher Effectiveness Framework, and data analysis. • Assist teachers with resources, materials, tools, information, etc. to support instructional design and planning, including new resources. • Help identify professional development needs and provide if possible. • Provide coaching for teachers and advisors. 	Page 25
Section (o) updated Admissions	1. A student interested in attending MC2 first schedules a full day visit. Parents or guardians are welcome to visit as well, but are not required to do so.	1. A student interested in attending MC2 schedules a full day visit. Parents or guardians are	Page 31

<p>Procedures to reflect current practices and clarify there are no screening or enrollment prerequisites.</p>	<ol style="list-style-type: none"> 2. During the student’s visit, he or she participates in school activities and classes, including writing a reflection at the end of each day of his or her visit. 3. The student submits a completed school application, including a personal statement of interest in the school, and a statement of interest and support from the student’s parent, guardian, and/or adult advocate. 4. The student’s parent or legal guardian will provide additional application components: a completed educational history, transcripts from previous schools attended, and releases of information needed for obtaining health, academic, and special records from prior schools. 5. Upon completion of the application, the student and his or her parent or guardian meet with the School Leader or their designee to review the program and share expectations and interests. 6. The student and parent will review the responsibilities, rules, and commitments needed to attend and sign the Admissions Commitment, which is also signed by the School Leader. 7. If a student is enrolled in a school district special education program, the respective special education department will be notified of the student’s request for admission, but such students are continued in the lottery pool. 8. The school will have an annual lottery if there are more applicants than there are seats. Dates and guidelines for the lottery will be publicly advertised. 9. Once accepted, the student will have an orientation. 	<p>welcome to visit as well, but are not required to do so.</p> <ol style="list-style-type: none"> 2. During the student’s visit, he or she participates in school activities and classes, including writing a reflection at the end of each day of his or her visit. 3. The student submits a completed school application, including a personal statement of interest in the school, and a statement of interest and support from the student’s parent, guardian, and/or adult advocate.. 4. Upon completion of the application, the student and his or her parent or guardian meet with the School Leader or their designee to review the program and share expectations and interests. 5. The student and parent will review the responsibilities, rules, and commitments needed to attend and sign the Admissions Commitments, which are also signed by the student’s Advisor and the School Leader. 6. If a student is enrolled in a school district special education program, the respective special education department will be notified of the student’s request for admission, but such students are continued in the lottery pool. 7. The school will have an annual lottery if there are more applicants than there are seats. Dates and guidelines for the lottery will be publicly advertised. 8. New students must successfully complete the MC2 orientation experience learning experience 	
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	10. New students must successfully complete the orientation experience before their formal admissions period is completed. Students who have been accepted for orientation may attend the school while completing their admissions period.	(MOLO) before their formal admissions period is completed.																																																																									
Section (r) updated the 5-year financial projections		.Please see Amended Charter	Page 35																																																																								
Section (j) updated the projected Staffing table	<table border="1"> <thead> <tr> <th data-bbox="428 506 753 545">Year:</th> <th data-bbox="753 506 877 545">17-18</th> <th data-bbox="877 506 1001 545">18-19</th> <th data-bbox="1001 506 1125 545">19-20</th> <th data-bbox="1125 506 1249 545">20-21</th> <th data-bbox="1249 506 1373 545">21-22</th> </tr> </thead> <tbody> <tr> <td data-bbox="428 545 753 583">Student Population</td> <td data-bbox="753 545 877 583">210</td> <td data-bbox="877 545 1001 583">240</td> <td data-bbox="1001 545 1125 583">250</td> <td data-bbox="1125 545 1249 583">260</td> <td data-bbox="1249 545 1373 583">270</td> </tr> <tr> <td data-bbox="428 583 753 620">Teaching Functions</td> <td data-bbox="753 583 877 620">14</td> <td data-bbox="877 583 1001 620">16</td> <td data-bbox="1001 583 1125 620">17</td> <td data-bbox="1125 583 1249 620">17.5</td> <td data-bbox="1249 583 1373 620">18</td> </tr> <tr> <td data-bbox="428 620 753 691">Teaching Assistant Functions</td> <td data-bbox="753 620 877 691">4</td> <td data-bbox="877 620 1001 691">4</td> <td data-bbox="1001 620 1125 691">4</td> <td data-bbox="1125 620 1249 691">5</td> <td data-bbox="1249 620 1373 691">5</td> </tr> <tr> <td data-bbox="428 691 753 763">Head of School Functions</td> <td data-bbox="753 691 877 763">2</td> <td data-bbox="877 691 1001 763">2</td> <td data-bbox="1001 691 1125 763">2</td> <td data-bbox="1125 691 1249 763">2</td> <td data-bbox="1249 691 1373 763">2</td> </tr> <tr> <td data-bbox="428 763 753 834">Administrative Assistant Functions</td> <td data-bbox="753 763 877 834">2</td> <td data-bbox="877 763 1001 834">2</td> <td data-bbox="1001 763 1125 834">2</td> <td data-bbox="1125 763 1249 834">2</td> <td data-bbox="1249 763 1373 834">2</td> </tr> <tr> <td data-bbox="428 834 753 977">Internship/Community Partnership Coordinator Functions</td> <td data-bbox="753 834 877 977">2</td> <td data-bbox="877 834 1001 977">2</td> <td data-bbox="1001 834 1125 977">2</td> <td data-bbox="1125 834 1249 977">2</td> <td data-bbox="1249 834 1373 977">2</td> </tr> <tr> <td data-bbox="428 977 753 1049">Special Education/ESL Liaison Functions</td> <td data-bbox="753 977 877 1049">1</td> <td data-bbox="877 977 1001 1049">1</td> <td data-bbox="1001 977 1125 1049">1</td> <td data-bbox="1125 977 1249 1049">1</td> <td data-bbox="1249 977 1373 1049">1</td> </tr> <tr> <td data-bbox="428 1049 753 1120">Grant-writer/Fundraiser Functions</td> <td data-bbox="753 1049 877 1120">.5</td> <td data-bbox="877 1049 1001 1120">.5</td> <td data-bbox="1001 1049 1125 1120">.5</td> <td data-bbox="1125 1049 1249 1120">.5</td> <td data-bbox="1249 1049 1373 1120">.5</td> </tr> <tr> <td data-bbox="428 1120 753 1192">Superintendent/Business Office Functions</td> <td data-bbox="753 1120 877 1192">.5</td> <td data-bbox="877 1120 1001 1192">1</td> <td data-bbox="1001 1120 1125 1192">1.5</td> <td data-bbox="1125 1120 1249 1192">1.5</td> <td data-bbox="1249 1120 1373 1192">1.5</td> </tr> <tr> <td data-bbox="428 1192 753 1229">IT Support</td> <td data-bbox="753 1192 877 1229">1</td> <td data-bbox="877 1192 1001 1229">1</td> <td data-bbox="1001 1192 1125 1229">1</td> <td data-bbox="1125 1192 1249 1229">1</td> <td data-bbox="1249 1192 1373 1229">1</td> </tr> <tr> <td data-bbox="428 1229 753 1266">Total FTEs</td> <td data-bbox="753 1229 877 1266">27</td> <td data-bbox="877 1229 1001 1266">30</td> <td data-bbox="1001 1229 1125 1266">31.5</td> <td data-bbox="1125 1229 1249 1266">33</td> <td data-bbox="1249 1229 1373 1266">33.5</td> </tr> </tbody> </table>	Year:	17-18	18-19	19-20	20-21	21-22	Student Population	210	240	250	260	270	Teaching Functions	14	16	17	17.5	18	Teaching Assistant Functions	4	4	4	5	5	Head of School Functions	2	2	2	2	2	Administrative Assistant Functions	2	2	2	2	2	Internship/Community Partnership Coordinator Functions	2	2	2	2	2	Special Education/ESL Liaison Functions	1	1	1	1	1	Grant-writer/Fundraiser Functions	.5	.5	.5	.5	.5	Superintendent/Business Office Functions	.5	1	1.5	1.5	1.5	IT Support	1	1	1	1	1	Total FTEs	27	30	31.5	33	33.5		Page 28
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Teaching Assistant Functions	4	4	4	5	5																																																																						
Head of School Functions	2	2	2	2	2																																																																						
Administrative Assistant Functions	2	2	2	2	2																																																																						
Internship/Community Partnership Coordinator Functions	2	2	2	2	2																																																																						
Special Education/ESL Liaison Functions	1	1	1	1	1																																																																						
Grant-writer/Fundraiser Functions	.5	.5	.5	.5	.5																																																																						
Superintendent/Business Office Functions	.5	1	1.5	1.5	1.5																																																																						
IT Support	1	1	1	1	1																																																																						
Total FTEs	27	30	31.5	33	33.5																																																																						

Ammended Assumptions:

Year:	20-21	21-22	22-23	23-24	24-25
Student Population	150	150	170	170	210
Teaching Functions	8	8	10	10	12
Teaching Assistant Functions	4	4	4	4	5
Head of School Functions	2	2	2	2	2
Administrative Assistant Functions	2	2	2	2	2
Internship/Community Partnership Coordinator Functions	2	2	2	2	2
Special Education/ESL Liaison Functions	2	2	2	2	2
Grant-writer/Fundraiser Functions	.5	.5	.5	.5	.5
Superintendent/Business Office Functions	1.5	1.5	1.5	1.5	1.5
IT Support	1	1	1	1	1
Total FTEs	23	23	25	25	27

CHAPTER Ed 1000 VOCATIONAL REHABILITATION PROGRAMS

Readopt with amendment Ed 1001 through Ed 1003, effective 1-19-12 (Document #10074), to read as follows:

PART Ed 1001 PURPOSE AND SCOPE

Ed 1001.01 Purpose. ~~The rules Chapter Ed 1000~~ for the New Hampshire vocational rehabilitation services program ***provide the rules for uniform application of*** ~~implement~~ the State Vocational Rehabilitation Services Program authorized by Title I of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq. ***and regulated by 34 CFR Part 361.***

Ed 1001.02 Scope. ~~The purpose of the~~ New Hampshire vocational rehabilitation services program ~~is to~~ ***shall be responsible for*** assessing, planning, developing, and providing vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they can prepare for and engage in gainful employment. The rules for the New Hampshire vocational rehabilitation services program implement the State Vocational Rehabilitation Services Program authorized by Title I of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

Readopt with amendment Ed 1002, effective 1-19-12 (Document #10074), to read as follows:

PART Ed 1002 DEFINITIONS

Ed 1002.01 ~~"Act" means the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.~~
Definitions. In addition to the definitions in the in 34 CFR 361.5, unless context makes another meaning manifest, the following definitions shall apply to Ed 1003 through Ed 1012:

(a) "Bureau" means the department of education, division of career technology and adult learning, bureau of vocational rehabilitation.

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

Ed 1002.02 ~~"Administrative costs under the state plan" means "administrative costs under the state plan" as defined in 34 CFR 361.5(b)(2).~~

Ed 1002.03 ~~"Applicant" means an individual who submits an application for vocational rehabilitation services in accordance with 34 CFR §361.41 (b), (2)~~

Ed 1002.04 ~~"Appropriate modes of communication" means "appropriate modes of communication" as defined in 34 CFR 361.5(b)(5).~~

Ed 1002.05 ~~"Assessment for determining eligibility and vocational rehabilitation needs" means "assessment for determining eligibility and vocational rehabilitation needs" as defined in 34 CFR 361.5(b)(6).~~

Ed 1002.06 ~~"Assistive technology device" means "assistive technology device" as defined in 34 CFR 361.5(b)(7).~~

Ed 1002.07 ~~"Assistive technology service" means "assistive technology service" as defined in 34 CFR 361.5(b)(8).~~

~~Ed 1002.08 "Community rehabilitation program" means "community rehabilitation program" as defined in 34 CFR 361.5(b)(9).~~

~~Ed 1002.09 "Comparable services and benefits" means "comparable services and benefits" as defined in 34 CFR 361.5(b)(10).~~

~~Ed 1002.10 "Competitive employment" means "competitive employment" as defined in 34 CFR 361.5(b)(11).~~

~~Ed 1002.11 "Designated state agency" means the New Hampshire department of education, which is the state agency responsible for administering the state plan for vocational rehabilitation services in accordance with 34 CFR 361.13(a).~~

~~Ed 1002.12 "Designated state unit" means the division of career technology and adult learning in the New Hampshire department of education pursuant to 34 CFR 361.5(b)(14).~~

~~Ed 1002.13 "Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of 34CFR361.5(b)(15).~~

~~Ed 1002.14 "Employment outcome" means "employment outcome" as defined in 34 CFR 361.5(b)(16).~~

~~Ed 1002.15 "Establishment, development, or improvement of a public or nonprofit community rehabilitation program" means "establishment, development, or improvement of a public or nonprofit community rehabilitation program" as defined in 34 CFR 361.5(b)(17).~~

~~Ed 1002.16 "Extended employment" means "extended employment" as defined in 34 CFR 361.5(b)(19).~~

~~Ed 1002.17 "Extended services" means "extended services" as defined in 34 CFR 361.5(b)(20).~~

~~Ed 1002.18 "Extreme medical risk" means "extreme medical risk" as defined in 34 CFR 361.5(b)(21).~~

~~Ed 1002.19 "Family member", for purposes of receiving vocational rehabilitation services in accordance with Ed 1010.16(a)(9), means "family member" as defined in 34 CFR 361.5(b)(23).~~

~~Ed 1002.20 "Impartial hearing officer" means "impartial hearing officer" as defined in 34 CFR 361.5(b)(25), and includes "presiding officer" as defined in RSA 541-A:1, XIV.~~

~~Ed 1002.21(c) "Independent living program" means the state independent living services program set out in 34 CFR§364 and RSA 200-C:24 and includes the services set out in 34 CFR §365.1~~

~~Ed 1002.22 "Individual who is blind" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees, and who has been examined by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual selects, to make the determination that the individual is blind.~~

~~Ed 1002.23 "Individual with a disability" means "individual with a disability" as defined in 34 CFR 361.5(b)(28) and (29).~~

Ed 1002.24 (d) "Individual with a most significant disability" means an individual with a significant disability:

(a1) Who has a significant mental or physical impairment that seriously limits 2 or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills, or work tolerance or work skills in terms of employment outcomes; and

(b2) Whose vocational rehabilitation can be expected to require 2 or more vocational rehabilitation services, in addition to the vocational rehabilitation counselor provided services of guidance, counseling, service coordination and job placement, over an extended period of time of 6 months or longer.

~~Ed 1002.25 "Individual with a significant disability" means "individual with a significant disability" as defined in 34 CFR 361.5(b)(31).~~

~~Ed 1002.26 "Individual's representative" means "individual's representative" as defined in 34 CFR 361.5(b)(32).~~

~~Ed 1002.27 "Integrated setting" means "integrated setting" as defined in 34 CFR 361.5(b)(33).~~

~~Ed 1002.28 "Maintenance" means "maintenance" as defined in 34 CFR 361.5(b)(35)~~

~~Ed 1002.29 "Mediation" means "mediation" as defined in 34 CFR 361.5(b)(36).~~

~~Ed 1002.30 "Nonprofit" means "nonprofit" as defined in 34 CFR 361.5(b)(37).~~

~~Ed 1002.31 "Ongoing support services" means "ongoing support services" as defined in 34 CFR 361.5(b)(38).~~

~~Ed 1002.32 "Personal assistance services" means "personal assistance services" as defined in 34 CFR 361.5(b)(39).~~

~~Ed 1002.33 "Physical and mental restoration services" means "physical and mental restoration services" as defined in 34 CFR 361.5(b)(40).~~

~~Ed 1002.34 "Physical or mental impairment" means "physical or mental impairment" as defined in 34 CFR 361.5(b)(41).~~

~~Ed 1002.35 "Post employment services" means "post employment services" as defined in 34 CFR 361.5(b)(42).~~

Ed 1002.36 (e) "Program for the deaf and hard of hearing" means the program established under RSA 200-C:18.

~~Ed 1002.37 "Qualified and impartial mediator" means "qualified and impartial mediator" as defined in 34 CFR 361.5(b)(43).~~

~~Ed 1002.38 "Rehabilitation engineering" means "rehabilitation engineering" as defined in 34 CFR 361.5(b)(44).~~

~~Ed 1002.39 "Rehabilitation technology" means "rehabilitation technology" as defined in 34 CFR 361.5(b)(45).~~

~~Ed 1002.40 (f) "Review " means the procedure for determining whether decisions made by personnel of the designated state unit **bureau** that affect the provision of vocational rehabilitation services are consistent with the Act and rules adopted thereunder.~~

~~Ed 1002.41 "State workforce investment board" means a board established under section 111 of the Workforce Investment Act of 1998, 29 U.S.C. 705(33).~~

~~Ed 1002.42 "Statewide workforce investment system" means a system described in section 111(d)(2) of the Workforce Investment Act of 1998, 29 U.S.C. 705(34).~~

~~Ed 1002.43 "State plan" means "state plan" as defined in 34 CFR 361.5(b)(51).~~

~~Ed 1002.44 "Substantial impediment to employment" means "substantial impediment to employment" as defined in 34 CFR 361.5(b)(52).~~

~~Ed 1002.45 "Supported employment" means "supported employment" as defined in 34 CFR 361.5(b)(53).~~

~~Ed 1002.46 "Supported employment program" means the program established under RSA 200-C:21 and 34 CFR 363.1.~~

~~Ed 1002.47 "Supported employment services" means "supported employment services" as defined in 34 CFR 361.5(b)(54).~~

~~Ed 1002.48 "Transition services" means "transition services" as defined in 34 CFR 361.5(b)(55).~~

~~Ed 1002.49 "Transitional employment" means "transitional employment" as defined in 34 CFR 361.5(b)(56).~~

~~Ed 1002.50 "Transportation" means "transportation" as defined in 34 CFR 361.5(b)(57).~~

~~Ed 1002.51 "Vocational rehabilitation services" means "vocational rehabilitation services" as defined in 34 CFR 361.5(b)(58).~~

PART Ed 1003 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION

Ed 1003.01 Confidentiality. ***In addition to the requirements under 34 CFR 361.38, the following shall apply regarding confidentiality:***

(a) All current and stored information as to personal facts given or made available to the designated state unit, its representative, or its employee, in the course of the administration of the vocational rehabilitation program, including photographs, lists of names and addresses and records of agency evaluation, shall be held to be confidential by the division and by individuals, service providers, other cooperating agencies and organizations, and interested parties to whom such information is disseminated;

~~(b) All personal information in the possession of the designated state unit shall be used only for purposes directly connected with the administration of the vocational rehabilitation program. Information containing identifiable personal information shall not be shared with advisory or other bodies which do not administer the program.~~

~~(c) All applicants, eligible individuals, representatives of applicants or individuals, service providers, other cooperating agencies and organizations, and interested parties shall be informed through appropriate modes of communication consistent with the choice, used by the individual of the confidentiality of personal information and the conditions in Ed 1003.03 for accessing and releasing this information.~~

~~(d) The designated state unit shall inform all applicants, eligible individuals, and representatives of applicants or individuals about the division's need to collect personal information and the provisions of this section governing its use.~~

~~(e) In the administration of the vocational rehabilitation program, the designated state unit shall obtain personal information from service providers and cooperating agencies under assurances that the information shall not be further divulged, except as provided under Ed 1003.02, Ed 1003.03, and Ed 1003.04.~~

~~(f) Individuals, agencies, and organizations shall pay a fee of \$.06 per page to cover costs of duplicating records and making extensive searches required for the release of information in Ed 1003.03 and the exchange of information in Ed 1003.04 in accordance with 34 CFR 361.38 and the rules of this part.~~

Ed 1003.02 Data Collection. *In addition to the requirements of 34 CFR 361.38, the following shall apply to data collection:*

(a) The collection of personal information by designated state unit personnel concerning applicants and eligible individuals shall be authorized by the applicant or individual through completion of a release of information permit containing the:

- (1) Date;
- (2) Applicant or individual's name;
- (3) Signature;
- (4) Social security number optional: may be required for eligibility for certain state and federal programs; and
- (5) A statement authorizing release to the designated state unit of medical, psychological, psychiatric, educational, and vocational information necessary for the determination of eligibility and development and implementation of an individualized plan for employment;

(b) The signature of the parent or guardian shall be required when the applicant or eligible individual is under 18 years old or has a legal guardian; *and*

(c) The designated state unit shall collect personal information under 29 U.S.C. 709(c), 29 U.S.C. 721(a)(6)(A), and 34 CFR 361.38. Failure by the applicant or eligible individual to provide sufficient

personal information to the designated state unit to determine eligibility, or to prepare an individualized plan for employment or to monitor progress of services provided, shall result in the case being closed.

Ed 1003.03 Release of Information. *In addition to the requirements of 34 CFR 361.38, the following shall apply to the release of information:*

(a) Personal information concerning the applicant or eligible individual shall not be released to any individual or organization except as authorized by the applicant, individual, or law. When personal information has been obtained from another agency or organization, it shall be released only by, or under the conditions established by, the other agency or organization. However, when such information has been used to make a determination regarding the applicant or eligible individual that is being contested through the hearing process it shall be available for release as evidence in the hearing unless precluded by law;

~~(b) When requested in writing by the applicant or eligible individual or his or her representative, the designated state unit shall make all information in the record of vocational rehabilitation services accessible to the individual and release the information to him or her or the representative except when:~~

~~(1) Medical, psychological, or other information that the designated state unit determines might be harmful to the applicant or eligible individual after consultation with a qualified medical or mental health professional, in which case the information shall not be released directly to the applicant or individual but shall be provided to the applicant or individual through a third party chosen by the applicant or individual. The third party may include an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the applicant or individual, in which case the information shall be released to the court-appointed representative; or~~

~~(2) Personal information has been obtained from another agency or organization, in which case the information shall be released only by, or under the conditions established by, the other agency or organization.~~

~~(c) An applicant or eligible individual who believes that information in his or her record of services is inaccurate or misleading may request that the designated state unit amend the information. If the information is not amended, the request for an amendment shall be documented in the record of services, consistent with Ed 1010.16(a)(12).~~

~~(d) When a third party requests particular information about an applicant or eligible individual, the third party shall provide a written request signed by the applicant or individual or their guardian designating the third party as a representative who may have access to client information. Third parties may include attorneys, service providers, and other public or private agency or organizations; and~~

~~(e) The request shall include:~~

- ~~(1) The applicant's or eligible individual's name;~~
- ~~(2) The information being requested;~~
- ~~(3) The reasons why the material is being requested; and~~

(4) The name of the individual, agency, or organization assuming responsibility for the information and giving assurance that the information will not be released to any other individual, agency or organization.

(5) The request shall also include the following statement:

"I _____, hereby authorize the release of information for the purpose of providing vocational rehabilitation services relating to me which is in the custody or control of the New Hampshire Department of Education, Division of Career Technology and Adult Learning. I have considered and understand the implications of this waiver. The release of this information is more important to me than the loss of privacy which may result directly or indirectly from the release. I agree to hold harmless the New Hampshire Department of Education, Division of Career Technology and Adult Learning and their authorized representatives for any damages arising out the release of the information I am requesting. "

~~(f) Personal information shall be released under Ed 1003.03(g) only if the organization, agency, or individual assures that:~~

~~(1) The information will be used only for the purposes for which it is being provided;~~

~~(2) The information will be released only to persons officially responsible for conducting the audit, evaluation, or research;~~

~~(3) The information will not be released to the involved applicant or individual;~~

~~(4) The information will be managed in a manner to safeguard confidentiality; and~~

~~(5) The final product will not reveal any personal identifying information without the informed written consent of the involved applicant or individual or the applicant's or individual's representative.~~

~~(g) Upon receiving the informed written consent of the applicant or eligible individual or, if appropriate, the applicant's or individual's representative, the designated state unit shall release personal information to another agency or organization for its program purposes if:~~

~~(1) The information may be released to the involved applicant or individual or the applicant's or individual's representative; and~~

~~(2) The other agency or organization demonstrates that the information requested is necessary for its program.~~

~~(3) Medical or psychological information that the designated state unit determines might be harmful to the applicant or eligible individual shall be released only if the other agency or organization assures the designated state unit that the information will be used only for the purpose for which it is being provided and will not be further released to the applicant or individual.~~

~~(h) Personal information concerning the applicant or eligible individual shall be released to an organization, agency, or individual engaged in audit, evaluation, or research.~~

~~(i) The designated state unit shall release personal information as required by federal law.~~

~~(j) The designated state unit shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, and in response to an order issued by a judge or other authorized judicial officer.~~

~~(k) The designated state unit shall release personal information in order to protect the applicant or eligible individual or others if the applicant or individual poses a threat to his or her safety or to the safety of others.~~

Ed 1003.04 Exchanging Information with Other Parties. *In addition to the requirements of 34 CFR 361.38, the following shall apply to exchanging information with other parties:*

(a) When the ~~designated state unit~~ **bureau** is working with an agency or organization on behalf of an applicant or eligible individual, information shall be exchanged after obtaining a written release of information authorization described in Ed 1003.03~~(d)~~, signed by the individual, or his or her parent or guardian if the individual is under 18 years old or has a legal guardian. For agencies and organizations having an agreement with the designated state unit to exchange information, information regarding mutual applicants or eligible individual's information shall be exchanged without obtaining an individual's release. The agencies and organizations having such cooperative agreements shall be identified by the designated state unit on the application for vocational rehabilitation services ~~described in Ed 1010.02~~.

(b) Agencies and organizations with which the ~~designated state~~ **bureau** unit shall exchange information include but are not limited to:

- (1) The New Hampshire department of health and human services;
- (2) The New Hampshire department of labor, division of workers' compensation;
- (3) New Hampshire WORKS Partners established under the Workforce Investment Act of 1998, 29 U.S.C. 705, as described in the cooperative agreement;
- (4) Community rehabilitation programs;
- (5) New Hampshire disability determination services; and
- (6) The Social Security Administration.

(c) In situations not covered by the provisions of Ed 1003.04(a), upon receiving the informed written consent of the applicant or eligible individual or, if appropriate, the applicant's or individual's representative, the ~~designated state unit~~ **bureau** shall release personal information to another agency or organization for its program purposes only to the extent that the information shall be released to the involved applicant or individual or the applicant's or individual's representative and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

PART Ed 1005~~4~~ ABILITY TO SERVE ALL ELIGIBLE INDIVIDUALS AND ORDER OF SELECTION

Readopt with amendment and Ed 1005.01 through

~~Ed 1005.01 Ability to Provide Full Range of Vocational Rehabilitation Services~~***Determination, Establishment, and Implementation. The provisions under 34 CFR 361.36 shall be used to determine the ability to serve all eligible individuals or an order of selection in addition to the following:***

(a) The designated state unit shall ***comply with the provisions of 34 CFR 361.36*** to either:

(1) ~~Provide~~***Provide*** the full range of vocational rehabilitation services listed in 29 U.S.C. 723(a) and Ed 1010.16, as appropriate, to all eligible individuals; or

(2), ~~in~~***In*** the event that vocational rehabilitation services cannot be provided to all eligible individuals who apply for the services, implement the order of selection established in Ed 1006 to be followed in selecting eligible individuals to be provided vocational rehabilitation services.

~~(b) The designated state unit shall provide the full range of vocational rehabilitation services to all eligible individuals if a determination is also made that, on the basis of the designated state unit's projected fiscal and personnel resources and its assessment of the rehabilitation needs of individuals with significant disabilities within New Hampshire, the designated state unit can:~~

~~(1) Continue to provide services to all individuals currently receiving services;~~

~~(2) Provide assessment services to all individuals expected to apply for services in the next fiscal year;~~

~~(3) Provide services to all individuals who are expected to be determined eligible in the next fiscal year; and~~

~~(4) Meet all program requirements.~~

~~(c) The designated state unit shall establish and implement an order of selection according to the provisions of Ed 1006 if the designated state unit determines that it is unable to provide the full range of vocational rehabilitation services to all eligible individuals in New Hampshire who apply for the services.~~

~~(db)~~ The designated state unit shall consult with the state rehabilitation council established under 34 CFR 361.16 that meets the requirements of 34 CFR 361.17 regarding the:

(1) Need to establish an order of selection, including any reevaluation of the need as provided in Ed 1006.01(b);

(2) Priority categories of the particular order of selection;

(3) Criteria for determining individuals with the most significant disabilities; and

(4) Administration of the order of selection.

~~PART Ed 1006 ORDER OF SELECTION FOR SERVICES~~

~~Ed 1006.01 Determining Need for Establishing and Implementing An Order of Selection.~~

~~(a) Prior to the beginning of each fiscal year the designated state unit shall determine whether to establish and implement an order of selection.~~

~~(bc) If the designated state unit **bureau** determines that it does not need to establish an order of selection, the designated state unit **bureau** shall reevaluate this determination whenever changed circumstances during the course of a fiscal year indicate that it might no longer be able to provide the full range of vocational rehabilitation services, as appropriate, to all eligible individuals according to the requirements in Ed 1005.01(e) *in accordance with 34 CFR 361.36(b)(2)*.~~

~~(ed) If the designated state unit establishes an order of selection, but determines that it does not need to implement that order at the beginning of the fiscal year, the designated state unit shall continue to meet the requirements of Ed 1005.01(c). If the designated state unit does not continue to meet the requirements of Ed 1005.01(c) it shall implement the order of selection by closing one or more priority categories.~~

~~Ed 1006.02 Establishing an Order of Selection. An order of selection shall be based only on the 3 criteria in the definition of "individual with a significant disability."~~

~~Ed 1006.03 Administering and Implementing an Order of Selection. (e) *If, in accordance with 34 CFR 361.36, a determination is made that the bureau is unable to provide the full range of services to all eligible individuals,*~~

~~(a) The designated state unit shall administer an order of selection as follows:~~

~~(1) The order of selection shall be implemented on a statewide basis;~~

~~(2) All eligible individuals shall be notified of the priority categories in the order of selection, their assignment to a particular category, and their right to appeal their category assignment;~~

~~(3) The designated state unit shall continue to provide all needed services to any eligible individual who has begun to receive services under an individualized plan for employment prior to the effective date of the order of selection, irrespective of the severity of the individual's disability;~~

~~(4) The designated state unit shall ensure that its funding arrangements for providing services under the state plan, including third party arrangements and awards under the establishment authority, are consistent with the order of selection; and~~

~~(5) The designated state unit shall renegotiate any funding arrangements that are inconsistent with the order of selection so that they are consistent with the order of selection.~~

~~(b) The designated state unit shall implement an order of selection for eligible individuals according to the following priority categories:~~

~~(1) Priority one shall include individuals who are determined to be eligible for services prior to the effective date of the implementation of the order of selection as provided in Ed 1006.03(a)(3) *in accordance with 34 CFR 361.36*, and individuals who are determined to be eligible for services after the effective date of the implementation of the order of selection and who are individuals with a most significant disability;~~

~~(2) Priority 2 shall include individuals with a significant disability and public safety officers as defined in RSA 507:8-h, **II** who are disabled in the line of duty in law enforcement or protection of life or property and who are not included in priority one; and~~

(3) Priority 3 shall include all other eligible individuals who do not have a significant disability.

PART Ed 10075 COMPARABLE SERVICES AND BENEFITS

Ed 10075.01 ~~Determination of Availability of Comparable Services and Benefits~~. *The bureau shall comply with the provisions of 34 CFR 361.53 in the determination and use of comparable services and benefits.*

~~(a) Prior to providing any vocational rehabilitation services, except those services listed in Ed 1007.02, to an eligible individual or to members of the individual's family, the designated state unit shall determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.~~

~~(b) A determination of the availability of comparable services and benefits shall not be required if the determination would interrupt or delay:~~

~~(1) The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;~~

~~(2) An immediate job placement; or~~

~~(3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriately licensed medical professional acting within the scope of his or her authority, unless the extreme medical risk requires intensive hospitalization or surgery in those circumstances, such as but not limited to, where organ or bone marrow transplantations are required.~~

Ed 1007.02 ~~Exempt Services~~. The following vocational rehabilitation services described in Ed 1010.16 shall be exempt from a determination of the availability of comparable services and benefits:

~~(a) Assessment for determining eligibility and priority for services and assessment for determining vocational rehabilitation needs;~~

~~(b) Counseling and guidance, including information and support services, to assist an individual in exercising informed choice;~~

~~(c) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available under the vocational rehabilitation services program;~~

~~(d) Job related services, including job search and placement assistance, job retention services, follow up services, and follow along services;~~

~~(e) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and~~

~~(f) Post employment services consisting of the services listed under Ed 1007.02(a) - (e).~~

Ed 1007.03 ~~Using Comparable Services or Benefits~~.

~~(a) If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment, the designated state unit shall use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.~~

~~(b) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment, the designated state unit shall provide vocational rehabilitation services until those comparable services and benefits become available.~~

PART Ed 10086 PARTICIPATION OF INDIVIDUALS IN COST OF SERVICES BASED ON FINANCIAL NEED

Ed 10086.01 Financial Needs Assessment.

(a) The ~~designated state unit~~ **bureau** shall consider the financial need of eligible individuals or of individuals who are receiving services through trial work experiences under ~~Ed 1010.07~~ **34 CFR 361.42(e)** or during an extended evaluation under Ed 1010.08. The financial needs assessment shall be used for determining the extent of the individual's participation in the costs of vocational rehabilitation services. ~~The services listed in Ed 1008.02 shall be exempt from a financial needs assessment.~~

(b) The financial needs assessment shall:

(1) Explain the method for determining the financial need of an eligible individual as follows:

- a. The method shall be a review of the person's financial status; and
- b. The method shall compare income and resources to determine the amount of monthly resources that shall be utilized for specific vocational rehabilitation services; and

(2) Specify the types of vocational rehabilitation services from the following services for which the ~~designated state unit~~ **bureau** has established a financial needs test:

- a. Physical and mental restoration;
- b. Vocational and other training services;
- c. Maintenance;
- d. Transportation;
- e. Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;
- f. Supported employment services;
- g. Post employment services;

- h. Occupational licenses, tools, equipment, initial stocks, and supplies;
- i. Rehabilitation technology, including vehicular modification, telecommunications, sensory, and other technological aids and devices;
- j. Transition services; and
- k. Technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment.

~~(c) The financial needs assessment shall be applied uniformly to all individuals in similar circumstances.~~

~~(d) Although the financial needs assessment might require different levels of need for different geographic regions in the state, the assessment shall be applied uniformly to all individuals within each geographic region.~~

~~(e) The financial needs assessment shall ensure that the level of an individual's participation in the cost of vocational rehabilitation services is:~~

- ~~(1) Based on the individual's financial need, including consideration of any disability related expenses paid by the individual; and~~
- ~~(2) Not so high as to effectively deny the individual a necessary service.~~

Ed 10086.02 Services Exempt from Financial Needs Assessment.

~~(a) The designated state unit *bureau* shall not apply a financial needs assessment or require the financial participation of the individual as a condition for furnishing the following vocational rehabilitation services *enumerated in 34 CFR 361:54(3)*:~~

- ~~(1) Assessment for determining eligibility and priority for vocational rehabilitation services under Ed 1010.04, except those non-assessment services that are provided to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences under Ed 1010.07 or an extended evaluation under Ed 1010.08;~~
- ~~(2) Assessment for determining vocational rehabilitation needs under Ed 1010.12;~~
- ~~(3) Vocational rehabilitation counseling and guidance under Ed 1010.11;~~
- ~~(4) Referral and other services under Ed 1009;~~
- ~~(5) Job-related services under Ed 1010.15(a)(12);~~
- ~~(6) Personal assistance services; and~~

~~(7) Any auxiliary aid or interpreter services under Ed 1010.15(a)(10) or reader services under Ed 1010.15(a)(11) that an individual with a disability requires under section 504 of the Act, 29 U.S.C. 794, or under the Americans with Disabilities Act, 42 U.S.C. 12101, et seq., or regulations implementing those laws, in order for the individual to participate in the vocational rehabilitation program.~~

~~(b) The designated state unit shall not apply a financial needs assessment or require the financial participation of the individual as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.~~

PART Ed 10097 INFORMATION AND REFERRAL SERVICES

Ed 10097.01 Referring Individuals Under an Order of Selection.—The designated State agency *department* shall *comply with 34 CFR 361.37 to* implement an information and referral system adequate to ensure that individuals with disabilities, including eligible individuals who do not meet the agency's order of selection criteria for receiving vocational rehabilitation services if the agency is operating on an order of selection, are provided accurate vocational rehabilitation information and guidance ~~which may include counseling and referral for job placement using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment.~~

Ed 1009.02 Referring Individuals to Extended Employment Providers.

~~(a) The designated state unit shall refer to local extended employment providers an individual with a disability who makes an informed choice to pursue extended employment as the individual's employment goal.~~

~~(b) Before making the referral required by this section, the designated state unit shall:~~

~~(1) Consistent with Ed 1010.04(f), explain to the individual that the purpose of the vocational rehabilitation program is to assist individuals to achieve an employment outcome;~~

~~(2) Consistent with Ed 1012, provide the individual with information concerning the availability of employment options, and of vocational rehabilitation services, in integrated settings;~~

~~(3) Inform the individual that services under the vocational rehabilitation program can be provided to eligible individuals in an extended employment setting if necessary for purposes of training or otherwise preparing for employment in an integrated setting;~~

~~(4) Inform the individual that, if he or she initially chooses not to pursue employment in an integrated setting, he or she can seek services from the designated state unit at a later date if, at that time, he or she chooses to pursue employment in an integrated setting; and~~

~~(5) Refer the individual, as appropriate, to the Social Security Administration in order to obtain information concerning the ability of individuals with disabilities to work while receiving benefits from the Social Security Administration.~~

Ed 1009.03 Criteria for Appropriate Referrals.

~~(a) The designated state unit shall refer individuals with disabilities to federal or state programs, including programs carried out by other components of the statewide workforce investment system, best suited to address the specific employment needs of an individual with a disability.~~

~~(b) The designated state unit shall provide the individual who is being referred with a notice of the referral by the designated state unit to the agency carrying out the program that includes:~~

~~(1) Information identifying a specific point of contact within the agency to which the individual is being referred; and~~

~~(2) Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.~~

PART Ed 10408 PROVISION AND SCOPE OF SERVICES

Ed 10408.01 Processing Referrals.

~~(a) The designated state unit shall promptly and equitably handle referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the One Stop service delivery systems established under section 121 of the Workforce Investment Act of 1998, 29 U.S.C. 721(a)(6)(A) and 723(a)(6). Good faith efforts shall be made in a timely manner to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services. ***In addition to compliance with the provisions of 34 CFR 361.41, the bureau shall request***~~

~~(b) The following minimum information shall be furnished for ***from*** each individual who is referred to the designated state unit for vocational rehabilitation services:~~

~~(1a) Name and address;~~

~~(2b) Disability;~~

~~(3c) Age and gender;~~

~~(4d) Date of referral; and~~

~~(5e) Source of referral.~~

Ed 10408.02 Processing Applications. ***The bureau shall process applications in accordance with 34 CFR 361.41(b).***

~~(a) Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in One Stop centers established under section 121 of the Workforce Investment Act of 1998, 29 U.S.C. 721(a)(6)(A) and 723(a)(6), an eligibility determination shall be made within 60 days, unless:~~

~~(1) Exceptional and unforeseen circumstances beyond the control of the designated state unit preclude making an eligibility determination within 60 days and the designated state unit and the individual agree to a specific extension of time; or~~

~~(2) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with Ed 1010.07 or, if appropriate, an extended evaluation is carried out in accordance with Ed 1010.08.~~

~~(b) If no agreement can be reached under subparagraph (a)(1), the eligibility determination shall be made on the available information.~~

~~(c) An individual shall be considered by the designated state unit to have submitted an application when the individual or the individual's representative, as appropriate:~~

~~(1) Has completed and signed a designated state unit application form;~~

~~(2) Has completed a common intake application form in a One Stop center requesting vocational rehabilitation services;~~

~~(3) Has provided to the designated state unit information necessary to initiate an assessment to determine eligibility and priority for services;~~

~~(4) Is available to complete the assessment process; or~~

~~(5) Has otherwise requested services from the designated state unit through a verbal request, a request through an interpreter, or a request from the individual's representative.~~

~~(d) The designated state unit shall ensure that its application forms are available throughout New Hampshire, particularly in the One Stop centers established under section 121 of the Workforce Investment Act of 1998, 29 U.S.C. 721(a)(6)(A) and 723(a)(6).~~

Ed 10408.03 Assessment for Determining Eligibility and Priority for Services. *The bureau shall comply with 34 CFR 361.42 in conducting assessments for determining eligibility and priority for services to include:*

(a) Eligibility requirements;

(b) Interim determination of eligibility;

(c) Prohibited factors;

(d) Review and assessment of date for eligibility determination;

(e) Trial work experiences for individuals with significant disabilities; and

(f) Data for determination of priority for services under an order of selection.

~~(a) In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services in the event New Hampshire operates under an order of selection, the designated state unit shall conduct an assessment.~~

~~(b) The assessment shall be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the provisions of Ed 1010.04 through Ed 1010.09.~~

~~Ed 1010.04 Eligibility Requirements.~~

~~(a) An applicant shall be determined eligible for vocational rehabilitation services if:~~

~~(1) A determination is made by qualified personnel that the applicant has a physical or mental impairment;~~

~~(2) A determination is made by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;~~

~~(3) A determination is made by a vocational rehabilitation counselor employed by the designated state unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and~~

~~(4) A determination is made by the designated state unit that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.~~

~~(b) An applicant who meets the eligibility requirements in Ed 1010.04(a)(1) and (2) shall be deemed as being able to benefit in terms of an employment outcome unless the designated state unit demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.~~

~~(c) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act shall be:~~

~~(1) Presumed to be eligible for vocational rehabilitation services under Ed 1010.04(a) and (b); and~~

~~(2) Considered to be an individual with a significant disability.~~

~~(d) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act and is therefore presumed eligible for vocational rehabilitation services under Ed 1010.04(c)(1), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the designated state unit shall verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification shall be made within a period of time that enables the designated state unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with Ed 1010.02(a) and (c).~~

~~(e) Any eligible individual shall intend to achieve an employment outcome that is consistent with the applicant's:~~

~~(1) Unique strengths;~~

~~(2) Resources;~~

~~(3) Priorities;~~

- ~~(4) Concerns;~~
- ~~(5) Abilities;~~
- ~~(6) Capabilities;~~
- ~~(7) Interests; and~~
- ~~(8) Informed choice.~~

~~(f) The designated state unit shall inform individuals, through its application process for vocational rehabilitation services, that individuals who receive services under the program shall intend to achieve an employment outcome.~~

~~(g) The applicant's completion of the application process for vocational rehabilitation services shall be sufficient evidence of the individual's intent to achieve an employment outcome, and no additional demonstration on the part of the applicant shall be required for purposes of satisfying Ed 1010.04(e).~~

~~(h) Nothing in this section shall be construed to create an entitlement to any vocational rehabilitation service.~~

~~Ed 1010.05 Prohibited Factors. In making a determination of eligibility under Ed 1010.03 through Ed 1010.04 and under Ed 1010.06 through Ed 1010.09:~~

~~(a) No applicant or group of applicants shall be excluded or found ineligible solely on the basis of the type of disability; and~~

~~(b) The eligibility requirements shall be applied without regard to the:~~

- ~~(1) Age, gender, race, color, or national origin of the applicant;~~
- ~~(2) Type of expected employment outcome;~~
- ~~(3) Source of referral for vocational rehabilitation services;~~
- ~~(4) Particular service needs or anticipated cost of services required by an applicant; and~~
- ~~(5) The income level of an applicant or applicant's family.~~

~~Ed 1010.06 Review and Assessment of Data for Eligibility Determination.~~

~~(a) Except as provided in Ed 1010.07, the designated state unit shall base its determination of each of the basic eligibility requirements in Ed 1010.04 on:~~

- ~~(1) A review and assessment of existing data, including:
 - ~~a. Counselor observations;~~
 - ~~b. Education records;~~
 - ~~c. Information provided by the individual or the individual's family;~~~~

~~d. Information used by education officials; and~~

~~e. Determinations made by officials of other agencies; and~~

~~(2) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including:~~

~~a. Trial work experiences;~~

~~b. Assistive technology devices and services;~~

~~c. Personal assistance services; and~~

~~d. Any other support services that are necessary to determine whether an individual is eligible.~~

~~(b) Except as provided in Ed 1010.07, the designated state unit shall base its presumption under Ed 1010.04(c) that an applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act satisfies each of the basic eligibility requirements in Ed 1010.04 on determinations made by the Social Security Administration.~~

~~Ed 1010.07 Trial Work Experiences for Individuals with Significant Disabilities.~~

~~(a) Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability, the designated state unit shall conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether there is clear and convincing evidence to support such a determination.~~

~~(b) The designated state unit shall develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences. Such trial work experience shall be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.~~

~~(c) Trial work experiences shall include supported employment, on the job training, and other experiences using realistic work settings.~~

~~(d) Trial work experiences shall be of sufficient variety and over a sufficient period of time for the designated state unit to determine that:~~

~~(1) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or~~

~~(2) There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.~~

~~(e) The designated state unit shall provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.~~

~~Ed 10408.084~~ Extended Evaluation for Certain Individuals with Significant Disabilities.

(a) If an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before the designated state unit is able to make the determinations described in ~~Ed 1010.07(d)~~ **34 CFR 361.42(e)**, the designated state unit shall conduct an extended evaluation to make these determinations.

(b) During the extended evaluation period, vocational rehabilitation services shall be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

(c) During the extended evaluation period, the designated state unit shall develop a written plan for providing services necessary to make a determination ~~under Ed 1010.07(d)~~.

(d) During the extended evaluation period, the designated state unit shall provide only those services that are necessary to make the determination ~~described in Ed 1010.07(d)~~ and shall terminate extended evaluation services when the designated state unit is able to make the determination.

~~Ed 1010.09~~ Data for Determination of Priority for Services under an Order of Selection.

~~(a) If the designated state unit is operating under an order of selection for services as provided in Ed 1006, the designated state unit shall base its priority assignments on:~~

~~(1) A review of the data that was developed under Ed 1010.06 and Ed 1010.07 to make the eligibility determination; and~~

~~(2) An assessment of additional data, to the extent necessary.~~

~~Ed 10408.405~~ Procedures for Ineligibility Determination. *The bureau's procedures for ineligibility determination shall comply with the provisions of 34 CFR 361.43.*

~~(a) If the designated state unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, the designated state unit shall:~~

~~(1) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;~~

~~(2) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of:~~

~~a. The ineligibility determination, including the reasons for that determination;~~

~~b. The requirements under this section; and~~

~~e. The means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of designated state unit personnel determinations in accordance with Ed 1004;~~

~~(3) Provide the individual with a description of services available from a client assistance program established under 34 CFR 370 and with information on how to contact that program;~~

~~(4) Refer the individual:~~

~~a. To other programs that are part of the One Stop service delivery system under the Workforce Investment Act, 29 U.S.C 705, that can address the individual's training or employment-related needs; or~~

~~b. To local extended employment providers if the ineligibility determination is based on a finding that the individual is incapable of achieving employment; and~~

~~(5) Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome.~~

~~(b) The review required under Ed 1010.10(a)(5) shall not be conducted in situations in which the individual has refused it, the individual is no longer present in New Hampshire, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.~~

~~Ed 1010.4406 Closure without Eligibility Determination. The designated state unit shall not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the designated state unit *The bureau shall comply with 34 CFR 361.44 for closure without an eligibility determination so long as the bureau has* has made a minimum number of 2 attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.~~

~~Ed 1010.4207 Development of the Individualized Plan for Employment. *The individualized plan for employment shall be developed in accordance with the provisions of 34 CFR 361.45.*~~

~~(a) An individualized plan for employment meeting the requirements of this section and Ed 1010.13 shall be developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the designated state unit is operating under an order of selection in accordance with Ed 1006, for each eligible individual to whom the designated state unit is able to provide services. Services shall be provided in accordance with the provisions of the individualized plan for employment.~~

~~(b) The designated state unit shall conduct an assessment for determining vocational rehabilitation needs for each eligible individual or, if the designated state unit is operating under an order of selection, for each eligible individual to whom the designated state unit is able to provide services. The purpose of this assessment shall be to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment.~~

~~(c) The individualized plan for employment shall be designed to achieve a specific employment outcome that is selected by the individual consistent with the individual's:~~

- ~~(1) Unique strengths;~~
- ~~(2) Resources;~~
- ~~(3) Priorities;~~
- ~~(4) Concerns;~~
- ~~(5) Abilities;~~
- ~~(6) Capabilities;~~
- ~~(7) Interests; and~~
- ~~(8) Informed choice.~~

~~(d) The designated state unit shall provide the following information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative:~~

- ~~(1) Information on the available options for developing the individualized plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment with or without assistance from the designated state unit or other entity or individual; and~~
- ~~(2) Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the individualized plan for employment, including:
 - ~~a. Information describing the full range of components that shall be included in an individualized plan for employment;~~
 - ~~b. As appropriate to each eligible individual:
 - ~~1. An explanation of the criteria in Ed 1008 for determining an eligible individual's financial commitments under an individualized plan for employment;~~
 - ~~2. Information on the availability of assistance in completing designated state unit forms required as part of the individualized plan for employment; and~~
 - ~~3. Additional information that the eligible individual requests or the designated state unit determines to be necessary to the development of the individualized plan for employment;~~~~
 - ~~c. A description of the rights and remedies available to the individual, including, if appropriate, recourse to the processes described in Ed 1004; and~~
 - ~~d. A description of the availability of a client assistance program established under 34 CFR 370 and information on how to contact the client assistance program.~~~~

~~(e) The individualized plan for employment shall be:~~

- ~~(1) A written document prepared on forms provided by the designated state unit that contain the information in Ed 1010.13;~~
- ~~(2) Developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice, consistent with Ed 1012, in selecting:
 - a. The employment outcome, including the employment setting;
 - b. The specific vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided;
 - c. The entity or entities that will provide the vocational rehabilitation services; and
 - d. The methods available for procuring the services;~~
- ~~(3) Agreed to and signed by the eligible individual or, as appropriate, the individual's representative;~~
- ~~(4) Approved and signed by a vocational rehabilitation counselor or other qualified personnel employed by the designated state unit;~~
- ~~(5) Provided to the eligible individual along with a copy of any amendments to the individualized plan for employment in writing or, as appropriate, to the individual's representative, and, if appropriate, in the native language or mode of communication of the individual;~~
- ~~(6) Reviewed at least annually by a vocational rehabilitation counselor or other qualified personnel and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome;~~
- ~~(7) Amended, as necessary, by the individual or, as appropriate, the individual's representative as follows:
 - a. The individualized plan for employment shall be amended in collaboration with a representative of the designated state unit or a vocational rehabilitation counselor or other qualified personnel, to the extent determined to be appropriate by the individual;
 - b. The individualized plan for employment shall be amended if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services; and
 - c. Amendments to the individualized plan for employment shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by a vocational rehabilitation counselor employed by the designated state unit; and~~
- ~~(8) Developed for a student with a disability receiving special education services:
 - a. In consideration of the student's individualized education plan; and~~

~~b. In accordance with the plans, policies, procedures, and terms of the interagency agreement required under the state plan.~~

~~(f) The designated state unit shall establish and implement standards for the prompt development of individualized plan for employment for the individuals identified under Ed 1010.12(a), including timelines that take into consideration the needs of the individuals.~~

~~(g) To the extent possible, the employment outcome and the nature and scope of rehabilitation services to be included in the individual's individualized plan for employment shall be determined based on the data used for the assessment of eligibility and priority for services under Ed 1010.03 through Ed 1010.09 without a comprehensive assessment.~~

~~(h) The individualized plan for employment shall be prepared based on a comprehensive assessment as follows:~~

~~(1) If additional data are necessary to determine the employment outcome and the nature and scope of services to be included in the individualized plan for employment of an eligible individual, the division shall conduct a comprehensive assessment of the unique:~~

~~a. Strengths;~~

~~b. Resources;~~

~~c. Priorities;~~

~~d. Concerns;~~

~~e. Abilities;~~

~~f. Capabilities;~~

~~g. Interests; and~~

~~h. Informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, and consistent with the informed choice of the individual in accordance with the provisions of 34 CFR 361.5(b)(6)(ii); and~~

~~(2) In preparing the comprehensive assessment, the designated state unit shall use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment, including:~~

~~a. Information available from other programs and providers, including information used by education officials and the Social Security Administration;~~

~~b. Information provided by the individual and the individual's family; and~~

~~c. Information obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs.~~

Source. #8030, eff 1-22-04; ss by #10074, eff 1-19-12

Ed 104008.4308 Content of the Individualized Plan for Employment. *The bureau shall comply with the provisions of 34 CFR 361.46 in developing the content of the individualized plan for employment.*

(a) Each individualized plan for employment shall include:

~~(1) A description of the specific employment outcome that is chosen by the eligible individual and that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice;~~

~~(2) A description of the specific rehabilitation services under Ed 1010.15 that are:~~

~~a. Needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and~~

~~b. Provided in the most integrated setting that is appropriate for the services involved and that is consistent with the informed choice of the eligible individual;~~

~~(3) Timelines for the achievement of the employment outcome and for the initiation of services;~~

~~(4) A description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;~~

~~(5) A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and~~

~~(6) The terms and conditions of the individualized plan for employment, including, as appropriate, information describing:~~

~~a. The responsibilities of the designated state unit;~~

~~b. The responsibilities of the eligible individual, including:~~

~~1. The responsibilities the individual will assume in relation to achieving the employment outcome;~~

~~2. If applicable, the extent of the individual's participation in paying for the cost of services; and~~

~~3. The responsibility of the individual with regard to applying for and securing comparable services and benefits as described in Ed 1007; and~~

~~c. The responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in Ed 1007.~~

~~(b) An individualized plan for employment for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate shall:~~

~~(1) Specify the supported employment services to be provided by the designated state unit;~~

~~(2) Specify the expected extended services needed, which may include natural supports provided through the people and environments a person encounters that enhance the potential for inclusion more effectively than relying on specialized services and personnel, such as:~~

~~a. Relationships with coworkers;~~

~~b. The social support of family and friends;~~

~~c. Social networks; and~~

~~d. Established resources within one's community including religious centers, recreational activities and support groups;~~

~~(3) Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;~~

~~(4) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;~~

~~(5) Provide for the coordination of services provided under an individualized plan for employment with services provided under other individualized plans established under other federal or state programs;~~

~~(6) To the extent that job skills training is provided, identify that the training will be provided on site; and~~

~~(7) Include placement in an integrated setting for the maximum number of hours possible based on the unique:~~

~~a. Strengths;~~

~~b. Resources;~~

~~c. Priorities;~~

~~d. Concerns;~~

~~e. Abilities;~~

~~f. Capabilities;~~

~~g. Interests; and~~

~~h. Informed choice of individuals with the most significant disabilities.~~

~~(c) The individualized plan for employment for each individual shall contain, as determined to be necessary, statements concerning:~~

~~(1) The expected need for post employment services prior to closing the record of services of an individual who has achieved an employment outcome;~~

~~(2) A description of the terms and conditions for the provision of any post employment services; and~~

~~(3) If appropriate, a statement of how post employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in Ed 1007.~~

~~(d) The individualized plan for employment for a student with a disability who is receiving special education services shall be coordinated with the individualized education plan of that individual in terms of the goals, objectives, and services identified in the individualized education plan.~~

~~(e) Notwithstanding the content of the individualized plan for employment set out above in 34 CFR 361.46, the designated state unit of vocational rehabilitation, department of education bureau shall not fund or assist in the funding of intensive hospitalization or surgery including, but not limited to, organ or bone marrow transplantations pursuant to Chapter 252:2 of the laws of 1993 as set forth in Ed 1010.13.~~

~~Ed 1010.1409 Record of Services. The designated state unit bureau shall maintain for each applicant and eligible individual a record of services that includes, to the extent pertinent, the following documentation: complies with the provisions of 34 CFR 361.47.~~

~~(a) If an applicant has been determined to be an eligible individual, documentation in the form of written notification of eligibility supporting that determination in accordance with the requirements under Ed 1010.03 through Ed 1010.09;~~

~~(b) If an applicant or eligible individual receiving services under an individualized plan for employment has been determined to be ineligible, documentation in the form of written notification of ineligibility supporting that determination in accordance with the requirements under Ed 1010.10;~~

~~(c) Documentation in the form of case notes, an amendment to the individualized plan for employment, or a letter to an applicant or eligible individual that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the designated state unit has satisfied the requirements in Ed 1010.11;~~

~~(d) If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation in accordance with 34 CFR 361.42(d) supporting that determination;~~

~~(e) Documentation supporting the need for, and the plan relating to, the extended evaluation or trial work experiences in accordance with the requirements under Ed 1010.07 and Ed 1010.08 if an individual with a significant disability requires trial work experiences or an extended evaluation;~~

~~(f) The individualized plan for employment, and any amendments to the individualized plan for employment, consistent with the requirements under Ed 1010.13;~~

~~(g) Documentation describing the extent to which the applicant or eligible individual exercised informed choice regarding the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the individualized plan for employment with respect to the selection of the:~~

- ~~(1) Specific employment outcome;~~
- ~~(2) Specific vocational rehabilitation services needed to achieve the employment outcome;~~
- ~~(3) Entity to provide the services;~~
- ~~(4) Employment setting;~~
- ~~(5) Settings in which the services will be provided; and~~
- ~~(6) Methods to procure the services;~~

~~(h) In the event that an individual's individualized plan for employment provides for vocational rehabilitation services in a non-integrated setting, a justification in the individualized plan for employment to support the need for the non-integrated setting;~~

~~(i) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals in accordance with 34 CFR 361.5(b)(11)(ii);~~

~~(j) In the event an individual achieves an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act, 29 CFR 525, or the designated state unit closes the record of services of an individual in extended employment on the basis that the individual is unable to achieve an employment outcome or that an eligible individual through informed choice chooses to remain in extended employment, documentation of the:~~

- ~~(1) Results of the annual reviews required under Ed 1013;~~
- ~~(2) Individual's input into those reviews; and~~
- ~~(3) Individual's or, if appropriate, the individual's representative's acknowledgment that those reviews were conducted;~~

~~(k) Documentation concerning any action or decision resulting from a request by an individual under Ed 1004 for a review of determinations made by the designated state unit;~~

~~(l) In the event that an applicant or eligible individual requests under Ed 1003.03(i) that documentation in the record of services be amended and the documentation is not amended, documentation of the request;~~

~~(m) In the event an individual is referred to another program through the designated state unit's information and referral system under Ed 1009, including other components of the statewide workforce~~

~~investment system, documentation on the nature and scope of services provided by the designated state unit to the individual and on the referral itself, consistent with the requirements of Ed 1009;~~

~~(n) In the event an individual's record of service is closed under Ed 1014, documentation that demonstrates the services provided under the individual's individualized plan for employment contributed to the achievement of the employment outcome; and~~

~~(o) In the event an individual's record of service is closed under Ed 1014, documentation verifying that the provisions of Ed 1014 have been satisfied.~~

Ed 10408.4510 Scope of Vocational Rehabilitation Services for Individuals with Disabilities. *The scope of vocational rehabilitation services for individuals with disabilities shall comply with the provisions of 34 CFR 361.48*

~~(a) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the following vocational rehabilitation services shall be available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:~~

~~(1) Assessment for determining eligibility and priority for services by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with Ed 1010.03 through Ed 1010.09;~~

~~(2) Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with Ed 1010.12;~~

~~(3) Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice in accordance with Ed 1012;~~

~~(4) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system, in accordance with 34 CFR 361.23 and 34 CFR 361.24, and Ed 1008, and to advise those individuals about client assistance programs established under 34 CFR 370;~~

~~(5) Physical and mental restoration services, to the extent that financial support is not readily available from a source other than the designated state unit such as through health insurance or a comparable service or benefit;~~

~~(6) Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education such as universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing, shall be paid for with funds under the state vocational rehabilitation services program unless maximum efforts have been made by the designated state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training;~~

~~(7) Maintenance;~~

~~(8) Transportation in connection with the rendering of any vocational rehabilitation service;~~

~~(9) Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;~~

~~(10) Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing, and tactile interpreting services for individuals who are deaf-blind provided by qualified personnel;~~

~~(11) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;~~

~~(12) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;~~

~~(13) Supported employment services;~~

~~(14) Personal assistance services;~~

~~(15) Post-employment services;~~

~~(16) Occupational licenses, tools, equipment, initial stocks, and supplies;~~

~~(17) Rehabilitation technology, including vehicular modification, telecommunications, sensory, and other technological aids and devices;~~

~~(18) Transition services;~~

~~(19) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; and~~

~~(20) Other goods and services necessary for the individual with a disability to achieve an employment outcome as determined in the individualized plan for employment.~~

~~(b) Scope of services *however they* shall not include services prohibited by Chapter 252:2 of the laws of 1993 as set out in Ed 1010.13(e).~~

~~Ed 104008.4611 Provision of Services for Individuals with Disabilities. *The provision of services for individuals with disabilities shall comply with the provisions provided in 34 CFR 361.50.*~~

~~(a) The provision of services shall be based on the rehabilitation needs of each individual as identified in that individual's individualized plan for employment and shall be consistent with the individual's informed choice. There shall not be any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome, or on the timely authorization of services that shall be consistent with the individualized plan for employment.~~

~~(b) If the individual chooses an out-of-state service at a higher cost than an in-state service, if either service would meet the individual's rehabilitation needs, the designated state unit shall not be responsible for those costs in excess of the cost of the in-state service.~~

~~(c) The designated state unit:~~

~~(1) Shall establish for each provider a provider fee schedule to govern the rates of payment for all purchased vocational rehabilitation services listed under Ed 1010.15; and~~

~~(2) Shall not place absolute dollar limits on specific service categories or on the total services provided to an individual.~~

~~(d) The provider fee schedule shall be consistent with:~~

~~(1) The fees charged by medical and psychological providers;~~

~~(2) Rates negotiated between the designated state unit and community rehabilitation programs;~~

~~(3) Interpreter fees charged for services under Ed 1010.15(a)(10);~~

~~(4) Tuition rates charged by an institution of higher education such as universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing; and~~

~~(5) The cost of services provided to individuals under Ed 1010.15(a)(7), (8), (9), (10), (16), (17), (19), and (20).]~~

~~(e) Time periods for the provision of services shall not be so short as to effectively deny an individual a necessary service. Time periods shall not be absolute and shall be extended in the event the individual cannot get the services in the identified time frame so that individual needs can be addressed.~~

PART Ed 104409 STANDARDS FOR PROVIDERS OF SERVICES

~~Ed 104409.01 Special Communication Needs Personnel. *Standards for Facilities and Providers of Services.* Providers of vocational rehabilitation services shall be able to communicate:~~

~~(a) In the native language of applicants and eligible individuals who have limited English speaking ability; and~~

~~(b) By using appropriate modes of communication used by applicants and eligible individuals consistent with the informed choice of those applicants and individuals. *The bureau shall comply with the provisions of 34 CFR 361.51 regarding the standards for facilities and providers of services including accessibility of facilities, affirmative action, and special communication needs personnel.*~~

PART Ed 104210 INFORMED CHOICE

~~Ed 104210.01 Informed Choice. *The bureau shall comply with the provisions of 34 CFR 361.52 to assist applicants and recipients of services in exercising informed choice throughout the rehabilitation process.*~~

~~(a) Each applicant or eligible individual shall exercise informed choice throughout the vocational rehabilitation process.~~

~~(b) The designated state unit shall implement informed choice by:~~

~~(1) Informing each applicant and eligible individual, including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated state unit, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process;~~

~~(2) Assisting applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services;~~

~~(3) Affording eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services; and~~

~~(4) Assisting eligible individuals or, as appropriate, the individuals' representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plan for employment with respect to the selection of the:~~

~~a. Employment outcome;~~

~~b. Specific vocational rehabilitation services needed to achieve the employment outcome;~~

~~c. Entity that will provide the services;~~

~~d. Employment setting and the settings in which the services will be provided; and~~

~~e. Methods available for procuring the services.~~

~~Ed 1012.02 Information and Assistance in the Selection of Vocational Rehabilitation Services and Service Providers.~~

~~(a) In assisting an applicant and eligible individual in exercising informed choice during the assessment for determining eligibility and vocational rehabilitation needs and during development of the IPE, the designated state unit shall provide the individual or the individual's representative, or assist the individual or the individual's representative in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services, including the providers of those services, that are needed to achieve the individual's employment outcome.~~

~~(b) The information in Ed 1012.02(a) shall include, at a minimum, information relating to the:~~

~~(1) Cost, accessibility, and duration of potential services;~~

~~(2) Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;~~

~~(3) Qualifications of potential service providers;~~

~~(4) Types of services offered by the potential providers;~~

~~(5) Degree to which services are provided in integrated settings; and~~

~~(6) Outcomes achieved by individuals working with service providers, to the extent that such~~

~~Ed 1012.03 Methods or Sources of Information:~~

~~(a) In providing or assisting the individual or the individual's representative in acquiring the information required under Ed 1012.02, the designated state unit shall use, to the extent available, the following methods or sources of information:~~

~~(1) Lists of services and service providers;~~

~~(2) Periodic consumer satisfaction surveys and reports;~~

~~(3) Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers;~~

~~(4) Relevant accreditation, certification, or other information relating to the qualifications of service providers; and~~

~~(5) Opportunities for individuals to visit or experience various work and service provider settings.~~

~~PART Ed 104311 *SEMI-ANNUAL AND ANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT AND OTHER EMPLOYMENT UNDER SPECIAL CERTIFICATE PROVISIONS OF THE FAIR LABOR STANDARDS ACT*~~

~~Ed 104311.01 Semi-Annual and Annual Review. *The bureau shall comply with the provisions of 34 CFR 361.55 when conducting semi-annual and annual reviews.*~~

~~(a) The provisions of Ed 1013 shall apply to any individual with a disability served under the state vocational rehabilitation services program:~~

~~(1) Who has achieved an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act, 29 CFR 525; or~~

~~(2) Whose record of services is closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome or that the individual made an informed choice to remain in extended employment.~~

~~(b) For each individual with a disability who meets the criteria in Ed 1013.01(a), the designated state unit shall:~~

~~(1) Annually review and reevaluate the status of each individual for 2 years after the individual's record of services is closed, and thereafter if requested by the individual or, if appropriate, the individual's representative, determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment;~~

~~(2) Enable the individual or, if appropriate, the individual's representative to provide input into the review and reevaluation and shall document that input in the record of services, consistent with Ed 1010.14(j), with the individual's or, as appropriate, the individual's representative's signed acknowledgment that the review and reevaluation have been conducted; and~~

~~(3) Identify and provide vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individual in engaging in competitive employment.~~

PART Ed 10412 REQUIREMENTS FOR CLOSING THE RECORD OF SERVICES OF AN INDIVIDUAL WHO HAS ACHIEVED AN EMPLOYMENT OUTCOME

Ed 10412.01 Closing the Record of Services. ~~The record of services of an individual who has achieved an employment outcome shall be closed only if all the requirements of Ed 1014.02 through Ed 1014.05 have been met. *The record of services of an individual who has achieved an employment outcome may be closed only if all of the requirements of 34 CFR 361.56 are met to include employment outcome achieved, employment outcome maintained, satisfactory outcome, and post-employment services.*~~

~~Ed 1014.02 Employment Outcome Achieved. The individual shall have achieved the employment outcome that is described in the individual's individualized plan for employment in accordance with Ed 1010.13(a)(1) and that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.~~

~~Ed 1014.03 Employment Outcome Maintained. The individual shall have maintained the employment outcome for not less than 90 days necessary to ensure the stability of the employment outcome, and that the individual no longer needs vocational rehabilitation services.~~

~~Ed 1014.04 Satisfactory Outcome. At the end of the 90 day period under Ed 1014.03, the individual and the rehabilitation counselor employed by the designated state unit shall have considered the employment outcome to be satisfactory, and shall have agreed that the individual is performing well in the employment.~~

~~Ed 1014.05 Post Employment Services. The individual shall be informed through appropriate modes of communication of the availability of post-employment services.~~

PART Ed 702 ADULT HIGH SCHOOL DIPLOMA PROGRAM

Readopt with amendment Ed 702 and Ed 703, effective 1-20-10 (Document #9638), to read as follows:

Ed 702.01 Establishment of an Adult High School Diploma Program. A secondary school educational program shall be offered in regular adult evening programs or adult high schools conducted under the auspices of a local school department and approved by the department leading to a high school diploma, ~~or an adult high school diploma,~~ ***or a high school equivalency certificate***.

Ed 702.02 Certification of Teachers.

(a) Except as provided in Ed 702.02(b), teachers shall be certified for the subjects they are teaching in accordance with Ed 500.

(b) The following individuals shall be qualified instructors for the subjects they are teaching in accordance with local school district policy when they do not meet the certification requirements of Ed 500:

- (1) Teachers who are certified in special education;
- (2) Teachers who have 5 or more years of experience in the private sector in areas including, but not limited to, computer technology, biology, journalism;
- (3) Teachers who have 3 or more years of experience teaching in a subject area at a private high school;
- (4) Teachers who are certified to teach K-8;
- (5) Teachers who have previously taught in an adult high school program;
- (6) Teachers who are certified in other states with which New Hampshire has reciprocal certification;
- (7) Teachers who are certified, but teaching outside their area of certification; and
- (8) Teachers who have prior teaching experience at the college or university level.

Ed 702.03 ~~Transfer from Day to Evening Programs~~ ***Enrollment in Adult High School for Regular High School Students***.

(a) A student presently enrolled in a regular high school program may ~~transfer to the~~ ***earn credits in an*** adult high school program with written recommendation of the student's principal, as well as written consent of the student's parent or guardian if the student has not attained the age of majority.

(b) ~~Notwithstanding (a) above certain in-school youth may earn credits via the adult high school programs.~~

Ed 702.04 Eligibility. The student shall be at least 16 years of age to enroll in an adult high school program.

Ed 702.05 Credit Hours.

(a) Each student shall successfully complete a minimum program of 20 units for graduation including 11 ½ units as outlined in Table 702-1:

Table 702-1 Subjects and Units of Credit for An Adult High School Diploma

<u>Subject</u>	<u>Units of Credit</u>
Social Science Including U.S. History 1 unit Economics ½ unit Civics ½ unit	3 units
English	4 units
Mathematics	2 units
Science	2 units
Computer Literacy	½ unit

(b) Except as provided in Ed 702.06 each one credit subject offered in this program shall meet for not less than 45 hours.

(c) Except as provided in Ed 702.06 each one half credit subject offered in this program shall meet for not less than 22½ hours.

Ed 702.06 Sources of High School Credit.

(a) Sources of high school credit shall include:

- (1) Previous high school work completed for which credit was granted by an approved high school and/or accredited post-secondary institution;
- (2) Course work successfully completed in the adult high school program; and
- (3) Work experiences and non-high-school educational experience according to the following requirements:
 - a. Credits for apprenticeship programs that meet the requirements of local adult high schools shall be given upon review as to curriculum, time spent in class, scope and quality of instruction;
 - b. A maximum of 2 credits may be earned by observation/practicum experiences in business, industry and/or other institutions that meet the requirements of local adult high schools;
 - c. Successful completion of course competency requirements pursuant to Ed 306.27(d) as established by the local adult high school program;
 - d. One credit may be earned through work in the home of 2 years duration or more;

e. One credit in addition to the credit earned in Ed 702.06(a)(3)d. may be earned by a student who demonstrates sufficient competency in aspects of homemaking such as household budgeting, child care, or meal preparation by passing a test developed by the local adult high school program director for the purpose of earning the credit in this clause;

f. A maximum of 2 credits may be earned by students who successfully pass high school final examinations when the final examination is for a course that is an elective and not a required course;

g. Unlimited numbers of credits may be earned from accredited institutions, licensed trade schools, business schools, colleges, extension courses, distance learning, web-based courses, correspondence courses and extended learning opportunities (ELO) that meet the requirements of local adult high schools;

h. A maximum of 2 credits may be earned by a student's supervised direct involvement in a voluntary community service activity that meets requirements established by the local adult high school program director;

i. One credit may be earned for work experience that meets requirements established by the local adult high school program director in one occupation or family of skills. A maximum of 2 work experience credits may be earned by a student with experience in more than one occupation or family of skills; and

j. One credit shall be granted for military service resulting in an honorable discharge.

(b) Procedures for documenting the awarding of credit in Ed 702.06(a)(3) shall be the responsibility of the local adult high school program director.

Ed 702.07 Attendance Policies. Local adult high school programs may establish attendance policies which set minimum standards for awarding course credit.

Ed 702.08 Graduation Requirements.

(a) A student shall successfully complete at least one adult high school class before the student is eligible to receive a high school diploma or an adult high school diploma.

(b) The adult high school graduate shall receive his or her high school diploma or adult high school diploma from the school system where the student completed the requirements for the diploma as specified in Ed 702.08(a).

PART Ed 703 ADULT BASIC EDUCATION PROGRAM

Ed 703.01 Adult Basic Education. "Adult basic education (A.B.E.)" means education for adults whose inability to speak, write or read the English language constitutes a substantial impairment of their ability to get or retain employment and prevents them from participating fully in family life or in their community.

Ed 703.02 Student Eligibility.

(a) A student eligible for education assistance shall:

- (1) Be at least 168 years of age *and not enrolled in a high school program*;
 - (2) Have math or reading scores below an 812.9 grade level; and
 - (3) Be an individual who:
 - a. Lacks sufficient mastery of basic educational skills to enable the individual to function effectively in society;
 - b. Does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or
 - c. Is unable to speak, read, or write the English language.
- (b) A student in adult basic education classes:
- (1) Shall be eligible for services in accordance with RSA 189:1-a;
 - (2) Shall be provided instructional materials without cost; and
 - (3) Shall not be charged fees or tuition.

PART Ed 704 HIGH SCHOOL EQUIVALENCY PROGRAM

Readopt with amendment Ed 704.01 through Ed 704.03, effective 6-15-13 (Document #10361), to read as follows:

Ed 704.01 Minimum Test Scores for High School Equivalency Certificate. The state board shall establish the minimum passing test scores for any high school equivalency test.

Ed 704.02 Admission to Testing.

(a) The applicant for high school equivalency testing shall be 18 years old or qualify under (d) below.

(b) All applicants shall submit an application for high school equivalency testing to the testing center of the applicant's choice.

(c) Each applicant shall:

- (1) Be physically residing in New Hampshire; or
- (2) Have a legal residence within the state.

(d) An applicant under 18 years of age wishing to take the high school equivalency test shall receive permission from the superintendent of schools of the school or designee of the school district in which he or she resides or qualify under (e) below.

(e) In order to receive permission to take the high school equivalency test an applicant under the age of 18 shall:

- (1) Be at least 16 years of age;
- (2) Demonstrate that he or she has passed the certified practice test with scores equal to or above the minimum required for passing the high school equivalency test; and
- (3) Meets any additional qualifications for testing set by the test publisher.

(f) Home schooled students age 16 or 17 may register to take the high school equivalency test if a participating agent as defined in Ed 315.02 of the student's home school program attests that the student has completed the home schooling program pursuant to RSA 193:1,I(f)(2), and that the student has passed the certified practice test and meets any additional qualifications for testing set by the test publisher.

Ed 704.03 Transcripts of the High School Equivalency Certificate. Transcripts of the high school equivalency test may be obtained from the bureau of adult education or the original testing center.

Adopt Ed 704.04 as follows:

Ed 704.04 High School Equivalency Preparation

- (a) *High school equivalency programs may offer a preparation course at the secondary level.*
- (b) *To qualify for high school equivalency preparation for adults to prepare for the high school equivalency exam students shall be at least 16 years of age.*

Readopt with amendment Ed 321, effective 6-15-13 (Document #10363), to read as follows:

PART Ed 321 SCHOOL BUILDING CONSTRUCTION (Formerly Ed 305)

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" also known as usable land means land upon which a school building, parking lot, on-site traffic circulation and drop-off locations, playgrounds or school playing field can be built. Wetlands, including required setbacks from wetlands, areas with slopes in excess of 60 percent areas with extensive amounts of bedrock within 6 feet of the surface, and sites known to be contaminated with hazardous materials are not buildable 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 or adequate" 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;

(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 321.30.

(h) Renovations and substantial renovations 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 321.30 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 ~~50~~ 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 321.30, and after making a finding of good cause. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.

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 is 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 does 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 commissioner of the department or the commissioner's designee shall waive the requirements of Ed 321.10 when a finding of good cause has been provided by the requesting school district under Ed 321.30. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.

(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 10 percent of 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 is not 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 321.30. 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. 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.

Ed 321.14 RESERVED

Ed 321.15 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 321.16 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 includes, 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 321.17 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 321.18 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.

(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 321.19 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; 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 321.19 (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 2014 standard 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 321.20 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.

(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 321.21 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 321.30 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 321.22 RESERVED.

Ed 321.23 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 facility of~~ 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. The commissioner may waive the letter of intent or its submittal deadline under Ed 321.30 for good cause.

(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 “~~e~~Condition ~~e~~Evaluation ~~f~~Form” dated 2019;
- 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. ~~Copy of the submission~~ **Acknowledgement that plans will be submitted** to the State Fire Marshal’s Office for a plan review **prior to construction**;
- h. ~~A copy of the school’s application~~ **Acknowledgement that the applicant will 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 completed and 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.

(f) ***The department shall notify the applicant*** ~~W~~within 30 days of receipt of an application, ~~the department shall notify the applicant that either:~~

~~(1) The application is complete and approved for project ranking; or~~

~~(2) The application is incomplete and enumerate the items needed in order for the application to be complete and a deadline for submission.~~

(g) The department shall review award a score to each application using the “Condition Evaluation Form” dated 2019. 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, ~~300~~ **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, ~~75~~ **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, ~~75~~ **125** points possible;

(5) Percent of student enrollment eligible for free or reduced cost meals, ~~125~~ **200** points possible;

(6) Adding and integrating school security systems, 100 points possible;

(7) Contributing to operational cost efficiencies, consolidation, or reduced property taxes, ~~100~~ **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 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 (h)(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 321.27(g) or Ed 321.27(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 ranked 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-Ws 300 et seq. or successor rules in subtitle Env-Dw or RSA 485-A and Env-Wq 1000, as applicable. 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 321.24.

(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 321.23 (wz), the department shall issue a project completion letter stating that all necessary requirements have been met and that all payments are final.

Ed 321.24 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 321.25 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 321.26 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 321.30 for the maximum construction cost allowed under Ed 321.26.

Ed 321.27 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 321.26.

(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 321.23(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 not exceed 5 years unless. Multi-year projects shall be evaluated for prioritization under Ed 321.23 (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 be required to 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 321.27(a) to (h).

(k) A school district may request a waiver under Ed 321.30 for how eligibility for school building aid for substantial renovations is determined under Ed 321.27.

Ed 321.28 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 321.26.

(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 321.30 for the limitation on school building aid and required educational space under Ed 321.28(a) and (b).

Ed 321.29 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 321.30:

- (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 321.30.

(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 321.30 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 321.21, Ed 321.23(b), Ed 321.26, Ed 321.27, Ed 321.28, and Ed 321.29.

(b) 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) Waivers 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. Out-of-door 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 may request additional information prior to 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 or 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 321.31 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 321.27. 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.

Ed 321.32 REPEALED

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 21-N:9,II(c)
Ed 321.23	RSA 198:15-a, RSA 198:15-b, RSA 198:15-c; RSA 155-A; RSA 155-D
Ed 321.24	RSA 198:15-a; RSA 198:15-b, IV; RSA 198:15-hh

Ed 321.25	RSA 198:15-b, IV(b)
Ed 321.26	RSA 21-N:9, II(c)
Ed 321.27	RSA 198:15-b, II(f)
Ed 321.28	RSA 21-N:9, II(c)
Ed 321.29	RSA 198:15-c
Ed 321.30	RSA 21-N:9, II(c)
Ed 321.31	RSA 198:15-c
Ed 322	RSA 198:15-hh

Appendix II

Ed 321.19(i)	American National Standards Institute Z-358.1 Eye wash 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		

1/28

Notice Number 2019-200

Rule Number Ed 321

1. Agency Name & Address:

**State Board of Education
c/o NH Department of Education
101 Pleasant Street
Concord, NH 03301**

2. RSA Authority: RSA 21-N:9, II(c)

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption X

Readoption w/amendment X

5. Short Title: **School Building Aid**

6. (a) Summary of what the rule says and of any proposed amendments:

Ed 321 on school building aid is being readopted with amendment in order to clarify the application and disbursement process for school building aid. School building aid was never funded in the budget and as a result the original rules were never implemented. Some rules are being readopted without amendments so that all of the rules have the same effective date.

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

Department of Education staff, public schools and chartered public schools, school staff, and students are affected by these rules.

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

Rule	State or Federal Statute or Federal Regulation Implemented
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 21-N:9, II(c)
Ed 321.23	RSA 198:15-a, RSA 198:15-b, RSA 198:15-c; RSA 155-A; RSA 155-D
Ed 321.24	RSA 198:15-a; RSA 198:15-b, IV; RSA 198:15-hh
Ed 321.25	RSA 198:15-b, IV(b)
Ed 321.26	RSA 21-N:9, II(c)
Ed 321.27	RSA 198:15-b, II(f)
Ed 321.28	RSA 21-N:9, II(c)
Ed 321.29	RSA 198:15-c
Ed 321.30	RSA 21-N:9, II(c)
Ed 321.31	RSA 198:15-c

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

Name: **Amanda Phelps**

Title: **Administrative Rules Coordinator**

Address: **Department of Education
c/o NH Department of Education
101 Pleasant Street
Concord NH 03301**

Phone #: **(603) 271-2718**

Fax#: **(603) 271-1953**

E-mail: **amanda.phelps@doe.nh.gov**

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **December 19, 2019**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **December 12, 2019 at 11:00 a.m.**

Place: **Department of Education, State Board Room, 101 Pleasant Street,
Concord, NH 03301**

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

FIS # 19-198, dated 10-28-19

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

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

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

No federal mandate, no impact on state funds.

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

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

The proposed rules should have been examined as if they are new rules since the existing rules were never implemented. It does not appear that the LBA was notified that the existing rules were never implemented.

This appears to be incorrect. The agency's Request for FIS states a benefit for political subdivisions. However, it is the agency's responsibility to make sure the FIS is correct.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: *responsibility to make sure the FIS is correct.*
Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules outline the process for application for and disbursement of a voluntary grant program.

Readopt with amendment Ed 321, effective 6-15-13 (Document #10363), to read as follows:

PART Ed 321 SCHOOL BUILDING CONSTRUCTION (Formerly Ed 305)

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" also known as usable land means land upon which a school building, parking lot, on-site traffic circulation and drop-off locations, playgrounds or school playing field can be built. Wetlands, including required setbacks from wetlands, areas with slopes in excess of 60 percent areas with extensive amounts of bedrock within 6 feet of the surface, and sites known to be contaminated with hazardous materials are not buildable land;;

Edit: Delete.

Edit: "The term includes 'usable land'."

Edit: Delete. This is already in Ed 321.04(b).

(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.;

Edit: semi-colon

(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 or adequate" 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-;

Edit: Delete.

Edit: ". 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-;

Edit: period

Edit: comma

(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 ~~actual student enrollment~~ *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.

Edit: hyphen

(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 321.30.

Edit: "shall"

(h) Renovations and substantial renovations 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 321.30 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) ~~For construction of additions to existing buildings, the above limits shall be applied to the size of the entire building following completion of the addition.~~ **All spaces constructed using building aid in the past 50 years shall be included in the square footage when calculating the limits above.** Conditions in

Unclear: What is intended? 

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; 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 321.30, and after making a finding of good cause. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.

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 ~~actual enrollment~~ **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 is 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 does not apply when only one general purpose classroom is assigned per grade.***

Edit: "shall"

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 commissioner of the department or the commissioner's designee shall waive the requirements of Ed 321.10 when a finding of good cause has been provided by the requesting school district under Ed 321.30. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.

(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) Library media centers shall be sized at 4 square feet per student for the core space design capacity or a minimum of 1800 square feet. **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) 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. **Library-media centers shall be sized at 40 square feet per student times 10 percent of the design capacity or a minimum of 1800 square feet.**~~

Note to JLCAR: To the extent that this dimension might be greater than the 4 sq. feet in the existing (j), there appears to be a fiscal impact not accounted for.

Edit: ", with"

(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 is not 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 321.30. 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. 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.

Unclear: Use the **current** standardized language: "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." **However**, note that IP 2019-217 would remove the Fire Code from Saf-C 6000 and move it to the new, exempt Saf-Fmo 300 under the State Fire Marshal.

See previous comment.

(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.

Ed 321.14 RESERVED

Ed 321.15 Construction Costs.

Legis. Intent: See §4.10 of Ch. 4 of the *Manual*. The use of "reserved" is meant as a temporary placeholder to indicate where a rule will be placed in the future. This section has been reserved since 2013. When, as here, the entire part is being readopted, a new rule must be inserted or the remaining sections in Ed 321 must be renumbered.

(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 321.16 Total Cost of School Building Construction.

(a) ~~In addition to the actual cost of construction, f~~For purposes of calculating school building aid, total *eligible* costs may also include ~~but is not limited to:~~

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

(2) ~~Planning and design~~*Construction costs*;

(3) ~~Site development~~*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) ~~Landscaping~~*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) ~~Paving~~*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;*

(6) ~~Furniture, computers, window treatments, and similar items;~~

(7) ~~Other equipment;~~

(8) ~~Work necessary to bring utilities from the site boundary to the building;~~

(9) Legal reviews;

(10) Construction insurance; and

(11) Permitting.

(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 includes, 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 321.17 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 321.18 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.

← See comment to Ed 321.13(a) on p. 9.

(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 321.19 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; and

See comment to Ed 321.13(a) on p. 9.

(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 321.19 (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 2009 ~~14~~ standard 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.

Unclear: See Appendix II. Use consistent language.

(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 321.20 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.

See comment to Ed 321.13(a) on p. 9.

Edit: (d)(1) and (2) use italics. Be consistent.

(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* 12~~3~~th edition ~~2010~~¹⁴ as referenced in Appendix II;
- (2) The BICSI *Outside Plant Design Reference Manual* 5~~6~~th edition ~~2010~~¹⁸ as referenced in Appendix II;

Note to JLCAR/ Agency: Pursuant to Committee Rule 201.02(d), JLCAR staff requests that you provide an explanation of the substantive differences between the existing and proposed editions of the material being incorporated. (Applies here and subsequently.)

(3) ANSI/BICSI 001-2009~~17~~, *Information and Communication Transport Technology Systems Design ~~Guide Standard for K-12~~ and Implementation Best Practices for Educational Institutions and Facilities* as referenced in Appendix II;

(4) ANSI/NECA/BICSI 568-2006~~NI-2019~~, *Standard for Installing Commercial Building Telecommunications Cabling Installation Practices for Telecommunications and ICT Cabling and Related Cabling Infrastructure, June 2019 edition*, as referenced in Appendix II;

Edit: See (c) above.

(5) BICSI Information Technology Systems Installation Methods Manual, 67th edition - 201~~017~~ 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 321.21 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-~~2002~~*part 1, 2010 edition and part 2, 2009 edition, as referenced in Appendix II.*

(b) The school district may request a waiver under Ed 321.30 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 321.22 RESERVED.

Ed 321.23 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)-(zw) are completed.

(b) A preliminary *letter of intent* application for school building aid 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) Analysis of the existing conditions;
- (3) Alternatives considered;
- (4) Life cycle cost analysis of alternatives;
- (5) Copy of the most recent fire safety inspection report;
- (6) Copy of engineering reports, space utilization studies, or other appropriate documents that confirm the need to remediate the existing conditions;
- (7) A completed and signed, condition evaluation form dated 2013 *Description of the deficiencies in the facility of the existing building*; and
- (8) 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) Preliminary applications *The letter of intent* shall be received not later than July 1 of each year to be considered for a school building aid grant in the following fiscal year *18 months prior to the beginning of the biennium in which school building aid grants are to be dispersed. The commissioner may waive the letter of intent or its submittal deadline under Ed 321.30 for good cause.*

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

Edit: "shall"

See Ed 321.30.

(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* on the location, *contact person, estimated cost of the project, school approval level, project type, and scope, project delivery method, anticipated date of approval, and anticipated commencement date if approved*;
- b. Identification of design and construction firms *architect and project manager, if required by RSA 198:15-c*;
- c. Description of new space to be constructed and existing space to be renovated *Identification of the total number of students, staff, and student drivers, the design capacity, educational capacity, and utilization rate*;
- d. A *brief* description of building systems included in the project;
- e. Information about the site of the proposed *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 deficiency;

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;

fj. Anticipated Pproject costs and unit costs; and

gk. Anticipated Ffunding sources and anticipated amounts from each source; and

l. Amount of district debt, total assessed valuation, and percent debt to valuation;

(2) Preliminary design documents consisting of at least the following *The school building application shall include the following attachments:*

a. A completed and signed condition evaluation form dated 2019;

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. (l);

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;

Edit: "state fire marshal"

g. Copy of the submission to the State Fire Marshal's Office for a plan review;

h. A copy of the school's application 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;

an. 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;

bo. Preliminary Architectural drawings including outside elevations, and dimensioned floor plans that are labeled as to the use of each space;

ep. Outline of technical specifications;

dq. 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.

~~(3) Independent cost estimate from a construction contractor or estimating firm. If the independent cost estimate deviates from the architects estimate by more than 10 percent, the district or charter school shall reconcile the 2 estimates and explain how the final estimate was determined;~~

~~(4) Maintenance impact analysis form dated 2013;~~

~~(5) Copy of the school or district maintenance plan with projections of requirements for the next 20 years;~~

~~(6) Copy of completed request for project review from the department of cultural resource, division of historical resources; and~~

~~(7) Map showing the project location and the surrounding area within a 1 to 3 mile radius.~~

~~(e) To be considered for building aid in the following biennium, complete Applications shall be received by completed and filed with the department not later than September July 1 of each the year prior to the biennium in which school building aid grants are to be dispersed be considered for a school building aid grant in the following fiscal year.~~

~~(f) Within 30 days of receipt of an application, The department shall provide preliminary approval of project for building aid upon approval of the application and preliminary designotify the applicant that either:~~

~~(1) The application is complete and approved for project ranking; or~~

~~(2) The application is incomplete and enumerate the items needed in order for the application to be complete and a deadline for submission.~~

Please forward a copy.

(g) The department shall review all applications for completeness and shall award a score to each application using ~~the “eCondition eEvaluation fForm”~~ dated 2013~~9~~. 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) ~~Life safety~~ **Correcting unsafe conditions**, ~~±~~300 points possible;
- (2) ~~Overcrowded conditions~~ **Updating obsolete, inefficient, and unsuitable facilities, including correcting deficiencies with the Americans with Disabilities Act**, ~~25~~ 100 points possible;
- (3) ~~Space deficiencies~~ **Correcting overcrowding conditions and addressing increased enrollment projections**, ~~60~~ 75 points possible;
- (4) ~~Building operations deficiencies~~ **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**, ~~35~~ 75 points possible;
- (5) **Percent of student enrollment** ~~Eligible~~ for free or reduced cost meals, ~~20~~ 125 points possible;
- (6) **Adding and integrating school security systems**, 100 points possible;
- (7) **Contributing to operational cost efficiencies, consolidation, or reduced property taxes**, 100 points possible;
- (8) **Designing a high performance facility that provides an environment that is energy and recourse efficient**, 100 points possible; and
- (6) **Preserving** ~~H~~historical preservation, possible addition of up to 10 points ~~lements of the facility, as requested by the New Hampshire Department of Historical Resources; and~~
- (7) **Maintenance program**, possible deduction of up to 20 points.

Edit: Agency has changed.
No caps for state agencies.

(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 (h)(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) ~~Life-safety p~~**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 321.27(g) or Ed 321.27(h) shall not be considered for points.

Edit: "15-c, II(a)"

(k) **In accordance with RSA 198:15-c II.(a),** ~~The school building authority shall meet as necessary to produce a prioritized list of applications 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 ranked 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.~~ The school building authority shall review and verify the applications and scoring. The school building authority may provide opportunities for applicants to give presentations on the merits of their proposed construction projects.

Edit: "ranking" ?

(l) ~~The school building authority shall rank the projects in the order of the verified scores with the following exceptions:~~

~~(1) No application which receives at least half of the possible points for existing life-safety deficiencies shall be ranked below any application that receives fewer than half of the possible points for life-safety;~~

~~(2) An application that was on the prioritized list in the previous year and approved by the district's legislative body, but did not receive a grant due to insufficient funds in the previous year, shall be ranked ahead of any application that was not on the list in the previous year and receives fewer life-safety points in the current year; 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 life-safety category. If a tie score remains after ranking for life-safety, the school building authority shall determine the ranking of those applications.~~

~~(m) The prioritized list of applications shall be approved by majority vote of the school building authority and submitted to the state board by December 1 each year.~~

~~(n) In accordance with RSA 198:15-c, II.(a),~~ The state board shall review, approve, and cause to be published the prioritized **descending rank ordered** list of applications by January 15 of each ~~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-bc in developing the prioritized list, the list shall be returned for appropriate corrective actions.

~~(o) 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.~~

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

(~~qr~~) 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; *and*

~~(4) A copy of the school district or charter school's application for energy efficiency reimbursement from their regulated utility under RSA 374-F, as required by RSA 198:15-e.~~

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

(~~st~~) 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.

(~~tu~~) 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.

(~~uv~~) 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.

Unclear: This chapter is now in multiple chapters in subtitle Env-Dw.

(~~vw~~) 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-Ws 300 et seq. or successor rules in subtitle Env-Dw or RSA 485-A and Env-Wq 1000, as applicable. A copy of the approval(s) shall be provided by the applicant to the department.

(~~wx~~) 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.

(~~xy~~) 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 321.24.

(yz) Following completion of all construction work and final actual costs have been determined, the school district or charter school shall submit a ~~final application form dated 2013 for school building aid.~~ **Final application for school building aid consisting of *request for final payment with the following information:***

- (1) Project information *including* ~~on~~ the name of the project, *contact person*, ~~project delivery approach, the architectural and construction firms, and the contracted date for project completion,~~ *and overall cost of the project;*
- (2) Final space information;
- ~~(3) Actual project funding sources;~~
- (43) Actual project costs;
- ~~(54) Final unit costs; and~~
- (5) *Actual project funding sources and documentation of each source;***
- ~~(6) Other information on code compliance, income sources, and required approval from other state agencies, not previously submitted; and~~
- ~~(7) 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.***

~~(zaa) The department shall issue project application completion form dated 2013 upon approval of the final application form dated 2013. Receipt shall indicate that all necessary requirements have been met. After review and verification of the information submitted in Ed 321.23(w), the department shall issue a project completion letter stating that all necessary requirements have been met and that all payments are final.~~

Ed 321.24 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.

Unclear: Still relevant?

(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 ~~calculate~~ *disperse* the final grant payment based on actual costs of the project ~~upon receipt~~ *after review* and verification of the ~~final application form dated 2013~~ *information submitted with the request for final payment identified in Ed 321.23(z)*. The final payment shall be disbursed to the school district or charter school following the issuance of the project application completion form dated 2013.

Ed 321.25 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 321.26 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 321.30 for the maximum construction cost allowed under Ed 321.26.

Ed 321.27 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 321.26.

(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 ~~form dated 2013~~ **identified in Ed 321.23(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 ~~indicated on~~ **attached to the building aid** application ~~supplement form dated 2013~~. 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 not exceed 5 years unless**. Multi-year projects shall be evaluated for prioritization under Ed 321.23 (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.

Unclear: Unless what?

(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 be required to 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.

Edit: Delete.

(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 321.27(a) to (h).

Edit: (i) ?

(k) A school district may request a waiver under Ed 321.30 for how eligibility for school building aid for substantial renovations is determined under Ed 321.27.

Ed 321.28 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 321.26.

(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 321.30 for the limitation on school building aid and required educational space under Ed 321.28(a) and (b).

Ed 321.29 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 321.30:

- (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;**
- (145) Portable classrooms; and
- (156) Leases.

(b) The following one-time expenses for ~~completely~~ **newly formed** schools ~~only~~ 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 321.30.

(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 321.30 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 321.21, **Ed 321.23(b)**, Ed 321.26, Ed 321.27, Ed 321.28, and Ed 321.29.

(b) 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.

Edit: "Waiver requests"

(c) **Waivers** 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. **Out-of-door** play areas;
- c. Other municipal playing fields; and

Edit: "Outdoor" ?

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 may request additional information prior to a ruling on the request for a waiver.

Edit: "shall"

Edit: "as necessary for"

(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 or 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 321.31 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 321.27. 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.

Unclear: Unclear how (b)(3) info relates to this standard. Is this standard the "good cause" in Ed 321.23(c) on p. 16? The use of "or" is unclear. It seems to imply that if a waiver is the best use of resources, the waiver may be allowed to compromise the quality of education, and vice versa.

Ed 321.32 REPEALED

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 21-N:9,II(c)
Ed 321.23	RSA 198:15-a, RSA 198:15-b, RSA 198:15-c; RSA 155-A;

	RSA 155-D
Ed 321.24	RSA 198:15-a; RSA 198:15-b, IV; RSA 198:15-hh
Ed 321.25	RSA 198:15-b, IV(b)
Ed 321.26	RSA 21-N:9, II(c)
Ed 321.27	RSA 198:15-b, II(f)
Ed 321.28	RSA 21-N:9, II(c)
Ed 321.29	RSA 198:15-c
Ed 321.30	RSA 21-N:9, II(c)
Ed 321.31	RSA 198:15-c
Ed 322	RSA 198:15-hh

Appendix II

Ed 321.19(i)	American National Standards Institute Z-358.1 Eye wash 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.

Edit: Make sure the document titles here match the titles in the rules. Also, if the titles in the rules are italicized, they should be italicized here.

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		

MJL
10/27/19
MWH
10/25/19

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
REQUEST FOR FISCAL IMPACT STATEMENT (FIS)

FIS Number 19-198

Rule Number _____ Ed 321

1. Agency Name & Address: State Board of Education c/o Department of Education 101 Pleasant Street Concord, NH 03301	2. RSA Authority: <u>RSA 21-N:9, II(s); 186:11, X</u>
	3. Federal Authority: _____
	4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u> Interim rule _____
	5. Have the rules expired? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Date Expired: _____

6. Short Title: **School Building Construction**

7. Contact Person:
Name: **Amanda Phelps** Title: **Administrative Rules Coordinator**
Address: **Department of Education** Phone #: **(603) 271-2718**
101 Pleasant Street Fax #: **(603) 271-1953**
Concord, NH 03301 E-mail: **amanda.phelps@doe.nh.gov**

Remember:

- (a) A copy of the proposed rule or an annotated copy of the amended rule must accompany this form. The annotated copy shall use [brackets] to indicate deleted material, and underlining for added material, or any other annotation style allowed in Section 5.4 in Chapter 4 of the Drafting and Procedure Manual for Administrative Rules.
- (b) Please provide the methodology and any calculations used in determining the fiscal impact. Where appropriate or necessary, please attach a worksheet detailing the methodology and associated calculations.
- (c) This form may be replicated to expedite preparation.
- (d) Please allow 10 working days from day of receipt for the Office of Legislative Budget Assistant to complete the fiscal impact statement. Additional information about this form is in Section 2.3 in Chapter 3 of the Drafting and Procedure Manual for Administrative Rules.

Rec'd 10/16/19 out 10/30/19

(Continued)

REQUEST FOR FISCAL IMPACT STATEMENT (FIS) - Page 2

(e) Please provide the following information and attach additional sheets if necessary:

NOTE: Pursuant to RSA 541-A:5, IV the fiscal impact of the proposed rule which was previously effective but has expired, or of a proposed rule which adopts a current agency policy, procedure or practice as a rule for the first time, shall not be assessed as an existing rule but as a proposed rule which is not yet effective.

(1) Summarize the intended action and the proposed rule. The intended action is defined by RSA 541-A:5, VII as the proposed adoption, amendment, readoption, readoption with amendment, or repeal of a rule pursuant to RSA 541-A.

These rules are being amended to clarify the process for application and awarding of school building aid.

(2) Is the cost associated with this intended action mandated by the rule or by state statute? If the cost is mandated by statute, then the rule itself may not have a cost or benefit associated with it. Please state either the statute or chapter law that is instigating this rule.

RSA 198:15-a

(3) Compare the cost of the proposed rule with the cost of the existing rule, if there is an existing rule. Please provide the methodology and any calculations used in making your determination. If there is no cost, please explain why.

There is no cost in comparing the proposed rule with the existing rule because the proposed rule is only being amended to clarify a process that is already in place.

(4) To the extent the proposed rule had expired, please indicate the cost of the expired rule as you do for a new rule, and if applicable, the difference in cost of any proposed change from the expired rule. Please provide the methodology and any calculations used in making your determination. If there is no cost, please explain why.

N/A

(5) Describe the costs and benefits to the state general fund which would result from this intended action.

N/A

(6) Explain and cite the federal mandate for the intended action, if there is such a mandate. How would the mandate affect state funds?

N/A

(Continued)

REQUEST FOR FISCAL IMPACT STATEMENT (FIS) - Page 3

- (7) Describe the cost and benefits to any state special fund which would result.

N/A

- (8) Describe the costs and benefits to the political subdivisions of the state.

Political subdivisions will benefit from a clear process for applying for and disbursing school building aid.

- (9) Describe the costs and benefits to the citizens of the state.

N/A

- (10) Describe the costs and benefits to any independently owned business, including a description of the specific reporting and recordkeeping requirements upon those employing fewer than 10 employees.

N/A

RE: Ed 321 rule public hearing

The Department of Education's response to the five comments received via email from Representative Greg Hill on December 20, 2019:

Comment 1) *"321.02(b) needs a semi-colon at the end so it conforms to the other paragraphs."*

Response 1) clerical item - corrected

Comment 2) *"I think this might be dangerous to the legislation proposed for right of first refusal when selling surplus buildings to charter schools: 321.06(f) includes all school buildings in the last 50 years for max allowable square footage. So as I understand it...if a district sells a <51 year old building that received state building aid and wants to build a new school building, they may not be able if they've maxed out their allowable max square footage. The now sold building is still included in the max allowable calculation. A commissioner's waiver of the restriction would be the only solution and that, of course, is not guaranteed."*

Response 2) The existing language caps the building square footage even if the building has surpassed its life expectancy. For example, if a school constructed an addition in the 1950s, the district would not be eligible for school building aid to reconstruct this addition because it already met the square footage cap, even though the building is over 60 years old. However, with the proposed language, the cap would only be applied to the building square footage constructed during the life expectancy of the building. The initial proposal set this life expectancy at 50 years however, school buildings older than 40 years can begin rapid deterioration and therefore the final proposal reduced this to 35 years to accommodate reconstructing aging schools prior to rapid deterioration. Regarding Representative Hill's comment, he is correct that if a school sells a building inside the building's life expectancy, the State would not fund the construction of a new school unless a waiver is sought. The final proposal language was edited to include broader waiver language to consider the financial benefits to other public entities (e.g., charter schools) as a justification for a waiver.

Comment 3) *"321.23(d)(2) - the building application must include a completed and signed condition evaluation form dated 2019. So building applications with eval forms signed and dated in years other than 2019 are not allowed? That's obviously not the intent. This needs to be reworded to clearly express the intent to use the condition eval form that was officially approved in 2019 for this purpose. Same comment for paragraph (g) which references this 2019 condition eval form."*

Response 3) clerical item - corrected

Comment 4) *"321.23(h) the scoring only has 75 possible points for an "active maintenance program". IN my opinion that's way too low for one of the major findings by Ed when he was doing inspections for DoE and found VERY few districts had proper maintenance programs (and associated funding) for their existing buildings. If a district doesn't maintain the building, none of the other listed criteria matter."*

Response 4) The Department of Education agrees that maintenance should hold more weight than what was cited in the initial proposal. After further review of the points, the Department of Education reweighted them as follows, including increasing the importance of maintenance:

Ed 321.23 (h)(*)	CONDITION	IP	FP
1	UNSAFE CONDITIONS	300	250
2	OBSOLETE/INEFFICIENT/UNSUITABLE	100	100
3	OVERCROWDING	75	50
4	MAINTENANCE	75	125
5	ELIGIBILITY FOR FREE & REDUCED MEALS	125	200
6	SCHOOL SECURITY	100	100
7	OPERATIONAL COST EFF/CONSOLIDATION	100	50
8	ENERGY EFFICIENT DESIGN	100	100
9	HISTORICAL PRESERVATION	25	25
total		1000	1000

Comment 5) 321.23(aa) - references 321.23(w). This should be 321.23(z).

Response 5) clerical item - corrected

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 (Formerly Ed 305)

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" ~~also known as usable land~~ means land upon which a school building, parking lot, on-site traffic circulation and drop-off locations, playgrounds or school playing field can be built. *The term includes usable land* ~~Wetlands, including required setbacks from wetlands, areas with slopes in excess of 60 percent areas with extensive amounts of bedrock within 6 feet of the surface, and sites known to be contaminated with hazardous materials are not buildable 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 or adequate~~" 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 321.30.

(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 321.30 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 ~~50~~ 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 321.30, and after making a finding of good cause. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.

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 is 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 ~~does~~ ***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 commissioner of the department or the commissioner's designee shall waive the requirements of Ed 321.10 when a finding of good cause has been provided by the requesting school district under Ed 321.30. A finding of good cause shall be based upon a determination by the commissioner of the department or the commissioner's designee that approval of the request for a waiver will not compromise the quality of education required in Ed 306 or is the best use of available resources.

(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 ~~10 percent~~ of 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 is not 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 321.30. 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 321.154 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 321.165 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 includes, 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 321.176 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 321.187 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 321.198 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 321.19 (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 2014 *Eyewash* standards 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.~~2019~~ 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 321.240 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 321.30 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 321.231 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 facility of~~ 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. The commissioner ~~may~~ **shall** waive the letter of intent or its submittal deadline under Ed 321.30 for good cause.

(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 deficiency*ies*;
- 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 “~~e~~Condition ~~e~~Evaluation ~~f~~Form” dated ~~2019~~**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. (l);
- 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. ~~Copy of the submission~~ **Acknowledgement that plans will be submitted** to the ~~Sstate~~ **Fire Marshal's Office** for a plan review **prior to construction**;
- h. ~~A copy of the school's application~~ **Acknowledgement that the applicant will 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 ~~completed and~~ 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** ~~W~~within 30 days of receipt of an application, ~~the department shall notify the applicant that either:~~

- (1) The application is complete and approved for project ranking; or
- (2) The application is incomplete and ~~enumerate the items needed in order for the application to be complete and a deadline for submission~~ **is not approved for project ranking.**

(g) The department shall ~~review~~ award a score to each application using the “Condition Evaluation Form” dated ~~2019~~**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, ~~300~~ **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, ~~75~~ **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, ~~75~~ **125** points possible;
- (5) Percent of student enrollment eligible for free or reduced cost meals, ~~125~~ **200** points possible;
- (6) Adding and integrating school security systems, 100 points possible;
- (7) Contributing to operational cost efficiencies, consolidation, or reduced property taxes, ~~100~~ **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**, ~~Department~~ **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 ~~(h)~~(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 321.27(g) or Ed 321.27(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-~~DWws 300 et seq. 406 or successor rules in subtitle Env-Dw or RSA 485-A and Env-Wq 1000, as applicable~~ **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 321.24.

(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 321.23 (wz), the department shall issue a project completion letter stating that all necessary requirements have been met and that all payments are final.

Ed 321.242 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 321.253 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 321.264 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 321.30 for the maximum construction cost allowed under Ed 321.26.

Ed 321.275 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 321.26.

(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 321.23(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 not exceed 5 years unless.~~ Multi-year projects shall be evaluated for prioritization under Ed 321.23 (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 ~~be required to 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 321.27(a) to ~~(hi)~~.

(k) A school district may request a waiver under Ed 321.30 for how eligibility for school building aid for substantial renovations is determined under Ed 321.27.

Ed 321.286 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 321.26.

(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 321.30 for the limitation on school building aid and required educational space under Ed 321.28(a) and (b).

Ed 321.297 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 321.30:

- (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 321.30.

(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 321.30~~ Ed 321.3028 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 321.21, Ed 321.23(b), Ed 321.26, Ed 321.27, Ed 321.28, and Ed 321.29.

(b) 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) Waivers *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. Out-of-door 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 ~~may~~ *shall* request additional information ~~prior to~~ *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 ~~or~~ *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 321.3429 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 321.27. 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 21-N:9, II(c)
Ed 321.23	RSA 198:15-a, RSA 198:15-b, RSA 198:15-c; RSA 155-A; RSA 155-D
Ed 321.24	RSA 198:15-a; RSA 198:15-b, IV; RSA 198:15-hh
Ed 321.25	RSA 198:15-b, IV(b)
Ed 321.26	RSA 21-N:9, II(c)
Ed 321.27	RSA 198:15-b, II(f)
Ed 321.28	RSA 21-N:9, II(c)
Ed 321.29	RSA 198:15-c
Ed 321.30	RSA 21-N:9, II(c)
Ed 321.31	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		

2019 NH School Building Aid Condition Evaluation Form

District and SAU #:

Project Name:

Total points:

CONDITION	MAXIMUM POINTS	PROJECT POINTS ¹	Comment
UNSAFE CONDITIONS (250 Points)²			
Structural integrity - documented by engineer or building professional	50		
Fire/safety - documented by the local fire chief or state fire marshal	50		
Plumbing, electrical, mechanical - documented by engineer or building professional	50		
Environmental conditions (e.g., asbestos, lead, radon, etc.) - documented testing/reporting	50		
Traffic circulation safety - documented by architect, engineer or local official	50		
SCHOOL SECURITY DEFICIENCIES (100 POINTS) - Homeland Security and Emergency Management (HSEM) assessment that is not older than 4 years			
Security issues identified in school's HSEM security assessment	75		
Emergency Operation Plan (EOP) compliant with RSA 189:64	25		
OBSOLETE/INEFFICIENT/UNSUITABLE CONDITIONS (100 POINTS)			
Correcting spaces that do not meet American with Disabilities Act (ADA) standards	20		
Inefficient/unsuitable mechanical, electrical, plumbing systems - documented by engineer or building professional	20		
Inefficient or unsuitable building envelope (doors, windows, roofs, cladding, insulation) - documented by engineer or building professional	20		
Inefficient educational spaces (spaces not meeting minimum standards in Ed 300)	40		
HIGH PERFORMANCE DESIGN (100 POINTS) - Northeast Collaborative for High Performance Schools (CHPS), version 3.2.			
CHPS prerequisites will be met	50		
CHPS standards will be met (110 CHPS score for new construction; 85 CHPS score for renov.)	50		
OVERCROWDING and INCREASED ENROLLMENT (50 Points)			
Overcrowding and/or forced use of temporary classrooms or lack of educational space	50		
OPERATIONAL COST EFFICIENCIES, CONSOLIDATION, OR REDUCED PROPERTY TAXES (50 points)			
Consolidation of schools	25		
Other operation costs efficiencies shown to reduce property taxes	25		
MAINTENANCE PROGRAM (125 Points)			
Proof of maintenance plan meeting RSA 198:15-b I-a. (b)	100		
Current tracking system used for scheduled and unscheduled repairs and upkeep	25		
ELIGIBILITY FOR FREE & REDUCED MEALS (200 Points)			
% Students eligible for free and reduced meals	200		
HISTORICAL PRESERVATION (25 Points)			
Preserving historical resources by implementing recommendations by the Division of Historical Resources (RSA 227-C)	25		
TOTAL POINTS	1000		

1. Points only granted if proposed project corrects the deficiency.

2. Per Ed 321.23 (i)(1), no application which receives at least 150 points shall be ranked below any applications that receives few than 150 points for unsafe conditions.

Readopt with amendment Ed 507.40 and Ed 507.41, effective 10-11-19 (Document #12898, Interim), to read as follows:

Ed 507.40 Special Education Teacher; General Requirements.

(a) To be licensed as a special education teacher specified in Ed 507.41 or an early childhood special education teacher specified in Ed 507.??, the candidate shall have at least a bachelor's degree.

(b) A candidate for licensure as a special education teacher ~~as specified in Ed 507.41 or for licensure as an early childhood special education teacher as specified in Ed 507.??~~ **shall have** skills, competencies, and knowledge in the following areas ~~as applicable to the endorsement area sought~~:

(1) In the area of foundations, the candidate shall have the ability to:

- a. Describe the philosophies, historical perspectives, theories, models, federal law, state law, and case law related to knowledge and practice in general and special education;
- b. Understand how philosophical and historical perspectives influence professional practice;
- c. Understand the role of families in supporting the development of a student's ability to learn, interact socially, and live as a contributing member of the community; ~~and~~
- d. Understand the functions of schools, school systems, and other agencies and their relationships to general and special education; and
- e. Understand the components of a legally defensible education program;

(2) In the area of development and characteristics of learners, the candidate shall have the ability to:

- a. Describe the similarities and differences in human growth and development of individuals with and without disabilities within and across cognitive, academic, developmental, social, language, sensory, diversity, physical, and emotional or behavioral areas;
- b. Define the characteristics and their respective educational implications of all kinds of disabilities in federal statutes, federal regulations, and Ed 1100;
- c. Demonstrate knowledge and understanding of diversity, families, communities, gender, and society that influence learning; and
- d. Demonstrate understanding of the influences of environment and co-existing conditions, disabilities, or both, in individuals;

(3) In the area of learning differences, the candidate shall have the ability to:

- a. Understand and utilize the results of individuals' evaluations, assessments, and other information from a variety of sources, including parents and students, to identify academic, developmental, social, emotional, behavioral, functional skills, and post-secondary transition educational needs;

b. Demonstrate knowledge and understanding of the learning differences, preferences, and needs of students with disabilities including multiple influences of human growth and development in collaboration with team members in the development of individualized educational programs;

c. Understand how the learning differences, preferences, and needs of students with disabilities affect progress in the general curriculum, extracurricular activities, and other nonacademic areas;

d. Identify levels of special education services, supplementary aids and services, and support for school personnel to create inclusive instructional opportunities that accommodate diverse learning needs;

e. Understand and utilize the diverse range of a student's approach to learning and the range of modifications and accommodations that can be used to support learning;

f. Understand the concept of least restrictive environment and the continuum of educational environments; and

g. Recognize the relationships among a student's academic, social, emotional, behavioral and functional abilities, attitudes, and interests on instruction, transition planning, and career development;

(4) In the area of learning and social environments, the candidate shall have the ability to:

a. Incorporate research-based instructional frameworks to promote access, equity, and respect for all students in the general education environments;

b. Use effective routines, clear expectations and procedures to create safe, caring, respectful, and productive learning environments;

c. Use a range of preventive and responsive practices documented as effective to support an individual's social, emotional, and educational well-being;

d. Collaboratively select, administer, analyze, and interpret multiple measures of student's learning, behavior, and the classroom environment to evaluate and adapt classroom settings utilizing interventions and adapting instructions;

e. Structure learning environments and activities to develop and foster a student's self-awareness, self-management, self-regulation, self-reliance, and self-esteem; and

f. Provide positive and constructive feedback to guide a student's learning and behavior;

(5) In the area of assessment, the candidate shall have the ability to:

a. Understand federal law, state law, and administrative rules pertaining to students with disabilities for required assessments and qualified examiners by disability type for the evaluation of students with disabilities as part of assessment related to the special education process;

b. Understand procedures and timelines for the referral, evaluation, and determination of eligibility for special education and related services;

c. Understand the range of formal and informal assessments, instruments, and results and their purposes in the special education process ~~for~~ making educational decisions;

d. Collaboratively select, administer in native language, communication mode, or both, and interpret multiple formal and informal, culturally and linguistically appropriate measures and procedures that are valid and reliable, understand their limitations, and demonstrate the ability to write a formal report;

e. Systematically use data from a variety of sources to identify the function served by problem behavior to plan, implement, and evaluate behavioral interventions;

e. Assess, analyze, interpret, and communicate a student's progress towards measurable outcomes, using technology as appropriate, to inform both short- and long-term planning and make ongoing adjustments to instruction; and

f. Demonstrate an understanding of the manifestation determination process;

(6) In the area of instructional planning and strategies, the candidate shall have the ability to:

a. Collaboratively plan and participate in best practices in co-teaching to strengthen learning and achievement in the general curriculum for students with disabilities;

b. Incorporate supports, services, and supplementary aids, including equipment, materials, and assistive technology, across all environments;

c. Design and implement effective strategies that promote active student engagement, increase student motivation, and enhance self-regulation of a student's learning;

d. Utilize evidenced-based interventions and strategies from multiple approaches validated for specific characteristics of learners based on formative and summative assessment, to create and implement lesson plans for academic, social, and behavioral content that are responsive to diverse backgrounds;

e. Support the implementation of annual measurable goals, with specially designed instruction, accommodations, and modifications;

f. Provide specially designed instruction in the areas of reading and writing including phonemic awareness, phonics, fluency, vocabulary, comprehension, and written expression for students with disabilities to increase accuracy and proficiency;

g. Provide specially designed instruction *for students with disabilities to increase accuracy and proficiency* in the areas of:

1. *Ce*ounting and cardinality,;

2. *Oe*perations and algebraic thinking,;

3. ~~N~~umbers and operations base ten;
4. ~~N~~umbers and operations with fractions;
5. ~~M~~measurement and data;
6. ~~G~~eometry, ratios, and proportional relationships;
7. ~~T~~he number system;
8. ~~F~~unctions, ~~and~~ statistics, and probability ~~for students with disabilities to increase accuracy and proficiency;~~

- h. Identify and explicitly teach executive functioning and social skills;
- i. Identify and teach strategies for preparing individuals to live independently, cooperatively, and productively in society;
- j. Use individualized strategies to enhance language development and communication skills; and
- k. Use progress monitoring from ongoing assessment data to evaluate instruction and student performance, and make responsive adjustments to instruction or individual education plan;

(7) In the area of curricular content and knowledge, the candidate shall have the ability to:

- a. Use theories and research that form the basis of curriculum development and instructional practices;
- b. Use state, local, or both content standards for planning, teaching, accommodating, and assessing to individualized learning across all settings;
- c. Use Use technology related to curriculum content for planning and managing teaching and learning environments; **and**
- d. Integrate effective social and life skills within the academic curriculum;

(8) In the area of professional **practice**, the candidate shall have the ability to:

- a. Identify organizations and publications relevant to students with disabilities;
- b. Identify sources of unique services, networks, and organizations for students with disabilities;
- c. Describe the rights and responsibilities of schools, students, families, teachers, and other professionals related to the identification, placement, and service of students with disabilities in accordance with procedural safeguards of Ed 1120 and 34 CFR 300.504, **May 2017, as referenced in Appendix II**; and

d. Understand how issues of human diversity can impact families, cultures, and schools, in the delivery of special education services; *and*

(9) In the area of collaboration, the candidate shall have the ability to:

a. Utilize communication, group facilitation, and problem-solving strategies in a culturally responsive manner to lead effective meetings and share expertise and knowledge to build team capacity and jointly address students' instructional and behavioral needs;

b. Collaborate, communicate, and coordinate with families paraprofessionals, and other professionals within the educational setting to assess, plan, and implement effective programs and services that promote progress toward measurable outcomes for individuals with and without disabilities;

c. Collaborate, communicate, and coordinate with professionals and state and local agencies within the community to identify and access services, resources, and supports to meet the identified needs of individuals with disabilities and their families;

d. Advocate for and secure appropriate services for students with disabilities; and

e. Foster respectful and beneficial relationships between families and professionals through the use of meaningful parent engagement;

(d) Each candidate for licensure as a special education teacher for students age 5 up to age 21 shall have the following skills, competencies, and knowledge through a combination of academic and clinical field-based experiences:

(1) Skill in engaging students with and without disabilities from age 5 up to age 21; and

(2) Ability to engage in the full range of teaching activities, roles, and responsibilities encountered in the school and community settings of a ~~child~~ student with disabilities.

(e) Special education licensure shall qualify a teacher to:

(1) Teach specially designed instruction to students with disabilities whose placement is along the continuum of alternative educational environments but do not require the specialized knowledge and skills of an educator with a categorical endorsement as defined in Ed 507.42 through Ed 507.47; and

(2) Teach curriculum, aligned to alternative academic standards, in consultation with certified content area teachers, to children with disabilities.

(f) "General education," as used in (e)(1) and (2) above, means for students in elementary, middle, or high school, instruction in a setting that has the inclusion of students with disabilities in proportion to their presence in the general population utilizing the curriculum of the elementary, middle, or high school and taught by a certified elementary, middle, or high school teacher, with supports from special education personnel, as necessary.

Ed 507.41 Early Childhood Special Education Teacher.

(a) To be licensed as an early childhood special education teacher, the candidate shall have at least a bachelor's degree;

(b) A candidate for licensure as early childhood special education teacher for children from birth through grade 3 shall meet the requirements of Ed 507.40 in addition to the ~~the~~ following:

(1) In the area of foundations, the candidate shall have the ability to:

- a. Describe the philosophies, historical perspectives, theories, models, federal law, state law, and case law related to knowledge and practice in early childhood education and special education;
- b. Understand how philosophical and historical perspectives influence professional practice;
- c. Understand the role of families in supporting the development of a young child's ability to learn, interact socially, and live as a contributing member of the community;
- d. Understand the functions of early childhood settings, schools, school systems, community systems, and other agencies and their relationships to early childhood education and special education; and
- e. Understand the components of a legally defensible education program;

(2) In the area of development and characteristics of learners, the candidate shall have the ability to:

- a. Describe the similarities and differences in human growth and development of young children with and without disabilities, within and across cognitive, academic, developmental, social, emotional or behavioral, temperament, language, sensory, diversity, and physical areas;
- b. Define the characteristics and their respective educational implications of all types of disabilities as described in federal statutes, federal regulations, and Ed 1100;
- c. Demonstrate knowledge and understanding diversity, families, communities, gender, and society that influence learning; and
- d. Demonstrate understanding of the influence of environment, co-existing conditions, and disabilities on young children;

(3) In the area of learning differences, the candidate shall have the ability to:

- a. Understand and utilize the ~~the~~ results of a young child's evaluations, assessments, and other information from a variety of sources, including parents and young children, to identify academic, developmental, social, emotional, behavioral, and functional skills;
- b. ~~Use~~ Demonstrate knowledge and understanding of the learning differences, preferences, and needs of young children with disabilities including multiple influences of human growth and development in collaboration with team members in the

development of individualized family service programs (IFSP) and individualized education programs (IEP);

c. Understand how the learning differences, preferences, and needs of young children with disabilities affect progress in preschool activities, the general curriculum, extracurricular activities, and other nonacademic areas;

d. Identify levels of special education services, supplementary aids and services, and support for school personnel to create inclusive instructional opportunities that accommodate diverse learning needs;

e. Understand and utilize the diverse range of a young child's approaches to learning and the range of modifications and accommodations that can be used to support learning;

f. Understand the concept of least restrictive environment and the continuum of educational environments; and

g. Recognize the relationships among a young child's academic, social, emotional, behavioral and functional abilities, attitudes and interests on the activities of young children and instruction;

(4) In the area of learning and social environments, the candidate shall have the ability to:

a. Incorporate research based instructional frameworks to promote access, equity, and respect for all children in the early childhood and general education environments;

b. Use effective routines, clear expectations and procedures to create safe, caring, respectful, and productive learning environments;

c. Use of range of preventive and responsive practices documented as effective to support individuals' social, emotional, and educational well-being;

d. Collaboratively select, administer, analyze, and interpret multiple measures of a young child's learning, behavior, and the classroom environment to evaluate and adapt classroom settings utilizing interventions and adapting instruction;

e. Structure learning environments and activities to develop and foster a young child's self-awareness, self-management, self-regulation, self-reliance, and self-esteem; and

f. Provide positive and constructive feedback to guide a young child's learning and behavior;

(5) In the area of assessment, the candidate shall have the ability to:

a. Understand the federal law, state law, and administrative rules pertaining to young children with disabilities, for required assessments and qualified examiners by disability type for the evaluation of young children with disabilities as part of assessment related to the special education process;

- b. Understand early childhood services and supports, (birth up to age 3), and the transition process from the IFSP to the IEP by age 3;
- c. Understand procedures and timelines for the referral, evaluation, and determination of eligibility for special education and related services;
- d. Understand and utilize the range of informal assessments, instruments, and results and their purpose in the education process for making educational decisions;
- e. Collaboratively select, administer in native language ~~and/or~~ communication mode, and interpret multiple formal and informal, culturally and linguistically appropriate measures and procedures that are valid and reliable, understand their limitations, and demonstrate the ability to write a formal report;
- f. Systematically use data from a variety of sources to identify the function served by problem behavior to plan, implement, and evaluate behavioral interventions; and
- g. Assess, analyze, interpret, and communicate a young child's progress towards measurable outcomes, using technology as appropriate, to inform both short- and long-term planning and make ongoing adjustments to instruction.

(6) In the area of instructional planning and strategies, the candidate shall have the ability to:

- a. Collaboratively plan and participate in best practices in co-teaching to strengthen learning and achievement in preschool activities, home setting, and the general education curriculum for young children with disabilities;
- b. Incorporate supports, services, and supplementary aids, including equipment, materials, and assistive technology, across all environments;
- c. Design and implement effective strategies that promote active engagement, increase motivation, and enhance self-regulation of a young child's learning;
- d. Utilize evidence-based interventions and strategies from multiple approaches validated for specific characteristics of learners based on formative and summative assessment, to create and implement lesson plans for academic, social, and behavioral content that are responsive to diverse backgrounds;
- e. Support the implementation of annual measurable goals, with specially designed instruction, accommodations, and modifications;
- f. Provide specially designed instruction in order to increase accuracy and proficiency in basic social-emotional, early language/communication, early literacy, early writing, and early numeracy skill development for young children with disabilities;
- g. Identify and explicitly teach foundations of learning, executive functioning, and social skills;
- h. ~~Use~~ Use individualized strategies to enhance language development and communication skills; and

i. Use progress monitoring from ongoing assessment data to evaluate instruction and a young child's performance, and make responsive adjustments to instruction, individual family support program, or individual education program;

(7) In the area of curricular content and knowledge, the candidate shall have the ability to:

a. Use theories and research that form the basis of play-based learning, preschool activities, curriculum development, and instructional practices;

b. Use state and/or local content standards or guidelines for planning, teaching, accommodating, and assessing to individualize learning across all settings;

c. Use technology related to curriculum content for planning and managing teaching and learning environments; and

d. Integrate effective social and life skills within the early childhood setting;

(8) In the area of professional practice, the candidate shall have the ability to:

a. Identify organizations and publications relevant to young children with disabilities;

b. Identify sources of unique services, networks, and organizations for young children with disabilities;

c. Describe the rights and responsibilities of schools, young children, families, teachers, and other professionals related to the identification, placement, and services of young children with disabilities in accordance with procedural safeguards of Ed 1120 and 34 CFR 300.504, *May 2017, as referenced in Appendix II*; and

d. Understand how issues of human diversity can impact families, cultures, and schools in the delivery of special education services; **and**

(9) In the area of collaboration, the candidate shall have the ability to:

a. Utilize communication, group facilitation, and problem-solving strategies in a culturally responsive manner to lead effective meetings and share expertise and knowledge to build team capacity and jointly address a young child's instructional and behavioral needs;

b. Collaborate, communicate, and coordinate with families, paraprofessionals, and other professionals across all educational settings to assess, plan and implement effective programs and services that promote progress toward measurable outcomes for young children with and without disabilities and their families;

c. Collaborate, communicate, and coordinate with professionals and state and local agencies within the community to identify and access services, resources, and supports to meet the identified needs of young children with disabilities and their families;

d. Advocate and/or secure appropriate services for young children with disabilities; and

e. Foster respectful and beneficial relationships between families and professionals through the use of meaningful parent engagement;

(c) Each candidate for licensure as an early childhood special education teacher for young children from birth through grade 3 shall have the following skills, competencies, and knowledge through a combination of academic and supervised field-based experiences:

(1) Skill in engaging with young children with and without disabilities from birth through grade 3; and

(2) Ability to engage in the full range of teaching activities, roles, and responsibilities encountered in the school and community settings of a young child with disabilities;

(d) Early childhood special education licensure shall qualify a teacher to provide special education services to young children with disabilities:

(1) For young children from birth through age 3, who receive early supports and services;

(2) For young children from age 3 up to kindergarten, whose placement is in an early childhood program or an early childhood special education program; and

(3) For young children in kindergarten through grade 3, who are eligible to receive special education services and who are able to benefit from general and special education but do not require the specialized knowledge and skills of an educator certified under one or more of the programs defined in Ed 507.42 through Ed 507.47; and

(e) “General education,” as used in (d)(1) and (2) above, means, for children from kindergarten through grade 3, instruction in a setting that has the inclusion of children with disabilities in proportion to their presence in the general population utilizing the curriculum of the elementary school and taught by a certified elementary or early childhood teacher, with supports from special education personnel, as necessary.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 507.40	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 507.41	RSA 21-N:9, II(s); RSA 186:11, X(a)

Appendix II

Rule	Title	Obtain at
Ed 507.40	34 CFR 300.504, May 2017	https://sites.ed.gov/idea/regs/b/e/300.504 No cost

NOV 13 2019

APPENDIX II-C

1/27

MM

RULEMAKING NOTICE FORM

Notice Number 2019-199

Rule Number Ed 507.40 and Ed 507.41

<p>1. Agency Name & Address:</p> <p>State Board of Education c/o NH Department of Education 101 Pleasant Street Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 21-N:9, II(s); RSA 186:11, X(a)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Special Education Teacher and Early Childhood Special Education Teacher**

6. (a) Summary of what the rule says and of any proposed amendments:

Ed 507.40 contains the licensure requirements for Special Education Teacher for ages 5-21 and Ed 507.41 contains the licensure requirements for Early Childhood Special Education Teacher for ages birth to grade 3. The rules are currently interim rules which are scheduled to expire April 8, 2020. The rules are being readopted with amendment in order to outline competencies consistent with current standards and practice in the field.

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

Public and chartered public schools and their students, participating non-public schools, licensed educators, and applicants for NH licensure are affected by these rules.

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

Rule	Specific State Statute the Rule Implements
Ed 507.40	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 507.41	RSA 21-N:9, II(s); RSA 186:11, X(a)

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

Name: **Amanda Phelps**

Title: **Administrative Rules Coordinator**

Address: **Department of Education
101 Pleasant Street
Concord, NH 03301**

Phone #: **(603) 271-2718**

Fax#: **(603) 271-3830**

E-mail: **amanda.phelps@doe.nh.gov**

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

9. Public hearing scheduled for:

Date and Time: **December 12, 2019 at 11:30 a.m.**

Place: **Department of Education, State Board Room, 101 Pleasant St.,
Concord, NH 03301**

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

FIS # 19-199, dated 10/28/19

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

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

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

No federal mandate, no impact on state funds.

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

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None

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

Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules provide the requirements for the educator credentialing process which is already in place. The credentialing procedures are self-funded activities of the NH Department of Education from the credentialing fee revenues. Therefore, there is no violation of Part I, Article 28-a.

Authority/Legis. Intent: The statutes refer to certification, not licensure. See, for example, RSA 21-N:9, II(s) and RSA 186:11, X(a). (Applies here and subsequently.)

Readopt with amendment Ed 507.40 and 507.41 effective 10-11-19 (Document #12898, Interim), to read as follows:

Ed 507.40 ~~General Special Education Teacher; **General Requirements**~~. The following requirements shall apply to the certification and employment of a general special education teacher:

(a) To be certified ~~licensed~~ as a general special education teacher ~~specified in Ed 507.41 or an early childhood special education teacher specified in Ed 507.??~~, the candidate shall have at least a bachelor's degree.

Unclear: What section? Here and below.

(b) ~~A general special education teacher shall be certified as one or both of the following:~~

- ~~(1) An early childhood general special education teacher for children from birth up to age 8; or~~
- ~~(2) An elementary/secondary general special education teacher for children age 5 up to age 21.~~

~~(c) A candidate for certification **licensure** as an early childhood general special education teacher as specified in Ed 507.41 or for licensure as an early childhood special education teacher as specified in Ed 507.?? for children birth up to age 8 or as an elementary/secondary general special education teacher for children age 5 up to age 21 shall have the following skills, competencies and knowledge through a combination of academic and supervised field-based experience in the following areas **as applicable to the endorsement area sought**:~~

(1) In the area of theoretical foundations, the candidate shall have the ability to:

Unclear: Is it clear to the candidate which are applicable?

- a. Describe the philosophies, historical perspectives, theories, models, **federal law, state law**, and current issues **case law** related to knowledge and practice in general and special education;
- b. Understand how philosophical and historical perspectives influence professional practice;
- c. Understand the role of families in supporting the development of a student's ability to learn, interact socially, and live as a contributing member of the community; ~~and~~
- d. Understand the functions of schools, school systems, and other agencies and their relationships to general and special education; **and**
- e. **Understand the components of a legally defensible education program;**

(2) In the area of **development and** characteristics of learners, the candidate shall have the ability to:

- a. Describe the similarities and differences in human **growth and** development of students **individuals** with and without disabilities within and across cognitive, **academic, developmental**, social, ~~emotional~~ **language, sensory, diversity**, and physical, **and emotional or behavioral** areas;

b. Describe ~~the~~ *fine* the characteristics *and their respective educational implications* of various types *all kinds* of disabilities *in federal statutes, federal regulations, and educational implications* *Ed 1100*;

c. Understand the etiologies, medical aspects, and impact of sensory disabilities on *Demonstrate knowledge and understanding of diversity, families, communities, gender, and society that influence* learning; and

Edit: comma

d. Understand that the experiences of students with disabilities impact their ability to function within the family and community environment *Demonstrate understanding of the influences of environment and co-existing conditions, disabilities, or both, in individuals*;

(3) In the area of learning differences, the candidate shall have the ability to:

a. Understand and utilize the ~~diverse range~~ *results* of students' *individuals'* *evaluations, assessments and other information from a variety of sources, including parents and students, to identify academic, developmental, social, emotional, behavioral, functional skills, and post-secondary transition educational needs* approaches to learning and the range of modifications and accommodations that can be used to support learning;

b. Recognize *Demonstrate knowledge and understanding of the learning differences, preferences, and needs* of students with disabilities *including multiple influences of human growth and development in collaboration with team members in the development of individualized educational programs* within the broader context of their families, cultural backgrounds, socioeconomic classes, languages, communities, and peer and social groups;

c. Demonstrate understanding of a student's *Understand how the learning differences, preferences, and needs of students with disabilities affect progress in the general curriculum, extracurricular activities, and other nonacademic areas* in the development of the IEP and transition needs;

d. Understand how information processing skills can impact *Identify levels of special education services, supplementary aids and services, and support for school personnel to create inclusive instructional opportunities that accommodate diverse student learning needs*;

e. Relate levels of support to the needs of the student with disabilities, creating instructional opportunities that are adapted to diverse learning needs *Understand and utilize the diverse range of a student's approach to learning and the range of modifications and accommodations that can be used to support learning*;

f. Understand the effects exceptional condition(s) can have on a student's learning in school and life *Understand the concept of least restrictive environment and the continuum of educational environments*; and

g. Recognize the relationships among a student's academic, and social, *emotional, behavioral and functional* abilities, attitudes, *and* interests and values on instruction, *transition planning*, and career development;

(4) In the area of learning and social environments, the candidate shall have the ability to:

Edit: hyphen

- a. Design learning environments that encourage individual academic success in one-to-one, small-group, and large-group settings *Incorporate research-based instructional frameworks to promote access, equity, and respect for all students in the general education environments;*
- b. Identify realistic expectations for social behavior and social skills needed for success in school and community settings *Use effective routines, clear expectations and procedures to create safe, caring, respectful, and productive learning environments;*
- c. Use functional assessments to develop plans related to instruction, behavior, intervention, and direct service *Use a range of preventive and responsive practices documented as effective to support an individual's social, emotional, and educational well-being;*
- d. Use a variety of positive behavior intervention techniques to control targeted behavior, support learning, social relationships, and maintain attention of students with disabilities *Collaboratively select, administer, analyze, and interpret multiple measures of student's learning, behavior, and the classroom environment to evaluate and adapt classroom settings utilizing interventions and adapting instructions;*
- e. Recognize and use strategies for crisis prevention and intervention *Structure learning environments and activities to develop and foster a student's self-awareness, self-management, self-regulation, self-reliance, and self-esteem; and*
- f. Identify supports needed for inclusion in various program placements *Provide positive and constructive feedback to guide a student's learning and behavior;*
- g. Organize, develop, and sustain learning environments that support positive strategies to live harmoniously and productively in a culturally diverse world;
- h. Foster skill development in self-advocacy for increased independence in learning and daily functioning;
- i. Understand demands of the learning environment and fosters accessibility;
- j. Understand the barriers influencing acceptance of individuals with disabilities;
- k. Encourage students' development and use of self-assessment, study skills, and other cognitive strategies to meet their learning needs; and
- l. Structure activities to increase a student's self-awareness, self-management, self-control, self-reliance, and self-esteem;

(5) In the area of assessment, the candidate shall have the ability to:

- a. Understand the legal policies and ethical principles *federal law, state law, and administrative rules pertaining to students with disabilities for required assessments*

and qualified examiners by disability type for the evaluation of students with disabilities as part of assessment related to the special education process;

Edit: comma

b. Understand procedures and timelines for the referral, evaluation and determination of eligibility for special education and related services;

bc. Understand the range of formal and informal assessments, instruments, and results and their purposes in the special education process form making educational decisions;

Unclear:

ed. Collaboratively select, Aadminister in native language, communication mode, or both, and interpret multiple and write a report for a formal and informal, culturally and linguistically appropriate measures and procedures that are valid and reliable, understand their limitations, and demonstrate the ability to write a formal report academic assessment instrument;

de. Understand and utilize the range of informal assessment instruments for making educational decisions Systematically use data from a variety of sources to identify the function served by problem behavior to plan, implement, and evaluate behavioral interventions;

e. Interpret and report information from formal and informal assessments Assess, analyze, interpret, and communicate a student's progress towards measurable outcomes, using technology as appropriate, to inform both short- and long-term planning and make ongoing adjustments to instruction; and

f. Identify and implement national, state, and local assessment accommodations and modifications for students with disabilities Demonstrate an understanding of the manifestation determination process;

(6) In the area of instructional planning and strategies, the candidate shall have the ability to:

a. Collaboratively plan and Pparticipate in best practices in co-teaching to strengthen learning and achievement in the general curriculum for students with disabilities;

b. Implement and evaluate individualized learning goals, prioritizing areas of the general curriculum Incorporate supports, services, and supplementary aids, including equipment, materials, and assistive technology, across all environments;

c. Design and implement instructional programs-effective strategies that address independent living and career education for promote active student engagement, increase student motivation, and enhance self-regulation of a student's learning;

d. Identify resources and techniques used to transition students with disabilities into school, from grade to grade, and into post-school environments Utilize evidenced-based interventions and strategies from multiple approaches validated for specific characteristics of learners based on formative and summative assessment, to create and implement lesson plans for academic, social, and behavioralcontent that are responsive to diverse backgrounds;

Edit: space

Edit: Delete.

e. Create and utilize lesson plans that demonstrate a repertoire of evidence-based instructional strategies to individualize instruction for students with disabilities *Support the implementation of annual measurable goals, with specially designed instruction, accommodations, and modifications;*

f. Identify reading, writing, math, and study skills of students with disabilities and use methods to address these learning needs *Provide specially designed instruction in the areas of reading and writing including phonemic awareness, phonics, fluency, vocabulary, comprehension, and written expression for students with disabilities to increase accuracy and proficiency;*

Edit: Suggest that this be subdivided.

g. Identify and teach essential concepts, vocabulary, and content across the general curriculum *Provide specially designed instruction in the areas of counting and cardinality, operations and algebraic thinking, numbers and operations base ten, numbers and operations with fractions, measurement and data, geometry, ratios and proportional relationships, the number system, functions, and statistics and probability for students with disabilities to increase accuracy and proficiency;*

h. Use instructional methods to strengthen and compensate for deficits in perception, comprehension, and memory *Identify and explicitly teach executive functioning and social skills;*

i. Implement systematic instruction to teach accuracy, fluency, and comprehension in content area reading and written language *Identify and teach strategies for preparing individuals to live independently, cooperatively, and productively in society;*

j. Identify and use federal, state, and local curriculum standards in planning the scope and sequence of general and special education curriculum *Use individualized strategies to enhance language development and communication skills; and*

k. Incorporate instructional and assistive technology into the educational program Use progress monitoring from ongoing assessment data to evaluate instruction and student performance, and make responsive adjustments to instruction or individual education plan;

l. Encourage students' development and use of self-assessment, study skills, and other cognitive strategies to meet their learning needs;

m. Use a variety of assessment data and information to make modifications or accommodations to the instructional plan; and

n. Develop and select instructional content, resources, and strategies that respond to cultural, linguistic, and gender differences;

(7) In the area of language development and differences *curricular content and knowledge*, the candidate shall have the ability to:

a. Understands the effect of language development on academic and social development *Use theories and research that form the basis of curriculum development and instructional practices;*

b. Understand typical and atypical language development and factors that impact experience and use of language *Use state, local, or both content standards for planning, teaching, accommodating, and assessing to individualized learning across all settings;*

c. Use individualized strategies to enhance language development and teach communication skills *Use technology related to curriculum content for planning and managing teaching and learning environments;* ← Edit: "and"

d. Demonstrate the ability to select, design, and use augmentative, alternative, and assistive technologies, materials, and resources to support and enhance communication of students with disabilities *Integrate effective social and life skills within the academic curriculum;*

e. Provide effective language models and use strategies and resources to facilitate learning of the general curriculum; and

f. Recognize the effects of cultural and linguistic differences on growth, development, and effective communication; ← Unclear as drafted.

(8) In the area of professional and ethical practice, the candidate shall have the ability to:

a. Demonstrate educational practice within the code of ethics, including confidentiality and other standards of the profession;

b. Construct a personal plan and participate in professional development regarding current issues and best practice;

c. Recognize personal cultural biases and differences that affect one's teaching;

d. Reflect on one's practice to guide professional growth and improve instruction to meet the needs of students with disabilities;

ea. Identify organizations and publications relevant to students with disabilities;

fb. Identify sources of unique services, networks, and organizations for students with disabilities;

g. Advocate for appropriate services for students with disabilities;

h. Describe the ethical principles and current issues related to knowledge and practice in general and special education;

ic. Describe the rights and responsibilities of schools, students, families, teachers, and other professionals related to the identification, placement, and service of students with disabilities *in accordance with procedural safeguards of Ed 1120 and 34 CFR 300.504;* and

jd. Understand how issues of human diversity can impact families, cultures, and schools, in the delivery of special education services; ← Edit: "and"

Note to agency: Unless the candidate is already federally required to comply with the CFR, the CFR must be incorporated by reference pursuant to RSA 541-A:12, III-VII, including an appendix, a reference here to the appendix, and the date of the CFR.

(9) In the area of special education, the candidate shall have:

a. The ability to understand the federal law, state law, local policies and the New Hampshire Standards for the Education of Children with Disabilities in Ed 1100, including the following steps in the special education process:

1. Identification of children with disabilities under the child find procedures specified in Ed 1105;

2. Referral procedures specified in Ed 1106;

3. Evaluation procedures specified in Ed 1107;

4. Determination of eligibility under Ed 1108;

5. Development of the Individual Family Service Plan (IFSP) or Individualized Education Program (IEP) under Ed 1109;

6. Determination of educational placement under Ed 1111; and

7. Implementation and monitoring of the IFSP or IEP under Ed 1109.06;

b. The ability to develop and implement comprehensive IEPs and transition plans which address the abilities and needs of the students with disabilities;

c. The ability to understand IDEA, Section 504, related parts of the Elementary and Secondary Act and Ed 1100;

d. The ability to understand Ed 306 Minimum Standards for Public School Approval; and

e. Knowledge of and the ability to understand case law and how case law affects professional practice; and

(10) In the area of collaboration, the candidate shall have the ability to:

a. *Utilize communication, group facilitation, and problem-solving strategies in a culturally responsive manner to lead effective meetings and share expertise and knowledge to build team capacity and jointly address students' instructional and behavioral needs;*

Edit: comma

ab. Collaborate, *communicate, and coordinate* with families, school personnel, agencies, and community members in culturally responsive ways to facilitate access for students with disabilities in a variety of settings *paraprofessionals, and other professionals within the educational setting to assess, plan and implement effective programs and services that promote progress toward measurable outcomes for individuals with and without disabilities;*

b. Recognize the roles of professional groups and referral agencies in identifying, assessing, and providing services to students with disabilities;

c. ~~Participate in co-planning to strengthen learning in the general curriculum for students with disabilities~~ ***Collaborate, communicate, and coordinate with professionals and state and local agencies within the community to identify and access services, resources, and supports to meet the identified needs of individuals with disabilities and their families;***

d. ~~Facilitate the successful transitions of students with disabilities across settings and~~ ***Advocate for and secure appropriate services for students with disabilities; and***

e. Foster respectful and beneficial relationships between families and professionals ***through the use of meaningful parent engagement;***

f. ~~Use facilitation and group problem-solving skills to develop, implement, and evaluate IEPs;~~

g. ~~Structure, direct, and support the activities of paraprofessionals, volunteers, peer and adult tutors; and~~

h. ~~Collaborate with families, other educators, service providers, and personnel from community agencies to implement instructional strategies for student self-management and advocacy.~~

(d) Each candidate for certification ~~licensure~~ as an elementary/secondary general special education teacher for children ~~students~~ age 5 up to age 21 shall have the following skills, competencies, and knowledge through a combination of academic and supervised ~~clinical~~ field-based experiences:

(1) Skill in engaging ~~with children~~ ~~students~~ with and without disabilities from age 5 up to age 21; and

(2) Ability to engage in the full range of teaching activities, roles, and responsibilities encountered in the school and community settings of a ~~child~~ ~~student~~ with disabilities.

(e) General ~~s~~Special education certification ~~licensure~~ shall qualify a teacher to teach children with disabilities:

(1) ***Teach specially designed instruction to students with disabilities whose placement is along the continuum of alternative educational environments but do not*** ~~Who are able to benefit from general and special education but do not~~ require the specialized knowledge and skills of an educator with a categorical endorsement as defined in Ed-612.07(e)-(h) ***507.42 through Ed 507.47;*** and

(2) ~~Whose placement is in general education for more than 50% of the day~~ ***Teach curriculum, aligned to alternative academic standards, in consultation with certified content area teachers, to children with disabilities.***

(f) “General education,” as used in (e)(1) and (2) above, means for children ~~students~~ in elementary, middle, or high school, instruction in a setting that has the inclusion of children ~~students~~ with disabilities in proportion to their presence in the general population utilizing the curriculum of the elementary, middle, or high school and taught by a certified elementary, middle, or high school teacher, with supports from special education personnel, as necessary.

~~(g) A teacher with general special education certification may serve on the initial identification and the IEP team of a child with a disability for:~~

~~(1) Students with disabilities for whom a categorical certification endorsement does not exist;~~
~~or~~

~~(2) If the child meets the criteria specified in (f)(1) and (2) above.~~

Ed 507.41 Early Childhood Special Education Teacher. The following requirements shall apply to the certification and employment of an early childhood special education teacher for children from birth up to age 8:

(a) To be certified *licensed* as an early childhood special education teacher for children from birth up to age 8, the candidate shall have at least a bachelor's degree;

Edit: Delete one.

(b) A candidate for certification *licensure* as early childhood special education teacher for children from birth up to age 8 *through grade 3* shall *meet the requirements of Ed 507.40 in addition to the* have the following skills, competencies and knowledge through a combination of academic and supervised field-based experience *in the* following areas:

(1) In the area of ~~theoretical~~ foundations, the candidate shall have the ability to:

a. Describe the philosophies, historical perspectives, theories, models, *federal law, state law*, and ~~current issues~~ *case law* related to knowledge and practice in early childhood education and special education;

b. Understand how philosophical and historical perspectives influence professional practice;

c. Understand the role of families in supporting the development of a young child's ability to learn, interact socially, and ~~participate in~~ *live as a contributing member of* the community; ~~and~~

d. Understand the functions of *early childhood settings*, schools, school systems, *community systems*, and other agencies and their relationships to early childhood education and special education; *and*

e. Understand the components of a legally defensible education program;

(2) In the area of *development and* characteristics of learners, the candidate shall have the ability to:

a. Describe ~~child development and~~ the similarities and differences in ~~patterns of learning and development within and across temperament~~ *human growth and development of young children with and without disabilities, within and across cognitive, academic, developmental, social, emotional or behavioral, communicative temperament, language, sensory, diversity, and physical domains in young children birth—grade 3 with and without disabilities* ~~areas~~;

b. Describe the characteristics *and their respective educational implications* of various all types of disabilities *as described in federal statutes, federal regulations, and the impact on learning and development Ed 1100*;

c. *Demonstrate knowledge and understanding* the etiologies and medical aspects of various types of disabilities and their impact on *diversity, families, communities, gender, and society that influence* learning and development; and

d. *Demonstrate Understanding* that the experiences of young children with disabilities impact their ability to function within the family and community *of the influence of environment, co-existing conditions, and disabilities on young children*;

(3) In the area of approaches to learning *differences*, the candidate shall have the ability to:

a. Understand and utilize the range of accommodations and modifications that can be used to support learning *the results of a young child's evaluations, assessments, and other information from a variety of sources, including parents and young children, to identify academic, developmental, social, emotional, behavioral, and functional skills*;

Edit: Delete one.

b. Use *Demonstrate knowledge and understanding* of the broader context of families, peers, communities and culture and understand how these factors impact learning *differences, preferences, and needs of young children with disabilities including multiple influences of human growth and development in collaboration with team members in the development of individualized family service programs (IFSP) and individualized education programs (IEP)*;

Edit:

c. Use knowledge of *Understand* how the learning *differences, preferences, and needs of young children with disabilities* approach learning and use children's strengths and needs in the development of IFSPs/IEPs *affect progress in preschool activities, the general curriculum, extracurricular activities, and other nonacademic areas*;

d. Understand the impact of transitions and need for continuity across time and settings *Identify levels of special education services, supplementary aids and services, and support for school personnel to create inclusive instructional opportunities that accommodate diverse learning needs*;

e. Apply knowledge of a child's auditory, visual, and kinesthetic preferences to learning *Understand and utilize the diverse range of a young child's approaches to learning and the range of modifications and accommodations that can be used to support learning*;

f. Match levels of support to the needs of the young child with disabilities, creating instructional opportunities that are adapted to diverse learning needs *Understand the concept of least restrictive environment and the continuum of educational environments*; and

g. Utilize the child's interests and abilities in planning instruction and intended teaching *Recognize the relationships among a young child's academic, social,*

emotional, behavioral and functional abilities, attitudes and interests on the activities of young children and instruction;

(4) In the area of learning and social environments, the candidate shall have the ability to:

a. ~~Design learning environments that encourage individual academic success in one-to-one, small-group, and large-group settings~~ *Incorporate research based instructional frameworks to promote access, equity, and respect for all children in the early childhood and general education environments;*

b. ~~Identify realistic expectations for social behavior and social skills needed for success in natural environments and school and community settings~~ *Use effective routines, clear expectations and procedures to create safe, caring, respectful, and productive learning environments;*

c. ~~Use functional and developmental assessments to create plans related to instruction, behavior, intervention, supports, and direct services~~ *of range of preventive and responsive practices documented as effective to support individuals' social, emotional, and educational well-being;*

d. ~~Use a variety of positive behavior intervention techniques to control targeted behavior, support learning and social relationships, and maintain attention of young children with disabilities~~ *Collaboratively select, administer, analyze, and interpret multiple measures of a young child's learning, behavior, and the classroom environment to evaluate and adapt classroom settings utilizing interventions and adapting instruction;*

e. ~~Recognize and use strategies for crisis prevention and intervention~~ *Structure learning environments and activities to develop and foster a young child's self-awareness, self-management, self-regulation, self-reliance, and self-esteem; and*

f. ~~Identify supports needed for inclusion in various natural settings and program placements~~ *Provide positive and constructive feedback to guide a young child's learning and behavior;*

g. ~~Organize, develop, and sustain learning environments that support positive strategies to live harmoniously and productively in a culturally diverse world;~~

h. ~~Create learning environments that allow young children to retain and appreciate their own and each other's respective language and cultural heritage;~~

i. ~~Understand demands of the learning environment and foster accessibility;~~

j. ~~Understand the barriers influencing acceptance of young children with disabilities;~~
and

k. ~~Structure activities to increase a young child's self-awareness, self-management, self-control, self-reliance, and self-esteem for increased independence in learning and daily functioning;~~

(5) In the area of assessment, the candidate shall have the ability to:

a. Understand the legal policies and ethical principles of *federal law, state law, and administrative rules pertaining to young children with disabilities, for required assessments and qualified examiners by disability type for the evaluation of young children with disabilities as part of assessment* related to early intervention and the special education process;

Edit: No parenthetical rules. Use commas.

b. Understand the range of formal assessment instruments and their purpose *Understand early childhood services and supports (birth up to age 3) and the transition process from the IFSP to the IEP by age 3;*

c. Administer and write reports for formal developmental and academic assessment instruments *Understand procedures and timelines for the referral, evaluation, and determination of eligibility for special education and related services;*

d. Understand and utilize the range of informal assessments, instruments, *and results and their purpose in the education process* for making educational and program decisions;

Edit: Delete.

e. Interpret and report information from formal and informal assessments *Collaboratively select, administer in native language and/or communication mode, and interpret multiple formal and informal, culturally and linguistically appropriate measures and procedures that are valid and reliable, understand their limitations, and demonstrate the ability to write a formal report; and*

f. Identify and implement national, state, and local assessment accommodations and modifications for young children with disabilities *Systematically use data from a variety of sources to identify the function served by problem behavior to plan, implement, and evaluate behavioral interventions; and*

g. *Assess, analyze, interpret, and communicate a young child's progress towards measurable outcomes, using technology as appropriate, to inform both short- and long-term planning and make ongoing adjustments to instruction.*

(6) In the area of instructional planning and strategies, the candidate shall have the ability to:

a. *Collaboratively plan and participate in best practices in co-teaching to strengthen learning and achievement in natural environments preschool activities, home setting, and the early childhood general education curriculum for young children with disabilities;*

b. Implement and evaluate individualized learning goals, prioritizing areas of the early childhood curriculum and the importance of play *Incorporate supports, services, and supplementary aids, including equipment, materials, and assistive technology, across all environments;*

c. Design and implement instructional programs that address self-help skills and career awareness for *effective strategies that promote active engagement, increase motivation, and enhance self-regulation of a young children's learning;*

- d. Identify resources and techniques used to transition young children with disabilities across time and settings *Utilize evidence-based interventions and strategies from multiple approaches validated for specific characteristics of learners based on formative and summative assessment, to create and implement lesson plans for academic, social, and behavioral content that are responsive to diverse backgrounds;*
- e. Create and utilize methods and lesson plans that demonstrate a repertoire of evidence-based instructional strategies to individualize instruction for young children with disabilities *Support the implementation of annual measurable goals, with specially designed instruction, accommodations, and modifications;*
- f. Use developmentally appropriate methods to promote the foundations of learning, including, but not limited to, language, literacy, math and study skills *Provide specially designed instruction in order to increase accuracy and proficiency in basic social-emotional, early language/communication, early literacy, early writing, and early numeracy skill development for young children with disabilities;*
- g. Identify and *explicitly* teach essential concepts, vocabulary, and content across the early childhood curriculum *foundations of learning, executive functioning, and social skills;*
- h. Use instructional methods to strengthen perception, comprehension, and memory *Use individualized strategies to enhance language development and communication skills; and*
- i. Implement systematic instruction to teach accuracy, fluency, and comprehension in reading and writing *Use progress monitoring from ongoing assessment data to evaluate instruction and a young child's performance, and make responsive adjustments to instruction, individual family support program, or individual education program;*
- j. Identify and use federal, state, and local curriculum standards in planning and modifying the scope and sequence of curriculum;
- k. Incorporate instructional and assistive technology into the educational program;
- l. Promote the development of self-awareness, study skills, and other cognitive strategies to meet the learning needs of a young child;
- m. Use a variety of assessment data and information to make modifications or accommodations to the instructional plan; and
- n. Develop and select instructional content, resources, and strategies that respond to cultural, linguistic, and gender differences;

(7) In the area of language development and differences *curricular content and knowledge*, the candidate shall have the ability to:

- a. Understand typical and atypical language development and the implications on a young child's ability to use language and engage in language-based experiences both

Edit: Delete.

~~academic and social~~ *Use theories and research that form the basis of play-based learning, preschool activities, curriculum development, and instructional practices;*

b. ~~Use individualized strategies to enhance language development and teach communication skills~~ *Use state and/or local content standards or guidelines for planning, teaching, accommodating, and assessing to individualize learning across all settings;*

c. ~~Understand the use of augmentative, alternative, and assistive technologies, materials, and resources to support and enhance communication of young children with disabilities~~ *Use technology related to curriculum content for planning and managing teaching and learning environments; and*

d. ~~Provide~~ *Integrate* ~~effective language models and use strategies and resources to facilitate learning of~~ *social and life skills within* the early childhood curriculum ~~setting;~~ and

e. ~~Recognize the effects of cultural and linguistic differences on growth, development, and effective communication;~~

(8) In the area of professional and ethical practice, the candidate shall have the ability to:

a. ~~Understand the ethical principles and current issues related to knowledge and practice in early childhood and special education;~~

b. ~~Demonstrate educational practice within the code of ethics, including confidentiality and other standards of the profession;~~

c. ~~Design a professional development plan recognizing current issues and developmentally appropriate and evidence-based practices;~~

d. ~~Recognize personal cultural biases and differences that affect one's teaching;~~

e. ~~Reflect on one's practice to guide professional growth and improve instruction to meet the needs of young children with disabilities and their families;~~

fa. Identify organizations and publications relevant to young children with disabilities;

gb. Identify sources of unique services, networks, and organizations for young children with disabilities;

h. ~~Advocate for appropriate services for young children with disabilities;~~

ic. Describe the rights and responsibilities of schools, *young children*, families, teachers, and other professionals related to the identification, placement, and services of young children with disabilities *in accordance with procedural safeguards of Ed 1120 and 34 CFR 300.504*; and

jd. Understand how issues of human diversity can impact families, cultures, and schools in the delivery of special education services;

Edit: "and"

Note to agency: Unless the candidate is already federally required to comply with the CFR, the CFR must be incorporated by reference pursuant to RSA 541-A:12, III-VII, including an appendix, a reference here to the appendix, and the date of the CFR.

(9) In the area of special education law, the candidate shall have:

a. The ability to understand the federal law, state law, local policies and the New Hampshire Standards for the Education of Children with Disabilities in Ed 1100, including the following steps in the special education process:

1. Identification of children with disabilities under the child find procedures specified in Ed 1105;
2. Referral procedures specified in Ed 1106;
3. Evaluation procedures specified in Ed 1107;
4. Determination of eligibility under Ed 1108;
5. Development of the IFSP or IEP under Ed 1109;
6. Determination of educational placement under Ed 1111; and
7. Implementation and monitoring of the IFSP or IEP under Ed 1109.06;

b. The ability to develop and implement comprehensive IFSPs or IEPs and transition plans which address the abilities and needs of young children with disabilities;

c. The ability to understand Parts B and C;

d. The ability to understand Ed 306, Minimum Standards for Public School Approval, that affect all students and related parts of the procedural safeguards notice requirements of 34 CFR 300.504 and the Elementary and Secondary Education Act (ESEA); and

e. Knowledge of and the ability to understand case law and how case law affects professional practice; and

(10) In the area of collaboration, the candidate shall have the ability to:

a. Collaborate with families, school personnel, agencies, and community members in culturally responsive ways to facilitate access for young children with disabilities in a variety of settings *Utilize communication, group facilitation, and problem-solving strategies in a culturally responsive manner to lead effective meetings and share expertise and knowledge to build team capacity and jointly address a young child's instructional and behavioral needs;*

b. Recognize the roles of professional groups and referral agencies in identifying, assessing, and providing services to *Collaborate, communicate, and coordinate with families, paraprofessionals, and other professionals across all educational settings to assess, plan and implement effective programs and services that promote progress toward measurable outcomes for young children with and without disabilities and their families;*

~~c. Participate in co-planning to strengthen learning in the early childhood curriculum for **Collaborate, communicate, and coordinate with professionals and state and local agencies within the community to identify and access services, resources, and supports to meet the identified needs of young children with disabilities and their families;**~~

Edit: Delete.

~~d. Facilitate the successful transitions of young children with disabilities across settings and **Advocate and/or secure appropriate services for young children with disabilities;** and~~

~~e. Foster respectful and beneficial relationships between families and professionals **through the use of meaningful parent engagement;**~~

~~f. Use facilitation and group problem-solving skills to develop, implement, and evaluate IFSPs and IEPs;~~

~~g. Structure, direct, and support the activities of paraprofessionals, volunteers, and peer and adult tutors; and~~

~~h. Collaborate with families, other educators, service providers, and personnel from community agencies to promote young children's independence and family advocacy;~~

(c) Each candidate for certification **licensure** as an early childhood special education teacher for **young** children from birth up to age 8 **through grade 3** shall have the following skills, competencies, and knowledge through a combination of academic and supervised field-based experiences:

(1) Skill in engaging with young children with and without disabilities from birth up to age 8 **through grade 3**; and

(2) Ability to engage in the full range of teaching activities, roles, and responsibilities encountered in the ~~natural environment of school~~ **and community** settings of a young child with disabilities;

(d) Early childhood special education certification **licensure** shall qualify a teacher to teach **provide special education services to young** children with disabilities:

~~(13)~~ **For young children in kindergarten through grade 3, who are eligible to receive special education services and** ~~Who are able to benefit from general and special education but do not require the specialized knowledge and skills of an educator certified under one or more of the programs defined in Ed 612.08 — Ed 612.13507.42 through Ed 507.47; and~~

Edit: Adjust numbering.

~~(21)~~ **For young children in kindergarten from birth through grade age 3, whose placement is in general education for more than 40 % of the day receive early supports and services; and**

~~(32)~~ **For young children from age 3 up to age 6 kindergarten, whose placement is in an early childhood program or an early childhood special education program; and**

(e) “General education,” as used in (d)(1) and (2) above, means, for children from kindergarten through grade 3, instruction in a setting that has the inclusion of children with disabilities in proportion to their presence in the general population utilizing the curriculum of the elementary school and taught by

a certified elementary or early childhood teacher, with supports from special education personnel, as necessary;

(f) A teacher with general special education certification may serve on the initial coding and the IEP team of a child with a disability:

(1) For young children with disabilities for whom a categorical certification endorsement does not exist; or

(2) If the child meets the criteria specified in (b)(1),(2) and (3) above.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 507.40	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 507.41	RSA 21-N:9, II(s); RSA 186:11, X(a)

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21-N

DEPARTMENT OF EDUCATION

Section 21-N:9

21-N:9 Rulemaking. –

- I. The board of education shall adopt rules, pursuant to RSA 541-A, relative to minimum standards for:
- (a) High schools, as authorized by RSA 186:8.
 - (b) Junior high schools, as authorized by RSA 186:8.
 - (c) Elementary schools, as authorized by RSA 186:8 and 189:25.
- II. The board of education shall adopt rules, pursuant to RSA 541-A, relative to:
- (a) The organization of school administrative units.
 - (b) The duties of school boards.
 - (c) Standards for school building construction.
 - (d) School health policies.
 - (e) Child benefit services grants.
 - (f) Nonpublic school advisory councils.
 - (g) Home study.
 - (h) Dual enrollment, as authorized by RSA 193:1-b.
 - (i) High school equivalency programs, as authorized by RSA 186:61.
 - (j) Adult basic education programs, as authorized by RSA 186:61 and 186:62.
 - (k) Vocational rehabilitation services, as authorized by RSA 186:6 and 200-C.
 - (l) Special education programs affecting all children with disabilities, as authorized by RSA 186-C:5, 186-C:16 and 186-C:18, V.
 - (m) Standards for approval of regional career and technical education centers, as authorized by RSA 188-E:3.
 - (n) Vocational technical education, as authorized by RSA 186:6.
 - (o) Standards for approval of nonpublic schools, as authorized by RSA 186:11, XXIX.
 - (p) Qualifications and duties of school superintendents and principals, as authorized by RSA 186:8.
 - (q) Qualifications and duties of school administrative unit professional employees, as authorized by RSA 186:8.
 - (r) Professional preparation standards and approval of professional preparation programs for educating teachers in post-secondary institutions, as authorized by RSA 186:11, X.
 - (s) Certification standards for educational personnel, and educator certification fees for granting credentials to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, speech-language specialists, social workers, health educators, physical education teachers, consumer and family science teachers, elementary teachers, specialists in assessment of intellectual functioning, media supervisors, media generalists, and master teachers as authorized by RSA 186:8 and RSA 186:11, X, professional credentials including beginning educator credentials, experienced educator credentials, and intern licenses, and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.
 - (t) Administering the provisions of RSA 193:27 through 193:30 regarding placement of children, as authorized by RSA 193:30.
 - (u) Guidelines for uniform evaluation programs among local school districts.
 - (v) Administering the literacy education and dropout prevention program established in RSA 189:52-58.
 - (w) The exemption of certain students from participation in the statewide education assessment.

- (x) Safe school zones, as provided in RSA 193-D:2.
 - (y) School bus safety, as provided in RSA 189:6-a.
 - (z) Local master plan for staff development and recertification.
 - (aa) Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners, using a variety of methods, materials, and instructional techniques.
 - (bb) Establishing the educational credential of master teacher as provided in RSA 189:14-f.
 - (cc)(1) The establishment and enforcement of a code of ethics and a code of conduct for licensed or certified educational personnel. These professional codes shall include a statement of purpose and standards defining each of the 4 primary principles which are:
 - (A) Responsibility to the education profession and educational professionals.
 - (B) Responsibility to students.
 - (C) Responsibility to the school community.
 - (D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.
 - (2) The professional code of ethics and the professional code of conduct shall apply to all teachers, specialists, and administrators who are licensed or certified by the department.
- III. [Repealed.]

Source. 1986, 41:1. 1987, 168:3. 1988, 274:2. 1989, 49:5. 1990, 140:2, X. 1992, 48:5. 1993, 290:1. 1994, 355:1. 1996, 19:3; 271:2. 1998, 174:1, 2; 314:1. 1999, 82:1. 2008, 274:31. 2011, 224:127, eff. July 1, 2011. 2013, 164:7, I, eff. June 28, 2013. 2015, 252:11, eff. July 1, 2015. 2017, 22:1, eff. June 24, 2017. 2019, 258:1, eff. Sept. 17, 2019.

TITLE XV EDUCATION

CHAPTER 186 THE STATE SCHOOL ORGANIZATION

State Board of Education

Section 186:11

186:11 Duties of State Board of Education. –

The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

I. [Repealed.]

II. Supervision. Supervise the expenditure of all moneys appropriated for public schools, and inspect all institutions in which or by which such moneys are used.

III. Budget: Information. Prepare a budget for such expenditures, give to the public information as to the educational conditions in different parts of the state and the opportunities open to pupils in the public schools, and all such further information in respect to educational matters as will promote the cause of education. For this purpose it may employ lecturers and publish and distribute books and pamphlets on education and educational subjects.

IV, V. [Repealed.]

VI. School Registers. Prescribe the form of the register to be kept concerning the schools, the form of blanks and inquiries for the returns to be made by the school boards, and seasonably send the same to the clerks of the several cities and towns for the use of the school boards therein.

VII. Public Documents. Keep on file in its office and distribute all state documents in relation to public schools and education.

VIII. District Returns. Preserve in accessible form the returns of school boards and of all other officers required to make returns to the board.

IX. Instruction as to Child Abuse Prevention, Youth Suicide Prevention, Intoxicants, Drugs, HIV/AIDS, and Sexually Transmitted Diseases.

(a) Direct the department to develop academic standards to serve as a guide and reference in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.

(b) Provide information about HIV/AIDS to all public and private schools to facilitate the delivery of appropriate courses and programs.

(c) Review HIV/AIDS curriculum materials to assure relevancy in assisting students to become health-literate citizens and lead longer, healthier lives.

(d) Provide information about youth suicide prevention to all public and private schools to facilitate the delivery of appropriate courses and programs.

(e) Submit a report no later than December 1, 2010, and biennially thereafter, prepared in conjunction with the commissioner of the department of education, to the chairpersons of the house and senate education committees, the house health, human services and elderly affairs committee, and the senate health and human services committee, detailing the state's efforts in fulfilling the policies relating to health education in kindergarten through grade 12 as set forth in subparagraphs (a)-(d).

IX-a. [Repealed.]

IX-b. Health and Sex Education. Require school districts to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on religious objections. Such policy shall include a provision for alternative learning sufficient to enable the child to meet state requirements for health education.

IX-c. Require School Districts to Adopt a Policy Allowing an Exception to Specific Course Material Based on a Parent's or Legal Guardian's Determination that the Material is Objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education. The policy shall address the method of delivering notification to a parent or legal guardian. To the extent practicable, a school district shall make curriculum course materials available to parents or legal guardians for review upon request. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

IX-d. Require School Districts to Adopt a Policy Governing the Administration of Non-academic Surveys or Questionnaires to Students. The policy shall require school districts to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose. The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent of a parent or legal guardian unless the student is an adult or an emancipated minor. The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The policy shall also allow a parent or legal guardian to opt-out of the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

X. Adopt rules, pursuant to RSA 541-A, relative to:

(a) Certification of teachers, supervisors, and administrators in the public schools. The state board shall also examine the qualifications of candidates for those positions and issue certificates to those who meet the requirements of said rules.

(b) Fees to be paid to the commissioner of education for the administration of proficiency exams and other competence evaluations and other related fees including, but not limited to, fees for late filing and duplicate credentials, and for the issuance of educational credentials. These fees must bear a reasonable relationship to the actual costs related to such activities. Funds collected from these fees shall be expended only for purposes of fulfilling the requirements of this paragraph. No portion of the funds collected from these fees shall lapse, nor be used for any other purpose than fulfilling the requirements of this paragraph, nor be transferred to any other appropriation.

(c) Approval of professional preparation programs.

(d) Procedures for the electronic certification of educational credentials.

(e) Establishment and enforcement of a code of ethics and a code of conduct for licensed or certified educational personnel as provided in RSA 21-N:9, II(cc).

XI. [Repealed.]

XII. Vocational Education. Cooperate with the U.S. Department of Education for the purpose of carrying the Carl D. Perkins Vocational Education Act of 1984 and its successor acts into effect insofar as that act relates to this state.

XIII. Education for Persons with Disabilities. Prepare, develop and administer plans to provide educational facilities for persons with disabilities.

XIV. Lectures. Lecture on educational subjects in as many cities and towns in this state as the time occupied by the commissioner's other duties will permit.

XV. Truant Officers. Report frequently to the chairman of the several school boards the relative efficiency of the several truant officers in the state.

XVI. [Repealed.]

XVII. District Contracts. Examine contracts made by districts with academies, high schools and other literary institutions, for the purpose of deciding whether they are calculated to promote the cause of education.

XVIII. School Attendance. Enforce the laws relative to school attendance and the employment of minors; and

for this purpose the board and its deputies are vested with the power given by law to truant officers.

XIX. School Laws. Compile and issue, at the close of each session of the legislature, an edition of the school laws.

XX-XXIV. [Repealed.]

XXV. Assistants. Employ as many supervisors, inspectors, stenographers, accountants, clerks and agents as may be necessary to enable it to perform the duties imposed on it by law.

XXVI. Conferences. Hold conferences from time to time with superintendents, other school administrative unit personnel, principals, and teachers, or their representatives, for the purpose of inspiring mutual cooperation in the carrying on of their work and of unifying educational aims and practices.

XXVII. Programs. Prepare, publish and distribute such school programs, outlines of work and courses of study as will best promote education interests of the state.

XXVIII. Health. Have authority to employ a competent person or persons to examine and care for the health of pupils, subject to the provisions of RSA 200.

XXIX. Adopt rules, pursuant to RSA 541-A, relative to reasonable criteria for approving non-public schools for the purpose of compulsory attendance requirements. The rules may contain criteria for conditional approval as specified by the state board. The state board of education may, upon request, designate which schools meet those criteria, and may, upon the request of a non-public school, approve or disapprove its education program and curriculum.

XXIX-a. Adopt rules pursuant to RSA 541-A, relative to establishing a process for receiving, investigating, and resolving complaints from parents or legal guardians concerning school safety and school violence in nonpublic schools.

XXX. [Repealed.]

XXXI. Driver Education. Establish jointly with the department of safety, teacher qualifications, course content and standards, in connection with the driver education program conducted in secondary schools in this state; and adopt such rules as may be necessary to carry out the program and supervise the driver education program in the secondary schools of the state. Driver education instructors shall not be required to be certified as secondary school teachers. Although authority is shared by the departments of safety and education, those regulations, directions and procedures that have a direct or indirect relationship to a life or safety issue shall rest with the department of safety as the final and ultimate authority.

XXXII. Learning Disability Teacher. Establish the qualifications, conditions and exceptions for providing a learning disability teacher in each school district.

XXXIII. Discrimination. Ensure that there shall be no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, race, creed, color, marital status, national origin, or economic status of the benefits of educational programs or activities.

XXXIV. Missing Child Education Program. Administer the missing child education program as established in RSA 193:31.

XXXV. Certification Standards for the Credential of Master Teacher. Adopt rules creating the educational credential of master teacher based on the provisions of RSA 189:14-f.

XXXVI. Pupil Safety and Violence Prevention. Develop and distribute to school districts a technical assistance advisory for the purpose of providing guidance to school districts on the implementation of pupil safety and violence prevention policies as required under RSA 193-F.

XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

Source. 1919, 106:9. 1921, 85, I:8. PL 116:11. 1929, 145:3. 1939, 8:1. RL 134:11. 1953, 243:1-4. RSA 186:11. 1957, 252:1, 2. 1961, 196:1-3. 1963, 117:2; 147:1; 303:7; 305:1-3. 1965, 199:1; 339:4. 1967, 448:1. 1969, 69:1-3. 1971, 371:4, 5; 443:4. 1973, 140:15; 209:2; 242:1. 1974, 28:1. 1975, 23:1; 207:1; 505:6. 1977, 432:1; 452:6. 1979, 53:1; 459:4, 9, 10. 1981, 318:1. 1985, 318:4. 1986, 41:8-10, 29, II. 1987, 161:1. 1988, 262:7. 1989, 266:37. 1990, 28:1; 140:2, III. 1992, 123:1. 1993, 322:9, I, II. 1996, 298:5, I. 1998, 174:4, 5; 314:3; 389:8, 9. 1999, 157:1. 2000, 190:2. 2003, 39:1; 186:2. 2005, 92:1. 2008, 251:1, 4, 5. 2009, 105:1; 280:1. 2011, 271:1.

2014, 62:1. 2015, 161:6. 2016, 14:1; 84:2. 2017, 9:1, eff. June 16, 2017; 22:2, eff. June 24, 2017; 251:1, eff. Sept. 16, 2017. 2019, 258:2, eff. Sept. 17, 2019.

Readopt with amendment Ed 507.40 and Ed 507.41, effective 10-11-19 (Document #12898, Interim), to read as follows:

Ed 507.40 Special Education Teacher.

(a) To be licensed as a special education teacher specified in Ed 507.41 or an early childhood special education teacher specified in Ed 507.??, the candidate shall have at least a bachelor's degree.

(b) A candidate for licensure as a special education teacher shall have skills, competencies, and knowledge in the following areas:

(1) In the area of foundations, the candidate shall have the ability to:

- a. Describe the philosophies, historical perspectives, theories, models, federal law, state law, and case law related to knowledge and practice in general and special education;
- b. Understand how philosophical and historical perspectives influence professional practice;
- c. Understand the role of families in supporting the development of a student's ability to learn, interact socially, and live as a contributing member of the community; ~~and~~
- d. Understand the functions of schools, school systems, and other agencies and their relationships to general and special education; and
- e. Understand the components of a legally defensible education program;

(2) In the area of development and characteristics of learners, the candidate shall have the ability to:

- a. Describe the similarities and differences in human growth and development of individuals with and without disabilities within and across cognitive, academic, developmental, social, language, sensory, diversity, physical, and emotional or behavioral areas;
- b. Define the characteristics and their respective educational implications of all kinds of disabilities in federal statutes, federal regulations, and Ed 1100;
- c. Demonstrate knowledge and understanding of diversity, families, communities, gender, and society that influence learning; and
- d. Demonstrate understanding of the influences of environment and co-existing conditions, disabilities, or both, in individuals;

(3) In the area of learning differences, the candidate shall have the ability to:

- a. Understand and utilize the results of individuals' evaluations, assessments, and other information from a variety of sources, including parents and students, to identify academic, developmental, social, emotional, behavioral, functional skills, and post-secondary transition educational needs;

- b. Demonstrate knowledge and understanding of the learning differences, preferences, and needs of students with disabilities including multiple influences of human growth and development in collaboration with team members in the development of individualized educational programs;
- c. Understand how the learning differences, preferences, and needs of students with disabilities affect progress in the general curriculum, extracurricular activities, and other nonacademic areas;
- d. Identify levels of special education services, supplementary aids and services, and support for school personnel to create inclusive instructional opportunities that accommodate diverse learning needs;
- e. Understand and utilize the diverse range of a student’s approach to learning and the range of modifications and accommodations that can be used to support learning;
- f. Understand the concept of least restrictive environment and the continuum of educational environments; and
- g. Recognize the relationships among a student’s academic, social, emotional, behavioral and functional abilities, attitudes, and interests on instruction, transition planning, and career development;

(4) In the area of learning and social environments, the candidate shall have the ability to:

- a. Incorporate research-based instructional frameworks to promote access, equity, and respect for all students in the general education environments;
- b. Use effective routines, clear expectations and procedures to create safe, caring, respectful, and productive learning environments;
- c. Use a range of preventive and responsive practices documented as effective to support an individual’s social, emotional, and educational well-being;
- d. Collaboratively select, administer, analyze, and interpret multiple measures of student’s learning, behavior, and the classroom environment to evaluate and adapt classroom settings utilizing interventions and adapting instructions;
- e. Structure learning environments and activities to develop and foster a student’s self-awareness, self-management, self-regulation, self-reliance, and self-esteem; and
- f. Provide positive and constructive feedback to guide a student’s learning and behavior;

(5) In the area of assessment, the candidate shall have the ability to:

- a. Understand federal law, state law, and administrative rules pertaining to students with disabilities for required assessments and qualified examiners by disability type for the evaluation of students with disabilities as part of assessment related to the special education process;

b. Understand procedures and timelines for the referral, evaluation, and determination of eligibility for special education and related services;

c. Understand the range of formal and informal assessments, instruments, and results and their purposes in the special education process for making educational decisions;

d. Collaboratively select, administer in native language, communication mode, or both, and interpret multiple formal and informal, culturally and linguistically appropriate measures and procedures that are valid and reliable, understand their limitations, and demonstrate the ability to write a formal report;

e. Systematically use data from a variety of sources to identify the function served by problem behavior to plan, implement, and evaluate behavioral interventions;

e. Assess, analyze, interpret, and communicate a student's progress towards measurable outcomes, using technology as appropriate, to inform both short- and long-term planning and make ongoing adjustments to instruction; and

f. Demonstrate an understanding of the manifestation determination process;

(6) In the area of instructional planning and strategies, the candidate shall have the ability to:

a. Collaboratively plan and participate in best practices in co-teaching to strengthen learning and achievement in the general curriculum for students with disabilities;

b. Incorporate supports, services, and supplementary aids, including equipment, materials, and assistive technology, across all environments;

c. Design and implement effective strategies that promote active student engagement, increase student motivation, and enhance self-regulation of a student's learning;

d. Utilize evidence-based interventions and strategies from multiple approaches validated for specific characteristics of learners based on formative and summative assessment, to create and implement lesson plans for academic, social, and behavioral content that are responsive to diverse backgrounds;

e. Support the implementation of annual measurable goals, with specially designed instruction, accommodations, and modifications;

f. Provide specially designed instruction in the areas of reading and writing including phonemic awareness, phonics, fluency, vocabulary, comprehension, and written expression for students with disabilities to increase accuracy and proficiency;

g. Provide specially designed instruction for students with disabilities to increase accuracy and proficiency in the areas of:

1. Counting and cardinality;

2. Operations and algebraic thinking;

3. Numbers and operations base ten;

4. Numbers and operations with fractions;
 5. Measurement and data;
 6. Geometry, ratios, and proportional relationships;
 7. The number system; and
 8. Functions, statistics, and probability;
- h. Identify and explicitly teach executive functioning and social skills;
 - i. Identify and teach strategies for preparing individuals to live independently, cooperatively, and productively in society;
 - j. Use individualized strategies to enhance language development and communication skills; and
 - k. Use progress monitoring from ongoing assessment data to evaluate instruction and student performance, and make responsive adjustments to instruction or individual education plan;
- (7) In the area of curricular content and knowledge, the candidate shall have the ability to:
- a. Use theories and research that form the basis of curriculum development and instructional practices;
 - b. Use state, local, or both content standards for planning, teaching, accommodating, and assessing to individualized learning across all settings;
 - c. Use Use technology related to curriculum content for planning and managing teaching and learning environments; and
 - d. Integrate effective social and life skills within the academic curriculum;
- (8) In the area of professional practice, the candidate shall have the ability to:
- a. Identify organizations and publications relevant to students with disabilities;
 - b. Identify sources of unique services, networks, and organizations for students with disabilities;
 - c. Describe the rights and responsibilities of schools, students, families, teachers, and other professionals related to the identification, placement, and service of students with disabilities in accordance with procedural safeguards of Ed 1120 and 34 CFR 300.504, May 2017, as referenced in Appendix II; and
 - d. Understand how issues of human diversity can impact families, cultures, and schools, in the delivery of special education services; and

(9) In the area of collaboration, the candidate shall have the ability to:

- a. Utilize communication, group facilitation, and problem-solving strategies in a culturally responsive manner to lead effective meetings and share expertise and knowledge to build team capacity and jointly address students’ instructional and behavioral needs;
- b. Collaborate, communicate, and coordinate with families paraprofessionals, and other professionals within the educational setting to assess, plan, and implement effective programs and services that promote progress toward measurable outcomes for individuals with and without disabilities;
- c. Collaborate, communicate, and coordinate with professionals and state and local agencies within the community to identify and access services, resources, and supports to meet the identified needs of individuals with disabilities and their families;
- d. Advocate for and secure appropriate services for students with disabilities; and
- e. Foster respectful and beneficial relationships between families and professionals through the use of meaningful parent engagement;

(d) Each candidate for licensure as an special education teacher for students age 5 up to age 21 shall have the following skills, competencies, and knowledge through a combination of academic and clinical field-based experiences:

- (1) Skill in engaging students with and without disabilities from age 5 up to age 21; and
- (2) Ability to engage in the full range of teaching activities, roles, and responsibilities encountered in the school and community settings of a student with disabilities.

(e) Special education licensure shall qualify a teacher to:

- (1) Teach specially designed instruction to students with disabilities whose placement is along the continuum of alternative educational environments but do not require the specialized knowledge and skills of an educator with a categorical endorsement as defined in Ed 507.42 through Ed 507.47; and
- (2) Teach curriculum, aligned to alternative academic standards, in consultation with certified content area teachers, to children with disabilities.

(f) “General education,” as used in (e)(1) and (2) above, means for students in elementary, middle, or high school, instruction in a setting that has the inclusion of students with disabilities in proportion to their presence in the general population utilizing the curriculum of the elementary, middle, or high school and taught by a certified elementary, middle, or high school teacher, with supports from special education personnel, as necessary.

Ed 507.41 Early Childhood Special Education Teacher.

(a) To be licensed as an early childhood special education teacher, the candidate shall have at least a bachelor’s degree;

(b) A candidate for licensure as early childhood special education teacher for children from birth through grade 3 shall meet the requirements of Ed 507.40 in addition to the ~~the~~ following:

(1) In the area of foundations, the candidate shall have the ability to:

- a. Describe the philosophies, historical perspectives, theories, models, federal law, state law, and case law related to knowledge and practice in early childhood education and special education;
- b. Understand how philosophical and historical perspectives influence professional practice;
- c. Understand the role of families in supporting the development of a young child's ability to learn, interact socially, and live as a contributing member of the community;
- d. Understand the functions of early childhood settings, schools, school systems, community systems, and other agencies and their relationships to early childhood education and special education; and
- e. Understand the components of a legally defensible education program;

(2) In the area of development and characteristics of learners, the candidate shall have the ability to:

- a. Describe the similarities and differences in human growth and development of young children with and without disabilities, within and across cognitive, academic, developmental, social, emotional or behavioral, temperament, language, sensory, diversity, and physical areas;
- b. Define the characteristics and their respective educational implications of all types of disabilities as described in federal statutes, federal regulations, and Ed 1100;
- c. Demonstrate knowledge and understanding diversity, families, communities, gender, and society that influence learning; and
- d. Demonstrate understanding of the influence of environment, co-existing conditions, and disabilities on young children;

(3) In the area of learning differences, the candidate shall have the ability to:

- a. Understand and utilize the results of a young child's evaluations, assessments, and other information from a variety of sources, including parents and young children, to identify academic, developmental, social, emotional, behavioral, and functional skills;
- b. ~~Use~~ Demonstrate knowledge and understanding of the learning differences, preferences, and needs of young children with disabilities including multiple influences of human growth and development in collaboration with team members in the development of individualized family service programs (IFSP) and individualized education programs (IEP);

- c. Understand how the learning differences, preferences, and needs of young children with disabilities affect progress in preschool activities, the general curriculum, extracurricular activities, and other nonacademic areas;
- d. Identify levels of special education services, supplementary aids and services, and support for school personnel to create inclusive instructional opportunities that accommodate diverse learning needs;
- e. Understand and utilize the diverse range of a young child's approaches to learning and the range of modifications and accommodations that can be used to support learning;
- f. Understand the concept of least restrictive environment and the continuum of educational environments; and
- g. Recognize the relationships among a young child's academic, social, emotional, behavioral and functional abilities, attitudes and interests on the activities of young children and instruction;

(4) In the area of learning and social environments, the candidate shall have the ability to:

- a. Incorporate research based instructional frameworks to promote access, equity, and respect for all children in the early childhood and general education environments;
- b. Use effective routines, clear expectations and procedures to create safe, caring, respectful, and productive learning environments;
- c. Use of range of preventive and responsive practices documented as effective to support individuals' social, emotional, and educational well-being;
- d. Collaboratively select, administer, analyze, and interpret multiple measures of a young child's learning, behavior, and the classroom environment to evaluate and adapt classroom settings utilizing interventions and adapting instruction;
- e. Structure learning environments and activities to develop and foster a young child's self-awareness, self-management, self-regulation, self-reliance, and self-esteem; and
- f. Provide positive and constructive feedback to guide a young child's learning and behavior;

(5) In the area of assessment, the candidate shall have the ability to:

- a. Understand the federal law, state law, and administrative rules pertaining to young children with disabilities, for required assessments and qualified examiners by disability type for the evaluation of young children with disabilities as part of assessment related to the special education process;
- b. Understand early childhood services and supports, (birth up to age 3), and the transition process from the IFSP to the IEP by age 3;

- c. Understand procedures and timelines for the referral, evaluation, and determination of eligibility for special education and related services;
- d. Understand and utilize the range of informal assessments, instruments, and results and their purpose in the education process for making educational decisions;
- e. Collaboratively select, administer in native language ~~and~~ or communication mode, and interpret multiple formal and informal, culturally and linguistically appropriate measures and procedures that are valid and reliable, understand their limitations, and demonstrate the ability to write a formal report;
- f. Systematically use data from a variety of sources to identify the function served by problem behavior to plan, implement, and evaluate behavioral interventions; and
- g. Assess, analyze, interpret, and communicate a young child's progress towards measurable outcomes, using technology as appropriate, to inform both short- and long-term planning and make ongoing adjustments to instruction.

(6) In the area of instructional planning and strategies, the candidate shall have the ability to:

- a. Collaboratively plan and participate in best practices in co-teaching to strengthen learning and achievement in preschool activities, home setting, and the general education curriculum for young children with disabilities;
- b. Incorporate supports, services, and supplementary aids, including equipment, materials, and assistive technology, across all environments;
- c. Design and implement effective strategies that promote active engagement, increase motivation, and enhance self-regulation of a young child's learning;
- d. Utilize evidence-based interventions and strategies from multiple approaches validated for specific characteristics of learners based on formative and summative assessment, to create and implement lesson plans for academic, social, and behavioral content that are responsive to diverse backgrounds;
- e. Support the implementation of annual measurable goals, with specially designed instruction, accommodations, and modifications;
- f. Provide specially designed instruction in order to increase accuracy and proficiency in basic social-emotional, early language/communication, early literacy, early writing, and early numeracy skill development for young children with disabilities;
- g. Identify and explicitly teach foundations of learning, executive functioning, and social skills;
- h. ~~Use~~ Use individualized strategies to enhance language development and communication skills; and
- i. Use progress monitoring from ongoing assessment data to evaluate instruction and a young child's performance, and make responsive adjustments to instruction, individual family support program, or individual education program;

(7) In the area of curricular content and knowledge, the candidate shall have the ability to:

- a. Use theories and research that form the basis of play-based learning, preschool activities, curriculum development, and instructional practices;
- b. Use state and/or local content standards or guidelines for planning, teaching, accommodating, and assessing to individualize learning across all settings;
- c. Use technology related to curriculum content for planning and managing teaching and learning environments; and
- d. Integrate effective social and life skills within the early childhood setting;

(8) In the area of professional practice, the candidate shall have the ability to:

- a. Identify organizations and publications relevant to young children with disabilities;
- b. Identify sources of unique services, networks, and organizations for young children with disabilities;
- c. Describe the rights and responsibilities of schools, young children, families, teachers, and other professionals related to the identification, placement, and services of young children with disabilities in accordance with procedural safeguards of Ed 1120 and 34 CFR 300.504, May 2017, as referenced in Appendix II; and
- d. Understand how issues of human diversity can impact families, cultures, and schools in the delivery of special education services; and

(9) In the area of collaboration, the candidate shall have the ability to:

- a. Utilize communication, group facilitation, and problem-solving strategies in a culturally responsive manner to lead effective meetings and share expertise and knowledge to build team capacity and jointly address a young child's instructional and behavioral needs;
- b. Collaborate, communicate, and coordinate with families, paraprofessionals, and other professionals across all educational settings to assess, plan and implement effective programs and services that promote progress toward measurable outcomes for young children with and without disabilities and their families;
- c. Collaborate, communicate, and coordinate with professionals and state and local agencies within the community to identify and access services, resources, and supports to meet the identified needs of young children with disabilities and their families;
- d. Advocate and/or secure appropriate services for young children with disabilities; and
- e. Foster respectful and beneficial relationships between families and professionals through the use of meaningful parent engagement;

(c) Each candidate for licensure as an early childhood special education teacher for young children from birth through grade 3 shall have the following skills, competencies, and knowledge through a combination of academic and supervised field-based experiences:

- (1) Skill in engaging with young children with and without disabilities from birth through grade 3; and
- (2) Ability to engage in the full range of teaching activities, roles, and responsibilities encountered in the school and community settings of a young child with disabilities;

(d) Early childhood special education licensure shall qualify a teacher to provide special education services to young children with disabilities:

- (1) For young children from birth through age 3, who receive early supports and services;
- (2) For young children from age 3 up to kindergarten, whose placement is in an early childhood program or an early childhood special education program; and
- (3) For young children in kindergarten through grade 3, who are eligible to receive special education services and who are able to benefit from general and special education but do not require the specialized knowledge and skills of an educator certified under one or more of the programs defined in Ed 507.42 through Ed 507.47; and

(e) “General education,” as used in (d)(1) and (2) above, means, for children from kindergarten through grade 3, instruction in a setting that has the inclusion of children with disabilities in proportion to their presence in the general population utilizing the curriculum of the elementary school and taught by a certified elementary or early childhood teacher, with supports from special education personnel, as necessary.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 507.40	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 507.41	RSA 21-N:9, II(s); RSA 186:11, X(a)

Appendix II

Rule	Title	Obtain at
Ed 507.40	34 CFR 300.504, May 2017	https://sites.ed.gov/idea/regs/b/e/300.504 No cost

Change the chapter heading for Ed 500 to read as follows:

CHAPTER Ed 500 CREDENTIAL STANDARDS FOR EDUCATIONAL PERSONNEL

Statutory Authority: RSA 21-N:9,II(s); 186:8,II; 186:11,X; 189:39

Readopt with amendment Ed 501.01, effective 11-9-18 (Document #12661), to read as follows:

PART Ed 501 PURPOSE AND DEFINITIONS

Ed 501.01 Purpose. The rules of this part implement the statutory responsibilities of the New Hampshire board of education to:

- (a) Develop and administer credential standards for educational personnel;
- (b) Develop continuing professional education requirements and prerequisites for the renewal or reinstatement of educator licenses;
- (c) Develop and administer a code of conduct for all credential holders and to inform members of the public of the code of conduct applicable to credential holders;
- (d) Specify unprofessional conduct which justifies disciplinary sanctions against credential holders; and
- (e) Provide oversight of adjudicatory proceedings required for discipline of credential holders while providing such with fair hearing practices and rights of appeal.

Readopt with amendment Ed 501.02 effective 11-9-18 (Document # 12661), to read as follows:

Ed 501.02 Definitions. Except where the context makes another meaning manifest, the following words shall have the meanings indicated when used in this chapter:

- (a) “Administrator” means a person who provides building-, district-, or school administrative unit (SAU)-level administrative services at the pre-K, elementary, or secondary level including *a* superintendent, assistant superintendent, principal instructional leader, associate principal instructional leader, business administrator, special education administrator, curriculum administrator, school counseling director, career and technical education director, and *a* district administrator;
- (b) “Authorization” means a document issued by the department giving permission for a person to serve in the role of a licensed educator prior to completing the licensure endorsement requirements for that role, or for a temporary period of time established by the document;
- (c) “Board” means the state board of education created by RSA 21-N:10;
- (d) “Bureau” means the bureau of credentialing, division of educator support and higher education, *department of education*;
- (e) “College-level course” means a course from an institution accredited by a ~~US education~~ *department approved regional accrediting body approved by the U.S. Department of Education or from an institution approved by the New Hampshire higher education commission*;

NOV 14 2019

RULEMAKING NOTICE FORM

1/3 ✓ MM

Notice Number	2019-204	Rule Number	Ed 501 to Ed 503 and Ed 504 (various)
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<p>1. Agency Name & Address:</p> <p>State Board of Education c/o NH Department of Education 101 Pleasant Street Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 21-N:9, II(s); 186:11, X</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u> X </u></p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Credential Standards for Educational Personnel**

6. (a) Summary of what the rule says and of any proposed amendments:

Ed 501 on purpose and definitions is being readopted with amendment to reflect consistent use of terms throughout the Chapter Ed 500 rules including addition of new definitions as well as clarifying existing definitions for their use in the rest of the Chapter Ed 500 rules. The chapter heading is also being changed from "Certification Standards for Educational Personnel" to "Credential Standards for Educational Personnel."

Ed 502 on public information is being readopted with amendment for consistent use of terms defined in Ed 501.

Ed 503 on requirement for employment is being readopted with amendment to remove the validity of life certificates and amend the rules for consistent use of defined terms and to merge the requirements of Ed 503.02 into Ed 503.01. Ed 503.03 is being readopted with amendment and renumbered as Ed 503.02.

Ed 504.01 through Ed 504.03 on professional credentials for beginning educators, experienced educators and interns are being readopted with amendment for consistent use of terms defined in Ed 501. The current Ed 504.04 on emergency authorizations contains application information and requirements which are being deleted and will be moved to Ed 505 in a subsequent proposal. Ed 504.05 on in process of licensure authorizations is being readopted with amendment for consistent use of terms and to clarify that it is used to verify that an applicant meets all requirements except the testing requirement of Ed 505.01. Ed 504.08 through Ed 504.10 on school nurse licenses are being readopted with amendment to reflect the amendments in RSA 200:29 which went into effect on August 25, 2019. Ed 507.36 on educational interpreter/transliterators for children and youth ages 3-21 (ETL) is being readopted with amendment and renumbered as Ed 504.11 because the license for ETL is a stand-alone license, not an endorsement on a beginning or experienced educator license.

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

Public and chartered public schools and their students, participating non-public schools, licensed educators, and applicants for NH licensure are affected by these rules.

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

Rule	Statute
Ed 501	RSA 186:8, II
Ed 502	RSA 186:11, X(a)
Ed 503.01	RSA 21-N:9, II(s)
Ed 503.02	RSA 186:8, II
Ed 504.01	RSA 21-N:9, II(s)
Ed 504.02	RSA 21-N:9, II(s)
Ed 504.03	RSA 21-N:9, II(s)
Ed 504.04	RSA 21-N:9, II(s)
Ed 504.05	RSA 21-N:9, II(s)
Ed 504.08 – 504.10	RSA 200:29
Ed 504.11 (formerly Ed 507.36)	RSA 21-N:9, II(s)

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

Name: **Amanda Phelps**

Title: **Administrative Rules
Coordinator**

Address: **Department of Education
101 Pleasant Street
Concord, NH 03301**

Phone #: **(603) 271-2718**

Fax#: **(603) 271-3830**

E-mail: **amanda.phelps@doe.nh.gov**

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **December 19, 2019**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **December 12, 2019 at 10:00 a.m.**

Place: **Department of Education, State Board Room, 101 Pleasant St.,
Concord, NH 03301**

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

FIS # 19-190 , dated 10/24/19

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

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

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

No federal mandate, no impact on state funds.

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

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

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

Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules provide the requirements for the educator credentialing process which is already in place. The credentialing procedures are self-funded activities of the NH Department of Education from the credentialing fee revenues. Therefore, there is no violation of Part I, Article 28-a.

Change the chapter heading for Ed 500 to read as follows:

CHAPTER Ed 500 ~~CERTIFICATION~~ **CREDENTIAL** STANDARDS FOR EDUCATIONAL PERSONNEL

Statutory Authority: RSA 21-N:9,II(s); 186:8,II; 186:11,X; 189:39

Authority/Legis. Intent: The education statutes refer to certification many times, for example, RSA 21-N:9, II(s) and RSA 186:11, X(a). (Applies here and subsequently.)

Readopt with amendment Ed 501, effective 11-9-18 (Document #12661), to read as follows:

PART Ed 501 PURPOSE AND DEFINITIONS

Ed 501.01 Purpose. The rules of this part implement the statutory responsibilities of the New Hampshire board of education to:

- (a) Develop and administer credential standards for educational personnel;
- (b) Develop continuing professional education requirements and prerequisites for the renewal or reinstatement of ~~credential holders~~ **educator licenses**;
- (c) Develop and administer a code of conduct for all credential holders and to inform members of the public of the code of conduct applicable to credential holders;
- (d) Specify unprofessional conduct which justifies disciplinary sanctions against credential holders; and
- (e) Provide oversight of adjudicatory proceedings required for discipline of credential holders while providing such with fair hearing practices and rights of appeal.

Ed 501.02 Definitions. Except where the context makes another meaning manifest, the following words shall have the meanings indicated when used in this chapter:

(a) "Administrator" means ~~the administrator of the bureau of credentialing~~ **a person who provides building-, district-, or school administrative unit (SAU)-level administrative services at the pre-K, elementary, or secondary level including superintendent, assistant superintendent, principal instructional leader, associate principal instructional leader, business administrator, special education administrator, curriculum administrator, school counseling director, career and technical education director, and district administrator;**

Edit: "a"

(b) "Authorization" means a document issued by the department giving permission for a person to serve in the role of a licensed educator prior to completing the licensure endorsement requirements for that role, or for a temporary period of time established by the document;

(c) "Board" means the state board of education created by RSA 21-N:10;

(d) "Bureau" means the bureau of credentialing, ~~division of program support, department of education~~ **division of educator support and higher education;**

(e) "Certificate" means ~~the document issued when a credential holder meets full licensure requirements;~~

Edit: ", department of education"

Edit: "approved by the U.S. Department of Education"

Edit: Delete.

(e) "College-level course" means a course from an institution accredited by a US education department-approved regional accrediting body or approved by the New Hampshire higher education commission;

Edit: "from an institution"

Unclear: RSA 21-N:9, II(s) calls this a license. (Here and subsequently.)

(f) "Commissioner" means the commissioner, department of education;

(g) "Credential" means any authorization, statement, or license issued by the bureau state board including, but not limited to, beginning educator license (BEL), experienced educator license (EEL), in process of licensure authorization (IPLA), intern authorization (IA), emergency authorization (EA), statement of eligibility (SOE), educational interpreter/transliterater license, paraeducator I & II license, school nurse I, II & III license, and master teacher license (MTL);

(h) "Credential holder" means any individual who holds a credential, as defined in Ed 501.02(g);

(i) "Credential verification request" means a request from a credential holder to fulfill an out of state licensing jurisdiction's request for verification of a New Hampshire educator license;

Edit: See (e) above.

Edit:

(j) "Degree" means a degree from an institution accredited by a US education department-approved regional accrediting body or approved by the New Hampshire higher education commission;

Note: The last rules for master teacher certification expired in 2012.

(k) "Denial" means the refusal to grant credential to an applicant;

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

(m) "Director" means the director, division of program support educator support and higher education;

Edit: ", department of education"

(n) "Division" means the division of program support educator support and higher education;

(o) "Educational interpreter/transliterater" means a person licensed by the board who facilitates communication between individuals who are deaf or hard of hearing, or who use signed language as a primary mode of communication, and individuals who are hearing;

Unclear: Ed 508.11(b) on p. 13 uses certification regarding such a person.

Edit: "a"

(p) "Educational specialist" means a person who provides non-instructional services to students at the pre-K, elementary, or secondary level including, school counselor, school psychologist, school social worker, specialist in assessment of intellectual functioning, library media coordinator, and school speech-language specialist;

Unclear: What term is used for others, such as PTs, OTs, and SLPs?

Edit: "a"

(q) "Educator" means any professional employee of any school district whose position requires certification by the state board pursuant to RSA 189:3. Administrators, educational specialists, instructional specialists, teachers, paraeducators, educational interpreter/transliterater, and school nurses and teachers are included within the definition of this term;

(r) "Emergency authorization" means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator to fill a vacancy as specified in Ed 504.04;

(s) "Endorsement" means the specific subject area for which the credential is issued;

(t) "Instructional specialist" means a person who provides specialized instructional support to teachers and others who provide direct instruction to children at the pre-K, elementary, or secondary

level, including reading and writing specialist, digital learning specialist, library media specialist, and elementary mathematics specialist for grades k-6.

Edit: "a"

Edit: "an"

(u) "In process of licensure authorization" means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator who is in the process of licensure to fill a vacancy as specified in Ed 504.05;

Unclear: RSA 21-N:9, II(s) calls this a license.

(pv) "Intern authorization" means the authorization granted to applicants pursuant to Ed 505.04, and Ed 505.05 to perform educational services while the plans are being implemented;

(qw) "License" means the document issued when an ~~credentialed holder~~ applicant meets full licensure requirements;

See first comment on p. 1.

(rx) "Licensure" means the official recognition by the board that an individual has met minimum requirements and is approved to practice in their an endorsement area(s);

(sy) "Mentor" means a person who:

(1) Is appointed to provide assistance to an applicant for certification licensure pursuant to Ed 505.04 or Ed 505.05; and

(2) Meets at least one of the following qualifications:

Unclear: "Comparable" is not a synonym for "equivalent" but implies a lesser standard. What is intended?

a. Is a credential holder with 3 years of experience as an educator in the area of endorsement; or

b. Has 3 years of experience equivalent comparable to the experience requirement under a. above such as, but not limited to, involvement in an collegiate teacher educator preparation program;

Edit: quotation marks

Edit: "might" (Do not use "may" or "shall" in a definition.)

(z) Paraprofessional means a person who works under the supervision of a teacher or other licensed education professional to provide specialized or concentrated assistance to students at the pre-K, elementary, or secondary level and may be licensed by the board;

(taa) "Professional conduct" means a set of established professional norms and behaviors as defined in Ed 510.01 through Ed 510.04 which extend beyond the workplace;

(abb) "Reprimand" means a note to file of a credential holder for his or her conduct, which does not rise to the level of a suspension or revocation of a credential, which can be used in the event of a subsequent investigation;

Edit: Re-letter (bb)-(hh) as (ab)-(ah)

(vcc) "Revocation" means the department has permanently rescinded a credential from a credential holder;

(dd) "School nurse means a person licensed by the board to provide health services in accordance with RSA 200:29;

(wee) "Statement of eligibility" means a verification issued by the department of education that indicates that an individual has successfully met the entry requirements of an intern authorization for:

(1) Pathway 4 certification as specified in Ed 505.04; or

~~(2) Pathway 5 certification as specified in Ed 505.05 to seek employment and begin the site-based licensing plan described in Ed 505.05;~~

(~~zff~~) “Suspension” means the department has rescinded a credential from a credential holder for a specified period of time; ~~and~~

(~~ygg~~) “Student” means an individual who is enrolled or participating in any class or program from preschool through grade 12, or any “adult student” as specified in Ed 1102.01(f)(1), at any school or education institution except as otherwise noted in these rules; *and*

Edit: quotation marks

(~~hh~~) “Teacher” means a person who plans, provides, and assesses direct instruction to children at the pre-K, elementary, or secondary level in a content area specified in Ed 507. ~~Teacher does not include paraeducator.~~

Readopt with amendment Ed 502.01 effective 11-09-18 (Document #12661), cited and to read as follows:

PART Ed 502 PUBLIC INFORMATION

Ed 502.01 Confidentiality of Credential Holder Certification Records.

(a) Pursuant to RSA 91-A:5, V, the following limited credential status information shall be available to the general public, upon written or verbal request:

- (1) The name of the credential holder;
- (2) The individual's current credential status, including type of credential, expiration date of credential, and all endorsements;
- (3) The individual's suspension, if applicable, including effective dates of each suspension period, reason for the suspension, and revocation, if applicable; and
- (4) The school, if known or stated, where the credential holder is currently employed.

(b) The provisions of this section shall not require the release of information related to:

- (1) Informal or formal investigations; or
- (2) Board or hearing officer records from adjudicatory proceedings involving the credential holder when such adjudicatory proceeding is not open to the public in accordance with Ed 200.

(c) The complete record of a credential holder shall be released by the division upon written request to the following:

- (1) A party in an adjudicatory proceeding when:
 - a. The credential holder is a party to the proceeding; and
 - b. The credential holder's credential record is relevant to the proceeding;

(2) A law enforcement agency when the agency is conducting a criminal investigation of the credential holder;

(3) A certifying agency of another jurisdiction for:

a. Purposes of credentialing the credential holder in the other jurisdiction; or

b. An investigation of the credential holder by the other jurisdiction, when:

1. The credential holder was the subject of a formal investigation under Ed 511;
or

2. Disciplinary action was taken against the credential holder by the board under Ed 511;

(4) Board investigators or prosecutors; or

(5) Persons to whom the credential holder has given a release.

(d) The bureau shall report:

(1) Any suspension or revocation to the credential holder's current superintendent of school in N.H. and The National Association of State Directors of Teacher Education and Certification (NASDTEC) educator identification clearing house; and

(2) Any reprimand to the credential holder's current superintendent of school in N.H.;

(e) The department shall maintain a list of all credential holders whose credentials have been revoked or who are under suspension, and such list shall be published on the department's website.

Readopt with amendment Ed 502.02, effective 3-27-14 (Document #10558), to read as follows:

Ed 502.02 Access to Records. Any ~~educator, educational personnel or~~ member of the general public may make a request either verbally, in writing or e-mail to the ~~bureau~~ **department** for access to records listed in Ed 502.01(a).

Readopt Ed 502.03, effective 3-27-14 (Document #10558), to read as follows:

Ed 502.03 Custodian of Records.

(a) All records regarding educators or educational personnel credentials shall be maintained by the bureau while the credential is valid.

(b) Educator or educational personnel records which are no longer valid shall be maintained by the bureau.

Readopt with amendment Ed 503, effective 3-27-14 (Document #10558), and renumber Ed 503.03 as Ed 503.02 to read as follows:

PART Ed 503 REQUIREMENT FOR EMPLOYMENT

Unclear: Wouldn't "teach" only apply to the substitute teacher?

Ed 503.01 ~~Validity of Life Certificates~~ **Requirement for Employment.** All professional certificates and certificates issued for the life of the holder shall remain valid for the life of the person to whom it was issued (a) ***A non-credentialed substitute teacher, paraeducator, or school nurse may be hired to teach up to 20 consecutive days during the school year in the same position without holding a New Hampshire educator credential issued by the state board.***

(b) ***All other employees hired for positions requiring a credential by the state board shall hold a valid credential issued by the state board.***

~~Ed 503.02 **Exceptions.** Notwithstanding the requirements of Ed 503.01, a school district may employ:~~

~~(a) A non-credentialed substitute teacher who may teach up to 20 consecutive days during the school year in the same position without holding an endorsed credential from the bureau;~~

~~(b) An applicant for whom a permission to employ has been granted under Ed 504.04; or~~

~~(c) An applicant who is in the process of becoming certified and for whom the district superintendent and division director have approved "in process of certification" under Ed 504.04.~~

Ed 503.032 **Sanctions for Teaching *Employment* Without a Valid Credential.**

(a) The board shall revoke the credential of a superintendent who knowingly employs or continues the active employment of an educator who does not hold a valid New Hampshire ~~teaching~~ **credential or intern license**, provided the board determines that the superintendent took such action knowingly based on findings of fact or conclusions of law established in accordance with due process rights in Ed 200.

(b) All fair hearings and notice provisions of Ed 510 shall be met prior to revocation of the superintendent's credential.

(c) The superintendent shall remove an educator who knowingly continues employment after the expiration of a New Hampshire credential until such time as the educator obtains a New Hampshire credential pursuant to these rules.

(d) This section shall not apply to any ~~teacher~~ **educator** who has filed a timely application for ~~credential~~ **license** renewal pursuant to Ed 509.

Readopt with amendment Ed 504.01 through Ed 504.03, effective 1-17-14 (Document #10506), cited and to read as follows:

PART Ed 504 PROFESSIONAL CREDENTIALS

Ed 504.01 **Beginning Educator Certificate** ~~**License.**~~ The board shall, pursuant to RSA 186:11, X(a), ~~issue a certificate to a beginning educator in accordance with the following:~~

(a) To qualify for a beginning educator ~~credential~~ **license**, an individual shall have less than 3 years of ~~teaching~~ **educator** experience to include teaching experience at the elementary and secondary levels of education;

(b) An individual shall be granted a beginning educator credential upon:

~~(1) Meeting the qualifications and application requirements for a credential license specified in Ed 505; and~~

~~(2) Successfully completing the application process specified in Ed 508; and~~

~~(e) Beginning educator credentials licenses shall be issued for 3 years; and renewed pursuant to Ed 509.~~

Unclear due to length. Please subdivide.

Ed 504.02 ~~Experienced Educator Certificate License~~. The board shall, pursuant to RSA 186:11, X(a), issue a certificate to an experienced educator in accordance with the following:

(a) To qualify for an experienced educator credential license an individual shall have at least 3 years of full-time or full-time equivalent educator experience as an educator at the elementary through secondary levels of education, being deemed effective or above according to the local evaluation system for 2 consecutive years, and successfully completing a renewal cycle pursuant to Ed 509 and according to the state or local professional development master plan as determined by the local superintendent, or district administrator, chartered public school administrator, or nonpublic school administrator; and

~~(b) An experienced educator credential licenses shall be issued for 3 years and renewed pursuant to Ed 509.~~

See legislative intent comment on p.1 and first clarity comment on p. 3.

Ed 504.03 ~~Intern Authorization License~~. The board shall, pursuant to RSA 186:11, X(a), issue a certificate to an intern, in accordance with the following:

(a) To qualify for an intern authorization license an individual shall: ~~complete the application required in Ed 505 and~~

~~(1) Successfully complete the application method in:~~

~~a. Ed 505.04; or~~

~~b. Ed 505.05; and~~

~~(2) Be currently employed full time in the field of education in a New Hampshire public or non-public school under a valid statement of eligibility;~~

~~(b) Intern licenses authorization shall be granted under Ed 505.04(f) for the duration of the individualized development plan and under Ed 505.05 for the duration of the site-based certification licensing plan;~~

~~(e) Educators who hold a valid intern license shall receive a beginning educator credential license after the bureau receives:~~

Unclear: This is not a rule (or sentence) as drafted, and there is no intro language for it.

~~(1) The final report required under Ed 505.04(i) relating to the educator's completion of an individualized development plan, if the person holds an intern license under Ed 505.04; or~~

~~(2) A statement from the superintendent as provided in Ed 505.05(j) that the intern has completed the intern's site-based certification plan;~~

~~(d) The applicant shall pay the same fee as the fee for a renewal of certificate under Ed 508.06, and the provisions of Ed 509.04 relative to late filing petitions shall apply.~~

Readopt with amendment Ed 504.04 and Ed 504.05, effective 11-9-18 (Document #12661), to read as follows:

Ed 504.04 Emergency Authorization.

Please submit a copy (or draft) as soon as possible.

(a) The superintendent of schools shall request emergency authorization from the bureau, **complete and file the "Emergency Authorization Request" form** and the emergency authorization shall be granted **for up to the duration of the school year for which the request was made**, provided that the requirements of paragraphs (b) through (e) are met. The applicant for the teaching position shall provide the information and documentation required in (c) and (e) below **after the applicant provides the information required in (b) below.**

Edit: Specify the form date.

(b) The bureau shall issue an emergency authorization ~~applied for~~ **requested** under (a) above if an emergency situation exists as determined by the local school district and the applicant for the ~~teaching~~ **educator** position has:

Edit: "specified"

(1) Paid the applicable application fee, provided in Ed 508.06(e)5; and

(2) **Completed and** ~~filed~~ with the bureau the information and documentation required in (c) and (e).

~~(c) An applicant for a teaching position for whom a superintendent is requesting emergency authorization shall provide the following information or documents, unless it is specified below that the information is optional, on or with the form titled "Application for Emergency Authorization" form, August 2019 as outlined in Ed 505:~~

Edit: period

~~(1) Social security number, unless the applicant chooses to have the department supply an alternative number, subject to the provisions of (d) and (e) below;~~

~~(2) Date of birth;~~

~~(3) Name;~~

~~(4) Address;~~

~~(5) Sex, which may be specified at the option of the applicant;~~

~~(6) Telephone number;~~

~~(7) Date of application;~~

~~(8) Educational information, including the following:~~

~~a. Degree, if any;~~

~~b. Major;~~

~~c. State;~~

~~d. College or university;~~

- ~~_____ e. Date degree granted; and~~
- ~~_____ f. Transcript for each degree listed;~~
- ~~_____ (9) Educational employment record for the last 7 years including:~~
 - ~~_____ a. Dates;~~
 - ~~_____ b. State;~~
 - ~~_____ c. School district;~~
 - ~~_____ d. Position;~~
 - ~~_____ e. Assignment/subject;~~
 - ~~_____ f. Grade level;~~
 - ~~_____ g. Credential held;~~
 - ~~_____ h. Number of years of any public school experience;~~
 - ~~_____ i. Number of years of any non-public school experience; and~~
 - ~~_____ j. Copy of each teaching credential held in New Hampshire, other state, or both;~~
- ~~_____ (10) Whether the applicant ever held a New Hampshire credential and, if so, the year it expired and the name under which it was issued;~~
- ~~_____ (11) Whether the applicant has ever been convicted of a felony and, if so, an explanation;~~
- ~~_____ (12) Whether the applicant has ever had a teaching credential revoked or suspended and, if so, an explanation;~~
- ~~_____ (13) Whether the applicant has ever surrendered a teaching credential in any other state, and, if so, an explanation;~~
- ~~_____ (14) Whether the applicant has ever been subject of a finding of professional misconduct in New Hampshire, another state, or territory of the United States, or foreign country and, if so, an explanation; and~~
- ~~_____ (15) Identification of ethnic origin, which may be specified at the option of the applicant, including one of the following categories:~~
 - ~~_____ a. American Indian;~~
 - ~~_____ b. Asian/Pacific;~~
 - ~~_____ c. African American/Non-Hispanic;~~
 - ~~_____ d. White/Non-Hispanic;~~

- _____ e. Hispanic;
- _____ f. Multi-ethnic; and
- _____ g. Other/do not wish to specify.

_____ (d) If an applicant provides a social security number under (c)(1) above, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI a.

_____ (e) If an applicant chooses to have the department supply an alternative number, the department shall use the teacher number generated by the electronic educator information system and it shall be used as specified in (b).

_____ (f) An emergency authorization shall be issued to the superintendent of schools for up to one school year and shall not be renewable.

Ed 504.05 In Process of Licensure Authorization (IPLA).

(a) ~~The applicant who is in process of licensure authorization (IPLA) shall sign the application acknowledging that all information contained on the application is true, accurate, and complete to the best of the applicant's knowledge.~~ Please submit a copy (or draft) as soon as possible.

_____ (b) If a *The superintendent of schools shall complete and* files an IPLA ***“In Process of Licensure Authorization Request (IPLA)” form, August 2019*** with the bureau.

(b), ~~†~~ The bureau shall approve such filing, if the bureau finds that the applicant who is the subject of the IPLA ***request***:

- (1) Is in the process of ~~certification~~ ***licensure***;
- (2) Has submitted a completed application for ~~certification~~ ***licensure as outlined in Ed 505.07(b)(1)***; and
- (3) ***Meets all requirements for licensure except for the testing requirements under Ed 505.01; and***
- (34) Has paid any applicable fees.

(c) ***The bureau shall notify*** ~~An approved IPLA shall be issued to the superintendent of schools that the applicant is authorized under an IPLA for up to one school year and shall not be renewable~~ ***with no renewal offer.***

Readopt with amendment Ed 504.08 through Ed 504.10, effective 11-14-17 (Document #12418), to read as follows:

Ed 504.08 School Nurse I.

(a) An applicant for school nurse I shall be currently licensed in New Hampshire as a registered nurse as defined by RSA 326-B:2. X at the associate’s degree level and have 3 years of clinical nursing

Unclear: Ed 504.08-.10, regarding School Nurse I, II, and III, respectively, should be clarified by citing the provisions in RSA 200:29, II and IV, including timeframes, that are applicable to each category of School Nurse. The rules should also account for the dates in RSA 200:49 that affect the type of licensure for which a nurse will be eligible.

Legis. Intent/Authority: To the extent that categorization of school nurses as I, II, and III is not based on the requirements and timeframes in RSA 200:29, II and IV, the rules appear to be without authority and contrary to legislative intent. When the categories were created in 2017, JLCAR raised the concern of creating separate categories of licenses without the specific authority required by RSA 541-A:22, III(b), and requested legislative clarification. The 2019 changes to RSA 200:29 may have accomplished this, but it is unclear if there is a one-to-one match between that statute and the 3 categories in the rules. A response to the clarity comment above might shed light on this.

experience under their own license in pediatric nursing or other related nursing areas, including, but not limited to public health, community health, family mental health, emergency and primary care nursing.

(b) ~~The application procedures for certification shall be as follows:~~

~~(1) The candidate may obtain the necessary forms and information from the bureau of credentialing; and~~ Please submit a copy (or draft) as soon as possible.

~~(2) The candidate applicant shall complete and file a "School Nurse Application", November 2017 edition, with the bureau of credentialing along with the following additional materials and documents with the bureau of credentialing:~~

~~a. Completed "School Nurse Application" (November 2017 edition) for school nurse I;~~

~~(1)b. An official transcript from a board of nursing approved registered nursing program;~~

~~(2)e. A copy of a valid New Hampshire issued license as a registered nurse; and~~

~~(3)d. An employment verification letter from current or previous employers which demonstrates 3 years of work experience required in Ed 504.08(a).~~

(c) A school nurse I shall obtain skills, competencies, and knowledge, through the completion of 45 school nurse related continuing education hours during the ~~three year~~ life of the certificate as outlined in Ed 512.07.

Edit: "3-year"

(d) A school nurse I shall be assigned a mentor certified as a school nurse II or III who shall:

Unclear: Ed 512 was renumbered by the Board as Ed 513 effective 11-9-18. All of the references to Ed 512 (highlighted) in this proposal are incorrect.

(1) Be listed as an available mentor by the bureau;

(2) Be appointed by the superintendent;

(3) Have at least 5 years of experience as a school nurse; and

(4) Be assigned to mentor during the three years of the original certificate of the school nurse I to which they are assigned.

Edit: "shall be"

Edit: "3"

(e) A school nurse I certificate is valid for three years and can be renewed one time with verification of compliance with Ed 504.08(f).

Edit: "may"

(f) A school nurse I shall submit to the bureau a verification of enrollment in a board of nursing approved ADN to BSN program that shows a completion date on or before the expiration date of the school nurse I original or renewal certificate.

Ed 504.09 School Nurse II.

Unclear: RSA 200:29 uses the term "appointed". Is "employed" intended to mean the same?

(a) School nurses employed on or before July 1, 2016 ~~August 25, 2019~~ shall submit the following documentation for certification as a school nurse ~~have applied for a license prior to August 25, 2019. Any school nurse employed on or before August 25, 2019 who has not applied for a license shall apply for school nurse I or school nurse III:~~

~~(1) Completed "School Nurse Application" (November 2017 edition) for school nurse II;~~

Unclear/Legis. Intent: This sentence is not consistent with RSA 200:29, IV(a), which only says that such a nurse hired on or before 8-25-19 and who applied for certification before the same date shall not be subject to the requirements of RSA 200:29, II. As drafted, the rule is a blanket requirement that all school nurses employed by 8-25-19 shall have applied for a license before that date. This conflicts with RSA 200:29, IV(b). If the intent is that the standard in this sentence be a requirement for "licensure" as a School Nurse II, the rule should state that specifically. (Please note that the section heading is not considered rule text and cannot clarify the rule.)

~~(2) Employment verification letter of a hire date as a school nurse on or before July 1, 2016; and~~

~~(3) A copy of a valid New Hampshire issued license as a registered nurse.~~

(b) A school nurse II shall obtain skills, competencies, and knowledge, through the completion of 45 continuing education hours during the three year life of the certificate as outlined in Ed 512.07 and shall follow the renewal procedures outlined in Ed 509.

Edit: "3-year"

(c) A school nurse II with 5 years of school nurse experience shall be listed as an available mentor to a school nurse I as outlined in Ed 504.08(d).

Ed 504.10 School Nurse III.

Unclear: As worded, this rule, and (e) below, indirectly require these nurses to be available as mentors. Please clarify the intent.

(a) An applicant for school nurse III shall have completed a board of nursing approved registered nursing program at the bachelor's degree level or higher, be currently licensed in New Hampshire as a registered nurse as defined by RSA 326-B:2, X, and have 3 years current experience in pediatric nursing or other related nursing areas, including, but not limited to public health, community health, family mental health, emergency and primary care nursing.

(b) A school nurse holding national certification (NCSN) or out of state certification shall meet the requirements of school nurse III upon evaluation by the bureau of credentialing.

(c) ~~The application procedures for certification shall be as follows:~~

~~(1) The candidate may obtain the necessary forms and information from the bureau of credentialing; and~~

Please submit a copy (or draft) as soon as possible.

~~(2) The candidate applicant shall complete and file a "School Nurse Application", November 2017 edition, with the bureau of credentialing along with the following additional materials and documents with the bureau of credentialing:~~

~~a. Completed "School Nurse Application" (November 2017 edition) for school nurse III;~~

~~(1)b.~~ Employment verification letters from a current or previous employer which outlines three years of work experience required in Ed 504.09(a);

Edit: "3"

~~(2)e.~~ A copy of a valid New Hampshire issued license as a registered nurse at the bachelor's degree level or higher; and

~~(3)d.~~ An official transcript from an accredited college or university showing the successful completion of a BSN or higher;

Edit: period

(d) A school nurse III shall obtain skills, competencies, and knowledge, through the completion of 45 continuing education hours during the three year life of the certificate as outlined in Ed 512.07 and shall follow the renewal procedures outlined in Ed 509.

Edit: "3-year"

(e) A school nurse III with 5 years of school nurse experience shall be listed as an available mentor to a school nurse I as outlined in Ed 504.08(d).

Readopt and renumber Ed 507.36, effective 12-21-12 (Document #10245) as Ed 508.11, to read as follows:

Ed 5078.3611 Educational Interpreter/Transliterators for Children and Youth Ages 3-21.

(a) For purposes of this section, the following definitions shall apply:

(1) "Educational interpreter" means the professional employee whose job entails the facilitation of communication between individuals who are deaf or hard of hearing, or who use signed language as a primary mode of communication, and individuals who are hearing;

(2) "Interpreting" means the process of accurately conveying information between American Sign Language (ASL) and English; and

(3) "Transliterating" means accurately conveying a message via visual or tactile manual representations of the English language such as manually coded English, cued speech, Signed English, Signing Exact English (SEE), and oral transliterating. This process conveys information from one mode, spoken or signed, of English to another mode of English.

(b) The following requirements shall apply to the certification of an educational interpreter/transliterators for children and youth ages 3 to 21 years:

(1) Hold a minimum of an Associate's Degree;

Edit: no caps

Unclear: While this is the term used in statute, the very same certification is called "licensure" on p. 2.

(2) Receive a passing grade on the Educational Interpreter Performance Assessment Written Test (EIPA-WT) as specified in (c); and

(3) Meet one of the following entry level requirements relative to education and experience:

a. Receive a passing grade as determined by the State Board of Education on the practical examination in signing for the EIPA Performance Test (EIPA-PT) as specified in (c);

b. Hold a current national certification from either national office of the Registry of Interpreters of the Deaf (RID) or National Association of the Deaf (NAD) of at least level III; or

c. Educational Interpreter certification from another state whose standards are equivalent to Ed 507.35.

(c) Candidates for the EIPA-WT and EIPA Performance Test shall demonstrate the following skills, competencies, and knowledge through a combination of a written examination and an actual practical examination in signing in the following areas:

(1) A knowledge of history of general interpreting/transliterating such as:

a. Educational interpreting/transliterating; and

b. Relevant federal, state and local organizations;

(2) The ability to identify resources that serve students who are deaf/hard of hearing (D/HH) including:

- a. Services;
- b. Programs; and
- c. Agencies;

(3) A knowledge of the National Registry of Interpreters for the Deaf Code of Professional Conduct;

(4) The ability to establish an environment allowing for effective interpreting and transliterating in a wide variety of educational settings; and ← Edit: Delete.

(5) A knowledge of different modes of communication which shall include but not limited to:

- a. ASL;
- b. Pidgin sign English (PSE);
- c. Manually coded English;
- d. Oral;
- e. Cued speech; and
- f. Tactile;

(6) In the area of the process of interpreting/transliterating, the ability to match the child's communication mode(s) as determined by the Individualized Education Program (IEP) team specified in Ed 1109.03 or the 504 team in one of the following:

- a. Simultaneously and consecutively interpret accurately, both expressively and receptively;
- b. Simultaneously and consecutively transliterate accurately, both expressively and receptively; or
- c. Simultaneously and consecutively orally transliterate accurately, both expressively and receptively;

(7) In the area of the professional roles, responsibilities and practices:

- a. Knowledge of federal IDEA/504 and state laws and rules that pertain to students who are deaf and hard of hearing and how they are applied;
- b. Knowledge of state child protection laws and school policies regarding how to report child abuse/neglect and explain the appropriate protocol to follow the laws and rules;

- c. Knowledge of American deaf culture and how it is distinguished from general American culture;
- d. Knowledge of the role and responsibilities of an educational interpreter/transliterater in an educational setting for children and youth ages 3 through 21;
- e. The ability to interpret/transliterate accurately in a public forum; and
- f. Knowledge of hearing loss and amplification in deaf and hard of hearing children;

(8) In the area of child development:

- a. How students learn and develop cognitively, linguistically, socially, morally, emotionally, and physically; and
- b. How the development of language in deaf students impacts their development cognitively, linguistically, socially, morally, and emotionally;

(9) In the area of principles and philosophies of public education:

- a. Respect for the students' varied talents and perspectives;
- b. Knowledge and understanding of public schools as complex organizations within a larger community; and
- c. Effective collaboration with school staff, parents, and others to support students' learning and well-being;

(10) In the area of IEP and 504 process in educational settings in:

- a. Basic knowledge of the individualized education program (IEP) process as specified in Ed 1109; and the 504 process; and
- b. The ability to work with members of the IEP/504 team, contributing information about the child's language including:

Edit: comma

- 1. Most effective mode(s) of communication; and
- 2. Use of practical and functional language; and

(11) In the area of general studies:

- a. A command of language, including the language of words, mathematics and other common terms typically found in preschool through grade 12 curriculum;
- b. The ability to comprehend reading materials commonly found in preschool through grade 12 educational programs and curriculum, including:
 - 1. Mass media and social media;
 - 2. Newspapers; and

3. Magazines;

c. The ability to write coherently using:

1. Correct spelling;

2. Grammar;

3. Punctuation; and

4. Appropriate vocabulary;

d. Sufficient cultural literacy including understanding of major principal events and significant figures in American and world cultures and other such information commonly presented in preschool through grade 12 curriculum;

e. Logical thinking and problem-solving ability which draws on a large spectrum of knowledge in the humanities, sciences and the arts; and

f. The ability to utilize technology/assistive technology to enhance and support the instruction of students who are deaf and hard of hearing.

(d) Candidates shall participate in professional development for both personal growth and school district's master plan program improvement as specified in Ed 512.03(c) individual professional development plan, Ed 512.04 criteria for recertification of educators under the professional development master plan and Ed 512.05 criteria for recertification of educators not under the local professional development master plan.

Edit: comma

Appendix I

Rule	Statute
Ed 501	RSA 186:8, II
Ed 502	RSA 186:11, X(a)
Ed 503.01	RSA 21-N:9, II(s)
Ed 503.02	RSA 186:8, II
Ed 504.01	RSA 21-N:9, II(s)
Ed 504.02	RSA 21-N:9, II(s)
Ed 504.03	RSA 21-N:9, II(s)
Ed 504.04	RSA 21-N:9, II(s)
Ed 504.05	RSA 21-N:9, II(s)
Ed 504.08 – 504.10	RSA 200:29
Ed 504.11 (formerly Ed 507.36)	RSA 21-N:9, II(s)

TITLE XV EDUCATION

CHAPTER 200 HEALTH AND SANITATION

School Health Services

Section 200:29

200:29 School Nurse; Certification. –

I. A superintendent may nominate and school board appoint a school nurse to function in the school health program, and provide said nurse with proper facilities and equipment. A school nurse shall be a registered professional nurse currently licensed in New Hampshire and certified by the state board of education.

II. (a) An individual shall have the following entry level requirements to be certified as a school nurse:

(1) Have completed a board of nursing approved registered nursing program at the bachelor's degree level or higher under RSA 326-B; and

(2) Have 3 years current experience in pediatric nursing or other related nursing areas.

(b) An applicant for certification as a school nurse shall have the skills, competencies, and knowledge in the following areas:

(1) In the area of delivery of the school nursing services, the skills and abilities to:

(A) Assess student's health or situation through analysis of data collected and synthesize comprehensive data.

(B) Identify outcomes and develop plans for individual students or situations including strategies and alternatives.

(C) Implement interventions identified in the plan of care/action, coordinating care with school employees and evaluate outcome.

(D) Consult with administration to provide health education and employ strategies to promote health, wellness, and a safe environment.

(E) Systematically evaluate the progress for the quality of practice and effectiveness toward attainment of outcomes for promoting health and a safe environment.

(2) In the area of school nursing, the applicant shall demonstrate the knowledge and ability to:

(A) Provide quality nursing practice in a school setting.

(B) Evaluate his or her nursing practices and continue professional development as required by a school district's professional development master plan.

(C) Collaborate with students, families, school staff, and others in the conduct of school nursing practices.

(D) Integrate ethical provisions and research findings into practice as a school nurse.

(3) In the area of accountability, knowledge, skills, and application in:

(A) Planning and delivering school nursing services factoring in safety, effectiveness, cost, and impact on nursing practice.

(B) Providing leadership in the profession and professional nursing practice setting.

(C) Managing school health services.

(D) Complying with professional nursing practice standards, guidelines, relevant statutes, rules, and regulations.

III. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application process for certification under paragraph II.

(b) Form and content of any forms required under paragraph II.

(c) Application fees for certification under paragraph II.

(d) Further rulemaking necessary for the proper administration of certification under paragraph II.

IV. (a) All school nurses hired on or before the effective date of this paragraph and having applied for certification prior to the effective date of this paragraph shall not be subject to the certification requirements in

paragraph II.

(b) All school nurses appointed after the effective date of this paragraph and before July 1, 2022 holding an associates' degree in nursing, and all nurses hired before the effective date of this paragraph who did not meet the application deadline in subparagraph (a), shall be enrolled in a registered nurse to bachelor of science in nursing program and shall complete such program within 6 years of the date of this paragraph.

(c) All school nurses appointed after the effective date of this paragraph holding a bachelor's degree or higher in nursing shall hold certification pursuant to rules adopted by the state board of education.

(d) All school nurses appointed on or after July 1, 2022, shall meet the certification requirements in paragraph II, pursuant to rules adopted by the state board of education.

Source. 1971, 499:1, eff. Sept. 4, 1971. 2016, 285:2, eff. Aug. 20, 2016. 2019, 144:1, 2, eff. Aug. 25, 2019.

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21-N

DEPARTMENT OF EDUCATION

Section 21-N:9

21-N:9 Rulemaking. –

- I. The board of education shall adopt rules, pursuant to RSA 541-A, relative to minimum standards for:
- (a) High schools, as authorized by RSA 186:8.
 - (b) Junior high schools, as authorized by RSA 186:8.
 - (c) Elementary schools, as authorized by RSA 186:8 and 189:25.
- II. The board of education shall adopt rules, pursuant to RSA 541-A, relative to:
- (a) The organization of school administrative units.
 - (b) The duties of school boards.
 - (c) Standards for school building construction.
 - (d) School health policies.
 - (e) Child benefit services grants.
 - (f) Nonpublic school advisory councils.
 - (g) Home study.
 - (h) Dual enrollment, as authorized by RSA 193:1-b.
 - (i) High school equivalency programs, as authorized by RSA 186:61.
 - (j) Adult basic education programs, as authorized by RSA 186:61 and 186:62.
 - (k) Vocational rehabilitation services, as authorized by RSA 186:6 and 200-C.
 - (l) Special education programs affecting all children with disabilities, as authorized by RSA 186-C:5, 186-C:16 and 186-C:18, V.
 - (m) Standards for approval of regional career and technical education centers, as authorized by RSA 188-E:3.
 - (n) Vocational technical education, as authorized by RSA 186:6.
 - (o) Standards for approval of nonpublic schools, as authorized by RSA 186:11, XXIX.
 - (p) Qualifications and duties of school superintendents and principals, as authorized by RSA 186:8.
 - (q) Qualifications and duties of school administrative unit professional employees, as authorized by RSA 186:8.
 - (r) Professional preparation standards and approval of professional preparation programs for educating teachers in post-secondary institutions, as authorized by RSA 186:11, X.
 - (s) Certification standards for educational personnel, and educator certification fees for granting credentials to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, speech-language specialists, social workers, health educators, physical education teachers, consumer and family science teachers, elementary teachers, specialists in assessment of intellectual functioning, media supervisors, media generalists, and master teachers as authorized by RSA 186:8 and RSA 186:11, X, professional credentials including beginning educator credentials, experienced educator credentials, and intern licenses, and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.
 - (t) Administering the provisions of RSA 193:27 through 193:30 regarding placement of children, as authorized by RSA 193:30.
 - (u) Guidelines for uniform evaluation programs among local school districts.
 - (v) Administering the literacy education and dropout prevention program established in RSA 189:52-58.
 - (w) The exemption of certain students from participation in the statewide education assessment.

H-a

- (x) Safe school zones, as provided in RSA 193-D:2.
 - (y) School bus safety, as provided in RSA 189:6-a.
 - (z) Local master plan for staff development and recertification.
 - (aa) Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners, using a variety of methods, materials, and instructional techniques.
 - (bb) Establishing the educational credential of master teacher as provided in RSA 189:14-f.
 - (cc)(1) The establishment and enforcement of a code of ethics and a code of conduct for licensed or certified educational personnel. These professional codes shall include a statement of purpose and standards defining each of the 4 primary principles which are:
 - (A) Responsibility to the education profession and educational professionals.
 - (B) Responsibility to students.
 - (C) Responsibility to the school community.
 - (D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.
 - (2) The professional code of ethics and the professional code of conduct shall apply to all teachers, specialists, and administrators who are licensed or certified by the department.
- III. [Repealed.]

Source. 1986, 41:1. 1987, 168:3. 1988, 274:2. 1989, 49:5. 1990, 140:2, X. 1992, 48:5. 1993, 290:1. 1994, 355:1. 1996, 19:3; 271:2. 1998, 174:1, 2; 314:1. 1999, 82:1. 2008, 274:31. 2011, 224:127, eff. July 1, 2011. 2013, 164:7, I, eff. June 28, 2013. 2015, 252:11, eff. July 1, 2015. 2017, 22:1, eff. June 24, 2017. 2019, 258:1, eff. Sept. 17, 2019.

TITLE LV

PROCEEDINGS IN SPECIAL CASES

4-6

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:22

541-A:22 Validity of Rules. –

I. No agency rule is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

II. Rules shall be valid and binding on persons they affect, and shall have the force of law unless they have expired or have been amended or revised or unless a court of competent jurisdiction determines otherwise. Except as provided by RSA 541-A:13, VI, rules shall be prima facie evidence of the proper interpretation of the matter that they refer to.

III. An agency shall not by rule:

(a) Provide for penalties or fines unless specifically authorized by statute.

(b) Require licensing, as defined in RSA 541-A:1, IX, unless authorized by a law which uses one of the specific terms listed in RSA 541-A:1, VIII.

(c) Require fees unless specifically authorized by a statute enforced or administered by an agency. Specific authorization shall not include the designation of agency fee income in the operating budget when no other statutory authorization exists.

(d) Provide for non-consensual inspections of private property, unless the statute enforced or administered by the agency specifically grants inspection authority.

(e) Delegate its rulemaking authority to anyone other than the agency named in the statute delegating authority.

(f) Adopt rules under another agency's authority.

(g) Expand or limit a statutory definition affecting the scope of who may practice a profession.

(h) Require a submission of a social security number unless mandated by state or federal law.

IV. No agency shall grant waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.

Source. 1994, 412:1. 2003, 309:2, eff. July 1, 2004. 2015, 234:8, eff. Sept. 11, 2015.

STATE OF NEW HAMPSHIRE



5

OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
107 NORTH MAIN STREET, ROOM 109
CONCORD, NEW HAMPSHIRE 03301-4951

September 21, 2017

N.H. Board of Education
101 Pleasant Street
Concord, NH 03301

Re: Conditional Approval of Final Proposal 2017-53

Dear Board Members:

At its meeting on September 21, 2017, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, V(a), to conditionally approve Final Proposal 2017-53 of the Board of Education (Board) containing Ed 306.12 and various sections of Ed 500 relative to school nurse certification. The Committee's approval was conditioned on amending Final Proposal 2017-53 so that the words "application form" in Ed 504.07(b)(2)a., Ed 504.08(a)(1), and Ed 504.09(c)(2)a. are replaced with:

"School Nurse Specialist Certification Application" (9/21/2017 edition)

A copy of Final Proposal 2017-53, as annotated by Committee staff, is enclosed for your review.

The conditional approval was further made with the understanding that the Board would seek legislation in the upcoming session clarifying its authority to create the School Nurse I certification in Ed 504.07. When such legislation is filed, the Committee recommended that it be referred to the Education committees of the House and Senate in addition to any other committees to which it may be referred.

Pursuant to RSA 541-A:13, V(a), you are required to submit a written explanation detailing how the rules have been amended in accordance with the conditional approval within 7 days of the date of the next regularly scheduled meeting of the Board, which is October 12, 2017. In this instance, the 7th day following the next regularly scheduled meeting of the Board is October 19, 2017. The explanation shall include a letter and a text of the entire final proposed rule, annotated to show the amendments.

The explanation shall be reviewed by the Office of Legislative Services to determine whether the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a). If it is determined that the rules have not been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the conditional approval shall be deemed a

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Drew Cline, Chairman
Bedford

Cindy C. Chagnon
Bedford

Bill Duncan
New Castle

Gary Groleau
Laconia

Helen G. Honorow
Nashua

Kate Cassidy
Littleton

Ann Lane
Durham

STATE OF NEW HAMPSHIRE
STATE BOARD OF EDUCATION
101 Pleasant Street
Concord, N.H. 03301
TEL. (603) 271-3144
FAX (603) 271-1953

November 9, 2017

Office of Legislative Services
Administrative Rules
25 Capitol Street
State House Annex, Room 219
Concord, N.H. 03301-6312

Reference Doc. #2017-53
Rule Number: School Nurse Certification

Dear Director:

On September 21, 2017, the New Hampshire Department of Education received conditional approval from the Joint Legislative Committee on Administrative Rules (JLCAR) for notice number 2017-53, School Nurse Certification. Specifically, JLCAR's approval of the School Nurse Certification rule was conditioned upon the Board of Education amending the Final Proposal so that the words "application form" are replaced with the term "School Nurse Specialist Certification Application." The Board has complied with that particular condition as evidenced in a separate letter.

JLCAR also requested that the Board "seek legislation in the upcoming session clarifying its authority to create the School Nurse I certification in Ed 504.07." The alternative pathway provision for this certification process was created pursuant to RSA 200:29, III, which allows for "[f]urther rulemaking necessary for the proper administration of certification under paragraph II." Therefore, in accordance with the conditional approval request from JLCAR, the Board is officially asking that the legislature clarify in the relevant statute that the Board has the authority to create the alternative pathways which are currently in the rules. The Board does not intend to seek independent legislation to address this matter since it is the understanding of the Board that a Legislative Service Request regarding the nurse certification legislation has already been filed. The Board will review the existing LSR and make any recommendations necessary to ensure that the Board has clear authority to establish an alternative path to school nurse certification.

Sincerely,

A handwritten signature in cursive script, appearing to read "Drew Cline".

Drew Cline, Chairman
State Board of Education

(f) “Commissioner” means the commissioner, department of education;

(g) “Credential” means any authorization, statement, or license issued by the state board including, but not limited to, beginning educator license (BEL), experienced educator license (EEL), in process of licensure authorization (IPLA), intern authorization (IA), emergency authorization (EA), statement of eligibility (SOE), educational interpreter/transliterater license (*EITL*), paraeducator I & II license (*PARA I & PARA II*), school nurse I, II & III license (*SN I, SN II & SN III*), and master teacher license (MTL);

(h) “Credential holder” means any individual who holds a credential, as defined in Ed 501.02(g);

(i) “Credential verification request” means a request from a credential holder to fulfill an ~~out of state licensing jurisdiction’s~~ request for verification of a New Hampshire educator license **credential**;

(j) “Degree” means a degree from an institution accredited by a ~~US education department approved~~ regional accrediting body **approved by the U.S. Department of Education or from an institution approved by the New Hampshire higher education commission**;

(k) “Denial” means the refusal to grant *a* credential to an applicant;

(l) “Department” means the New Hampshire department of education;

(m) “Director” means the director, division of educator support and higher education, **department of education**;

(n) “Division” means the division of educator support and higher education, **department of education**;

(o) “Educational interpreter/transliterater” means a person licensed by the board who facilitates communication between individuals who are deaf or hard of hearing, or who use signed language as a primary mode of communication, and individuals who are hearing;

(p) “**Educational organization**” means **a public school, a school administrative unit, a school district, a chartered public school, or a non-public school**;

(~~pq~~) “Educational specialist” means a person who provides non-instructional services to students at the pre-K, elementary, or secondary level including- *a* school counselor, school psychologist, school social worker, specialist in assessment of intellectual functioning, library media coordinator, and *a* school speech-language specialist;

(~~qr~~) “Educator” means administrators, educational specialists, instructional specialists, teachers, paraeducators, educational interpreter/transliterater, and school nurses;

(~~rs~~) “Emergency authorization” means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator to fill a vacancy as specified in Ed 504.04;

(~~st~~) “Endorsement” means the ~~specific area~~ **specified on a credential for which the credential is issued that indicates the role for which the credential holder is authorized for employment**;

(~~tu~~) “Instructional specialist” means a person who provides specialized instructional support to teachers and others who provide direct instruction to children at the pre-K, elementary, or secondary

level, including *a* reading and writing specialist, digital learning specialist, library media specialist, and *an* elementary mathematics specialist for grades k-6.

(~~uv~~) “In process of licensure authorization” means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator who is in the process of licensure to fill a vacancy as specified in Ed 504.05;

(~~vw~~) “Intern authorization” means the authorization granted to *an* applicants pursuant to Ed 505.05 to perform educational services while ~~thea plans are~~ *is* being implemented;

(~~wx~~) “License” means the document issued when an applicant meets full licensure requirements;

(~~xy~~) “Licensure” means the official recognition by the board that an individual has met ~~minimum~~ *all* requirements and is approved to practice in an endorsement area(s);

(y) “Mentor” means a person who:

————— (~~1~~) Is appointed to provide assistance to an applicant for licensure pursuant Ed 505.05; and

————— (~~2~~) Meets at least one of the following qualifications:

————— a. Is a credential holder with 3 years of experience as an educator in the area of endorsement; or

————— b. Has 3 years of experience comparable to the experience requirement under a. above such as, but not limited to, involvement in an educator preparation program;

(~~zz~~) “Paraeducator” means a person who works under the supervision of a teacher or other *appropriate* licensed education professional to provide specialized or concentrated ~~assistance~~ *non-initial instructional support* to students at the pre-K, elementary, or secondary level and ~~may~~ *might* be licensed by the board;

(~~aaa~~) “Professional conduct” means a set of established professional norms and behaviors as defined in Ed 510.01 through Ed 510.04 which extend beyond the workplace;

(~~bbb~~) “Reprimand” means a note to file of a credential holder for his or her conduct, which does not rise to the level of a suspension or revocation of a credential, which can be used in the event of a subsequent investigation;

(~~eeac~~) “Revocation” means the department has permanently rescinded a credential from a credential holder;

(~~ddd~~) “School nurse” means a person licensed by the board to provide health services in accordance with RSA 200:29;

(*ae*) “*Senior educational official*” means *the top executive in an education organization who makes the key decisions on spending, staffing and other education policies. For all New Hampshire public schools this is the superintendent and for all New Hampshire chartered public schools, semi-private academies, and non-public schools the senior education official is the head of school or headmaster, or similar title to indicate the head of the organization.*

(~~eeaf~~) “Statement of eligibility” means a ~~verification~~ *credential* issued by the department of education that indicates that an individual has successfully met the entry requirements to seek employment and begin the site-based licensing plan described in Ed 505.05;

(~~ffag~~) “Suspension” means the department has rescinded a credential from a credential holder for a specified period of time;

(~~ggah~~) “Student” means an individual who is enrolled or participating in any class or program from preschool through grade 12, or any “adult student” as specified in Ed 1102.01(f)(1), at any school or education institution except as otherwise noted in these rules; and

(~~hhai~~) “Teacher” means a person who plans, provides, and assesses direct instruction to children at the pre-K, elementary, or secondary level in a content area specified in Ed 507. “Teacher” does not include paraeducator.

Readopt with amendment Ed 502.01, effective 11-09-18 (Document #12661), cited and to read as follows:

PART Ed 502 PUBLIC INFORMATION

Ed 502.01 Confidentiality of Credentialing Holder Records.

(a) Pursuant to RSA 91-A:5, V, the following limited credential status information shall be available to the general public, upon written or verbal request:

- (1) The name of the credential holder;
- (2) The individual's current credential status, including type of credential, expiration date of credential, and all endorsements;
- (3) The individual's suspension, if applicable, including effective dates of each suspension period, reason for the suspension, and revocation, if applicable; and
- (4) The school, if known or stated, where the credential holder is currently employed.

(b) The provisions of this section shall not require the release of information related to:

- (1) Informal or formal investigations; or
- (2) Board or hearing officer records from adjudicatory proceedings involving the credential holder when such adjudicatory proceeding is not open to the public in accordance with Ed 200.

(c) The complete record of a credential holder shall be released by the division upon written request to the following:

- (1) A party in an adjudicatory proceeding when:
 - a. The credential holder is a party to the proceeding; and
 - b. The credential holder's credential record is relevant to the proceeding;

(2) A law enforcement agency when the agency is conducting a criminal investigation of the credential holder;

(3) A certifying agency of another jurisdiction for:

a. Purposes of credentialing the credential holder in the other jurisdiction; or

b. An investigation of the credential holder by the other jurisdiction, when:

1. The credential holder was the subject of a formal investigation under Ed 511;
or

2. Disciplinary action was taken against the credential holder by the board under Ed 511;

(4) Board investigators or prosecutors; or

(5) Persons to whom the credential holder has given a release.

(d) The bureau shall report:

(1) Any suspension or revocation to the credential holder's current ~~superintendent of school~~ **senior educational official** in N.H. and The National Association of State Directors of Teacher Education and Certification (NASDTEC) educator identification clearing house; and

(2) Any reprimand to the credential holder's current superintendent of school in N.H.;

(e) The department shall maintain a list of all credential holders whose credentials have been revoked or who are under suspension, and such list shall be published on the department's website.

Readopt with amendment Ed 502.02, effective 3-27-14 (Document #10558), to read as follows:

Ed 502.02 Access to Records. Any member of the general public may make a request either verbally, in writing, or **by** e-mail to the department for access to records listed in Ed 502.01(a).

Readopt Ed 502.03, effective 3-27-14 (Document #10558), to read as follows:

Ed 502.03 Custodian of Records.

(a) All records regarding educators or educational personnel credentials shall be maintained by the bureau while the credential is valid.

(b) Educator or educational personnel records which are no longer valid shall be maintained by the bureau.

Readopt with amendment Ed 503, effective 3-27-14 (Document #10558), to read as follows:

PART Ed 503 REQUIREMENT FOR EMPLOYMENT

Ed 503.01 Requirement for Employment.

(a) A non-credentialed substitute teacher, paraeducator, or school nurse may be hired ~~to teach for~~ up to 20 consecutive days during the school year in the same position without holding a New Hampshire educator credential issued by the state board.

(b) All other employees hired for positions requiring a credential by the state board shall hold a valid *board-issued* credential *in the endorsement area appropriate to the employee's assigned position* ~~issued by the state board.~~

Ed 503.02 Sanctions for Employment Without a Valid Credential.

(a) The board shall revoke the credential of a superintendent who knowingly employs or continues the active employment of an ~~educator~~ *individual* who does not hold a valid New Hampshire credential provided the board determines that the superintendent took such action knowingly based on findings of fact or conclusions of law established in accordance with due process rights in Ed 200.

(b) All fair hearings and notice provisions of Ed 510~~I~~ shall be met prior to revocation of the superintendent's credential.

(c) The superintendent shall remove an ~~educator~~ *individual* who knowingly continues employment after the expiration of a New Hampshire credential until such time as the educator obtains a New Hampshire credential pursuant to these rules.

(d) This section shall not apply to any ~~educator~~ *individual* who has filed a timely application for license renewal pursuant to Ed 509.

Readopt with amendment Ed 504.01 through Ed 504.03, effective 1-17-14 (Document #10506), cited and to read as follows:

PART Ed 504 PROFESSIONAL CREDENTIALS

Ed 504.01 Beginning Educator License.

(a) To qualify for a beginning educator license, an individual shall ~~have less than 3 years of educator experience~~ ~~and~~ meet the qualifications for a license specified in Ed 505 *and either:*

(1) Has less than 3 years of educator experience; or

(2) Has more than 3 years of educator experience but does not meet the requirements for an experienced educator license pursuant to Ed 504.02.

(b) Beginning educator licenses shall be issued for 3 years and renewed pursuant to Ed 509.

Ed 504.02 Experienced Educator License.

(a) To qualify for an experienced educator license an individual shall:

(1) ~~h~~Have at least 3 years of full-time or full-time equivalent educator experience;

*(2) ~~h~~Have ~~being~~ *deemed* effective or above according to the local evaluation system for 2 consecutive years; and*

~~(3) *Have* successfully completed a renewal cycle pursuant to Ed 509 and according to the state or local professional development master plan as determined by the local superintendent, district administrator, chartered public school administrator, or nonpublic school administrator.~~
senior educational official.

(b) Experienced educator licenses shall be issued for 3 years and renewed pursuant to Ed 509.

Ed 504.03 Intern Authorization.

(a) To qualify for an intern authorization an individual shall complete the application required in Ed 505 and be currently employed in a New Hampshire school under a valid statement of eligibility;

(b) Intern authorizations shall be granted under Ed 505.09(f) for the duration of the site-based licensing plan;

~~A statement from the superintendent as provided in Ed 505.05(j) that the intern has completed the intern's site-based certification plan;~~

Readopt with amendment Ed 504.04 and Ed 504.05, effective 11-9-18 (Document #12661), to read as follows:

Ed 504.04 Emergency Authorization.

(a) The ~~superintendent of schools~~ *senior educational official* shall complete and file the “Emergency Authorization Request” form, **January 2020**, and the emergency authorization shall be granted for up to the duration of the school year for which the request was made, after the applicant provides the information required in (b) below.

(b) The bureau shall issue an emergency authorization requested under (a) above if an *staffing* emergency situation exists as determined by the ~~local school district~~ *senior educational official* and the applicant for the educator position has:

(1) Paid the applicable application fee, provided in Ed 505; ~~and~~

(2) Completed and filed with the bureau the "Application for Emergency Authorization" form, ~~August 2019~~ **January 2020**, as outlined in Ed 505; *and*

(3) *Submitted documentation of a conferred bachelor's degree.*

Ed 504.05 In Process of Licensure Authorization (IPLA).

(a) The ~~superintendent of schools~~ *senior educational official* shall complete and file an In Process of Licensure Authorization Request (IPLA)” form, ~~August 2019~~ **January 2020** with the bureau.

(b) The bureau shall approve such filing, if the bureau finds that the applicant who is the subject of the IPLA request:

(1) Is in the process of licensure;

(2) Has submitted a completed application for licensure as outlined in Ed 505.07(b)(1);

(3) Meets all requirements for licensure except for the testing requirements under Ed 505.01; and

(4) Has paid any applicable fees.

(c) The bureau shall notify the ~~superintendent of schools~~ **senior educational official** that the applicant is authorized under an IPLA for up to ~~one school year~~ **the duration of the school year for which the request was made** with no renewal offer.

Readopt with amendment Ed 504.08 through Ed 504.10, effective 11-14-17 (Document #12418), to read as follows:

Ed 504.08 School Nurse I.

(a) An applicant for school nurse I shall be currently licensed in New Hampshire as a registered nurse as defined by RSA 326-B:2, X at the associate's degree level and have 3 years of clinical nursing experience under their own license in pediatric nursing or other related nursing areas, including, but not limited to public health, community health, family mental health, emergency and primary care nursing.

(b) The applicant shall complete and file a "School Nurse Application", ~~November 2017~~ **January 2020 edition**, with the bureau of credentialing along with the following additional materials:

(1) An official transcript from a board of nursing approved registered nursing program;

(2) A copy of a valid New Hampshire issued license as a registered nurse; and

(3) An employment verification letter from current or previous employers which demonstrates 3 years of work experience required in Ed 504.08(a).

(c) A school nurse I shall obtain skills, competencies, and knowledge, through the completion of 45 school nurse related continuing education hours during the three year life of the ~~certificate~~ **license** as outlined in Ed 5123.07.

(d) A school nurse I shall be assigned a mentor ~~certified~~ **licensed** as a school nurse II or III who shall:

(1) Be listed as an available mentor by the bureau;

(2) Be appointed by the ~~superintendent~~ **senior educational official**;

(3) Have at least 5 years of experience as a school nurse; and

(4) Be assigned to mentor during the three years of the original ~~certificate~~ **license** of the school nurse I to which they are assigned.

(e) A school nurse I ~~certificate~~ **license** is valid for three years and can be renewed one time with verification of compliance with Ed 504.08(f).

(f) A school nurse I shall submit to the bureau a verification of enrollment in a board of nursing approved ADN to BSN program that shows a completion date on or before the expiration date of the school nurse I original or renewal certificate.

Ed 504.09 School Nurse II.

(a) School nurses employed on or before August 25, 2019 shall have applied for a license prior to August 25, 2019. Any school nurse employed on or before August 25, 2019 who has not applied for a license shall apply for school nurse I or school nurse III.

(b) A school nurse II shall obtain skills, competencies, and knowledge, through the completion of 45 continuing education hours during the three year life of the certificate as outlined in Ed 5123.07 and shall follow the renewal procedures outlined in Ed 509.

(c) A school nurse II with 5 years of school nurse experience shall be listed as an available mentor to a school nurse I as outlined in Ed 504.08(d).

Ed 504.10 School Nurse III.

(a) An applicant for school nurse III shall have completed a board of nursing approved registered nursing program at the bachelor's degree level or higher, be currently licensed in New Hampshire as a registered nurse as defined by RSA 326-B:2, X, and have 3 years current experience in pediatric nursing or other related nursing areas, including, but not limited to public health, community health, family mental health, emergency and primary care nursing.

(b) A school nurse holding national certification (NCSN) or out of state certification shall meet the requirements of school nurse III upon evaluation by the bureau of credentialing.

(c) The applicant shall complete and file a "School Nurse Application", November 2017 edition, with the bureau of credentialing along with the following additional materials:

(1) Employment verification letters from a current or previous employer which outlines three years of work experience required in Ed 504.09(a);

(2) A copy of a valid New Hampshire issued license as a registered nurse at the bachelor's degree level or higher; and

(3) An official transcript from an accredited college or university showing the successful completion of a BSN or higher;

(d) A school nurse III shall obtain skills, competencies, and knowledge, through the completion of 45 continuing education hours during the three year life of the certificate as outlined in Ed 5123.07 and shall follow the renewal procedures outlined in Ed 509.

(e) A school nurse III with 5 years of school nurse experience shall be listed as an available mentor to a school nurse I as outlined in Ed 504.08(d).

Readopt and renumber Ed 507.36 as Ed 5084.11, effective 12-21-12 (Document #10245), to read as follows:

Ed 5074.3611 Educational Interpreter/Transliterators for Children and Youth Ages 3-21.

(a) For purposes of this section, the following definitions shall apply:

(1) “Educational interpreter” means the professional employee whose job entails the facilitation of communication between individuals who are deaf or hard of hearing, or who use signed language as a primary mode of communication, and individuals who are hearing;

(2) “Interpreting” means the process of accurately conveying information between American Sign Language (ASL) and English; and

(3) “Transliterating” means accurately conveying a message via visual or tactile manual representations of the English language such as manually coded English, cued speech, Signed English, Signing Exact English (SEE), and oral transliterating. This process conveys information from one mode, spoken or signed, of English to another mode of English.

(b) The following requirements shall apply to the ~~certification~~ *licensure* of an educational interpreter/transliterator for children and youth ages 3 to 21 years:

(1) Hold a minimum of an ~~A~~ associate’s ~~D~~ degree;

(2) Receive a passing grade on the Educational Interpreter Performance Assessment Written Test (EIPA-WT) as specified in (c); and

(3) Meet one of the following entry level requirements relative to education and experience:

a. Receive a passing grade as determined by the ~~State B~~ board of Education on the practical examination in signing for the EIPA Performance Test (EIPA-PT) as specified in (c);

b. Hold a current national certification from either national office of the Registry of Interpreters of the Deaf (RID) or National Association of the Deaf (NAD) of at least level III; or

c. Educational ~~I~~nterpreter ~~certification~~ *licensure* from another state whose standards are equivalent to Ed 507.35.

(c) Candidates for the EIPA-WT and EIPA Performance Test shall demonstrate the following skills, competencies, and knowledge through a combination of a written examination and an actual practical examination in signing in the following areas:

(1) A knowledge of history of general interpreting/transliterating such as:

a. Educational interpreting/transliterating; and

b. Relevant federal, state and local organizations;

(2) The ability to identify resources that serve students who are deaf/hard of hearing (D/HH) including:

a. Services;

b. Programs; and

c. Agencies;

(3) A knowledge of the National Registry of Interpreters for the Deaf Code of Professional Conduct;

(4) The ability to establish an environment allowing for effective interpreting and transliterating in a wide variety of educational settings; and

(5) A knowledge of different modes of communication which shall include but not limited to:

a. ASL;

b. Pidgin sign English (PSE);

c. Manually coded English;

d. Oral;

e. Cued speech; and

f. Tactile;

(6) In the area of the process of interpreting/transliterating, the ability to match the child's communication mode(s) as determined by the Individualized Education Program (IEP) team specified in Ed 1109.03 or the 504 team in one of the following:

a. Simultaneously and consecutively interpret accurately, both expressively and receptively;

b. Simultaneously and consecutively transliterate accurately, both expressively and receptively; or

c. Simultaneously and consecutively orally transliterate accurately, both expressively and receptively;

(7) In the area of the professional roles, responsibilities and practices:

a. Knowledge of federal IDEA/504 and state laws and rules that pertain to students who are deaf and hard of hearing and how they are applied;

b. Knowledge of state child protection laws and school policies regarding how to report child abuse/neglect and explain the appropriate protocol to follow the laws and rules;

c. Knowledge of American deaf culture and how it is distinguished from general American culture;

d. Knowledge of the role and responsibilities of an educational interpreter/transliterators in an educational setting for children and youth ages 3 through 21;

- e. The ability to interpret/transliterate accurately in a public forum; and
- f. Knowledge of hearing loss and amplification in deaf and hard of hearing children;

(8) In the area of child development:

- a. How students learn and develop cognitively, linguistically, socially, morally, emotionally, and physically; and
- b. How the development of language in deaf students impacts their development cognitively, linguistically, socially, morally, and emotionally;

(9) In the area of principles and philosophies of public education:

- a. Respect for the students' varied talents and perspectives;
- b. Knowledge and understanding of public schools as complex organizations within a larger community; and
- c. Effective collaboration with school staff, parents, and others to support students' learning and well-being;

(10) In the area of IEP and 504 process in educational settings in:

- a. Basic knowledge of the individualized education program (IEP) process as specified in Ed 1109; and the 504 process; and
- b. The ability to work with members of the IEP/504 team, contributing information about the child's language including:
 - 1. Most effective mode(s) of communication; and
 - 2. Use of practical and functional language; and

(11) In the area of general studies:

- a. A command of language, including the language of words, mathematics and other common terms typically found in preschool through grade 12 curriculum;
- b. The ability to comprehend reading materials commonly found in preschool through grade 12 educational programs and curriculum, including:
 - 1. Mass media and social media;
 - 2. Newspapers; and
 - 3. Magazines;
- c. The ability to write coherently using:
 - 1. Correct spelling;

- 2. Grammar;
- 3. Punctuation; and
- 4. Appropriate vocabulary;

d. Sufficient cultural literacy including understanding of major principal events and significant figures in American and world cultures and other such information commonly presented in preschool through grade 12 curriculum;

e. Logical thinking and problem-solving ability which draws on a large spectrum of knowledge in the humanities, sciences and the arts; and

f. The ability to utilize technology/assistive technology to enhance and support the instruction of students who are deaf and hard of hearing.

(d) Candidates shall participate in professional development for both personal growth and school district’s master plan program improvement as specified in Ed 5123.03(c) individual professional development plan, Ed 5123.04 criteria for recertification of educators under the professional development master plan and Ed 5123.05 criteria for recertification of educators not under the local professional development master plan.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 501	RSA 186:8, II; RSA 189:39
Ed 502	RSA 186:11, X(a)
Ed 503.01	RSA 189:39
Ed 503.02	RSA 21-N:9, II(s)
Ed 503.03	RSA 186:11, X(a)
Ed 504.01	RSA 21-N:9, II(s)
Ed 504.02	RSA 21-N:9, II(s)
Ed 504.03	RSA 21-N:9, II(s)
Ed 504.04	RSA 21-N:9, II(s)
Ed 504.05	RSA 21-N:9, II(s)
Ed 504.06	RSA 21-N:9, II(s)
Ed 504.07	RSA 21-N:9, II(s)
Ed 504.08 – Ed 504.10	RSA 200:29
Ed 504.11	RSA 21-N:9, II(s)

Change the chapter heading for Ed 500 to read as follows:

CHAPTER Ed 500 CREDENTIAL STANDARDS FOR EDUCATIONAL PERSONNEL

Statutory Authority: RSA 21-N:9,II(s); 186:8,II; 186:11,X; 189:39

Readopt with amendment Ed 501.01, effective 11-9-18 (Document #12661), to read as follows:

PART Ed 501 PURPOSE AND DEFINITIONS

Ed 501.01 Purpose. The rules of this part implement the statutory responsibilities of the New Hampshire board of education to:

- (a) Develop and administer credential standards for educational personnel;
- (b) Develop continuing professional education requirements and prerequisites for the renewal or reinstatement of educator licenses;
- (c) Develop and administer a code of conduct for all credential holders and to inform members of the public of the code of conduct applicable to credential holders;
- (d) Specify unprofessional conduct which justifies disciplinary sanctions against credential holders; and
- (e) Provide oversight of adjudicatory proceedings required for discipline of credential holders while providing such with fair hearing practices and rights of appeal.

Readopt with amendment Ed 501.02 effective 11-9-18 (Document # 12661), to read as follows:

Ed 501.02 Definitions. Except where the context makes another meaning manifest, the following words shall have the meanings indicated when used in this chapter:

- (a) “Administrator” means a person who provides building-, district-, or school administrative unit (SAU)-level administrative services at the pre-K, elementary, or secondary level including a superintendent, assistant superintendent, principal instructional leader, associate principal instructional leader, business administrator, special education administrator, curriculum administrator, school counseling director, career and technical education director, and a district administrator;
- (b) “Authorization” means a document issued by the department giving permission for a person to serve in the role of a licensed educator prior to completing the licensure endorsement requirements for that role, or for a temporary period of time established by the document;
- (c) “Board” means the state board of education created by RSA 21-N:10;
- (d) “Bureau” means the bureau of credentialing, division of educator support and higher education, department of education;
- (e) “College-level course” means a course from an institution accredited by a regional accrediting body approved by the U.S. Department of Education or from an institution approved by the New Hampshire higher education commission;

(f) “Commissioner” means the commissioner, department of education;

(g) “Credential” means any authorization, statement, or license issued by the state board including, but not limited to, beginning educator license (BEL), experienced educator license (EEL), in process of licensure authorization (IPLA), intern authorization (IA), emergency authorization (EA), statement of eligibility (SOE), educational interpreter/transliterater license (EITL), paraeducator I & II license (PARA I & PARA II), school nurse I, II & III license (SN I, SN II & SN III), and master teacher license (MTL);

(h) “Credential holder” means any individual who holds a credential, as defined in Ed 501.02(g);

(i) “Credential verification request” means a request from a credential holder to fulfill a request for verification of a New Hampshire credential;

(j) “Degree” means a degree from an institution accredited by a regional accrediting body approved by the U.S. Department of Education or from an institution approved by the New Hampshire higher education commission;

(k) “Denial” means the refusal to grant a credential to an applicant;

(l) “Department” means the New Hampshire department of education;

(m) “Director” means the director, division of educator support and higher education, department of education;

(n) “Division” means the division of educator support and higher education, department of education;

(o) “Educational interpreter/transliterater” means a person licensed by the board who facilitates communication between individuals who are deaf or hard of hearing, or who use signed language as a primary mode of communication, and individuals who are hearing;

(p) “Educational organization” means a public school, a school administrative unit, a school district, a chartered public school, or a non-public school;

(q) “Educational specialist” means a person who provides non-instructional services to students at the pre-K, elementary, or secondary level including: a school counselor, school psychologist, school social worker, specialist in assessment of intellectual functioning, library media coordinator, and a school speech-language specialist;

(r) “Educator” means administrators, educational specialists, instructional specialists, teachers, paraeducators, educational interpreter/transliterater, and school nurses;

(s) “Emergency authorization” means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator to fill a vacancy as specified in Ed 504.04;

(t) “Endorsement” means the ~~specific area specified on a credential for which the credential is issued~~ that indicates the role for which the credential holder is authorized for employment;

(u) “Instructional specialist” means a person who provides specialized instructional support to teachers and others who provide direct instruction to children at the pre-K, elementary, or secondary

level, including a reading and writing specialist, digital learning specialist, library media specialist, and an elementary mathematics specialist for grades k-6.

(v) “In process of licensure authorization” means the authorization issued by the bureau to a school district or school administrative unit to employ a non-credentialed educator who is in the process of licensure to fill a vacancy as specified in Ed 504.05;

(w) “Intern authorization” means the authorization granted to an applicants pursuant to Ed 505.05 to perform educational services while a plans is being implemented;

(x) “License” means the document issued when an applicant meets full licensure requirements;

(y) “Licensure” means the official recognition by the board that an individual has met all requirements and is approved to practice in an endorsement area(s);

(z) “Paraeducator” means a person who works under the supervision of a teacher or other appropriate licensed education professional to provide specialized or concentrated non-initial instructional support to students at the pre-K, elementary, or secondary level and might be licensed by the board;

(aa) “Professional conduct” means a set of established professional norms and behaviors as defined in Ed 510.01 through Ed 510.04 which extend beyond the workplace;

(ab) “Reprimand” means a note to file of a credential holder for his or her conduct, which does not rise to the level of a suspension or revocation of a credential, which can be used in the event of a subsequent investigation;

(ac) “Revocation” means the department has permanently rescinded a credential from a credential holder;

(ad) “School nurse” means a person licensed by the board to provide health services in accordance with RSA 200:29;

(ae) “Senior educational official” means the top executive in an education organization who makes the key decisions on spending, staffing and other education policies. For all New Hampshire public schools this is the superintendent and for all New Hampshire chartered public schools, semi-private academies, and non-public schools the senior education official is the head of school or headmaster, or similar title to indicate the head of the organization.

(af) “Statement of eligibility” means a ~~verification~~ credential issued by the department of education that indicates that an individual has successfully met the entry requirements to seek employment and begin the site-based licensing plan described in Ed 505.05;

(ag) “Suspension” means the department has rescinded a credential from a credential holder for a specified period of time;

(ah) “Student” means an individual who is enrolled or participating in any class or program from preschool through grade 12, or any “adult student” as specified in Ed 1102.01(f)(1), at any school or education institution except as otherwise noted in these rules; and

(ai) “Teacher” means a person who plans, provides, and assesses direct instruction to children at the pre-K, elementary, or secondary level in a content area specified in Ed 507. “Teacher” does not include paraeducator.

Readopt with amendment Ed 502.01, effective 11-09-18 (Document #12661), cited and to read as follows:

PART Ed 502 PUBLIC INFORMATION

Ed 502.01 Confidentiality of Credentialing Records.

(a) Pursuant to RSA 91-A:5, V, the following limited credential status information shall be available to the general public, upon written or verbal request:

- (1) The name of the credential holder;
- (2) The individual's current credential status, including type of credential, expiration date of credential, and all endorsements;
- (3) The individual's suspension, if applicable, including effective dates of each suspension period, reason for the suspension, and revocation, if applicable; and
- (4) The school, if known or stated, where the credential holder is currently employed.

(b) The provisions of this section shall not require the release of information related to:

- (1) Informal or formal investigations; or
- (2) Board or hearing officer records from adjudicatory proceedings involving the credential holder when such adjudicatory proceeding is not open to the public in accordance with Ed 200.

(c) The complete record of a credential holder shall be released by the division upon written request to the following:

- (1) A party in an adjudicatory proceeding when:
 - a. The credential holder is a party to the proceeding; and
 - b. The credential holder's credential record is relevant to the proceeding;
- (2) A law enforcement agency when the agency is conducting a criminal investigation of the credential holder;
- (3) A certifying agency of another jurisdiction for:
 - a. Purposes of credentialing the credential holder in the other jurisdiction; or
 - b. An investigation of the credential holder by the other jurisdiction, when:

1. The credential holder was the subject of a formal investigation under Ed 511;
or

2. Disciplinary action was taken against the credential holder by the board under Ed 511;

(4) Board investigators or prosecutors; or

(5) Persons to whom the credential holder has given a release.

(d) The bureau shall report:

(1) Any suspension or revocation to the credential holder's current senior educational official in N.H. and The National Association of State Directors of Teacher Education and Certification (NASDTEC) educator identification clearing house; and

(2) Any reprimand to the credential holder's current superintendent of school in N.H.;

(e) The department shall maintain a list of all credential holders whose credentials have been revoked or who are under suspension, and such list shall be published on the department's website.

Readopt with amendment Ed 502.02, effective 3-27-14 (Document #10558), to read as follows:

Ed 502.02 Access to Records. Any member of the general public may make a request either verbally, in writing, or by e-mail to the department for access to records listed in Ed 502.01(a).

Readopt Ed 502.03, effective 3-27-14 (Document #10558), to read as follows:

Ed 502.03 Custodian of Records.

(a) All records regarding educators or educational personnel credentials shall be maintained by the bureau while the credential is valid.

(b) Educator or educational personnel records which are no longer valid shall be maintained by the bureau.

Readopt with amendment Ed 503, effective 3-27-14 (Document #10558), to read as follows:

PART Ed 503 REQUIREMENT FOR EMPLOYMENT

Ed 503.01 Requirement for Employment.

(a) A non-credentialed substitute teacher, paraeducator, or school nurse may be hired for up to 20 consecutive days during the school year in the same position without holding a New Hampshire educator credential issued by the state board.

(b) All other employees hired for positions requiring a credential by the state board shall hold a valid board-issued credential in the endorsement area appropriate to the employee's assigned position.

Ed 503.02 Sanctions for Employment Without a Valid Credential.

(a) The board shall revoke the credential of a superintendent who knowingly employs or continues the active employment of an individual who does not hold a valid New Hampshire credential provided the board determines that the superintendent took such action knowingly based on findings of fact or conclusions of law established in accordance with due process rights in Ed 200.

(b) All fair hearings and notice provisions of Ed 5101 shall be met prior to revocation of the superintendent's credential.

(c) The superintendent shall remove an individual who knowingly continues employment after the expiration of a New Hampshire credential until such time as the educator obtains a New Hampshire credential pursuant to these rules.

(d) This section shall not apply to any individual who has filed a timely application for license renewal pursuant to Ed 509.

Readopt with amendment Ed 504.01 through Ed 504.03, effective 1-17-14 (Document #10506), cited and to read as follows:

PART Ed 504 PROFESSIONAL CREDENTIALS

Ed 504.01 Beginning Educator License.

(a) To qualify for a beginning educator license, an individual shall meet the qualifications for a license specified in Ed 505 and either:

- (1) Has less than 3 years of educator experience; or
- (2) Has more than 3 years of educator experience but does not meet the requirements for an experienced educator license pursuant to Ed 504.02.

(b) Beginning educator licenses shall be issued for 3 years and renewed pursuant to Ed 509.

Ed 504.02 Experienced Educator License.

(a) To qualify for an experienced educator license an individual shall:

- (1) Have at least 3 years of full-time or full-time equivalent educator experience;
- (2) Have been deemed effective or above according to the local evaluation system for 2 consecutive years; and
- (3) Have successfully completed a renewal cycle pursuant to Ed 509 and the state or local professional development master plan as determined by the senior educational official.

(b) Experienced educator licenses shall be issued for 3 years and renewed pursuant to Ed 509.

Ed 504.03 Intern Authorization.

(a) To qualify for an intern authorization an individual shall complete the application required in Ed 505 and be currently employed in a New Hampshire school under a valid statement of eligibility;

(b) Intern authorizations shall be granted under Ed 505.09(f) for the duration of the site-based licensing plan.

Readopt with amendment Ed 504.04 and Ed 504.05, effective 11-9-18 (Document #12661), to read as follows:

Ed 504.04 Emergency Authorization.

(a) The senior educational official shall complete and file the “Emergency Authorization Request” form, January 2020, and the emergency authorization shall be granted for up to the duration of the school year for which the request was made, after the applicant provides the information required in (b) below.

(b) The bureau shall issue an emergency authorization requested under (a) above if a staffing emergency situation exists as determined by the senior educational official and the applicant for the educator position has:

- (1) Paid the applicable application fee, provided in Ed 505;
- (2) Completed and filed with the bureau the "Application for Emergency Authorization" form, January 2020, as outlined in Ed 505; and
- (3) Submitted documentation of a conferred bachelor’s degree.

Ed 504.05 In Process of Licensure Authorization (IPLA).

(a) The senior educational official shall complete and file an In Process of Licensure Authorization Request (IPLA)” form, January 2020 with the bureau.

(b) The bureau shall approve such filing, if the bureau finds that the applicant who is the subject of the IPLA request:

- (1) Is in the process of licensure;
- (2) Has submitted a completed application for licensure as outlined in Ed 505.07(b)(1);
- (3) Meets all requirements for licensure except for the testing requirements under Ed 505.01; and
- (4) Has paid any applicable fees.

(c) The bureau shall notify the senior educational official that the applicant is authorized under an IPLA for up to the duration of the school year for which the request was made with no renewal offer.

Readopt with amendment Ed 504.08 through Ed 504.10, effective 11-14-17 (Document #12418), to read as follows:

Ed 504.08 School Nurse I.

(a) An applicant for school nurse I shall be currently licensed in New Hampshire as a registered nurse as defined by RSA 326-B:2, X at the associate’s degree level and have 3 years of clinical nursing

experience under their own license in pediatric nursing or other related nursing areas, including, but not limited to public health, community health, family mental health, emergency and primary care nursing.

(b) The applicant shall complete and file a “School Nurse Application”, January 2020, with the bureau of credentialing along with the following additional materials:

- (1) An official transcript from a board of nursing approved registered nursing program;
- (2) A copy of a valid New Hampshire issued license as a registered nurse; and
- (3) An employment verification letter from current or previous employers which demonstrates 3 years of work experience required in Ed 504.08(a).

(c) A school nurse I shall obtain skills, competencies, and knowledge, through the completion of 45 school nurse related continuing education hours during the three year life of the license as outlined in Ed 5123.07.

(d) A school nurse I shall be assigned a mentor licensed as a school nurse II or III who shall:

- (1) Be listed as an available mentor by the bureau;
- (2) Be appointed by the senior educational official;
- (3) Have at least 5 years of experience as a school nurse; and
- (4) Be assigned to mentor during the three years of the original license of the school nurse I to which they are assigned.

(e) A school nurse I license is valid for three years and can be renewed one time with verification of compliance with Ed 504.08(f).

(f) A school nurse I shall submit to the bureau a verification of enrollment in a board of nursing approved ADN to BSN program that shows a completion date on or before the expiration date of the school nurse I original or renewal certificate.

Ed 504.09 School Nurse II.

(a) School nurses employed on or before August 25, 2019 shall have applied for a license prior to August 25, 2019. Any school nurse employed on or before August 25, 2019 who has not applied for a license shall apply for school nurse I or school nurse III.

(b) A school nurse II shall obtain skills, competencies, and knowledge, through the completion of 45 continuing education hours during the three year life of the certificate as outlined in Ed 513.07 and shall follow the renewal procedures outlined in Ed 509.

(c) A school nurse II with 5 years of school nurse experience shall be listed as an available mentor to a school nurse I as outlined in Ed 504.08(d).

Ed 504.10 School Nurse III.

(a) An applicant for school nurse III shall have completed a board of nursing approved registered nursing program at the bachelor's degree level or higher, be currently licensed in New Hampshire as a registered nurse as defined by RSA 326-B:2, X, and have 3 years current experience in pediatric nursing or other related nursing areas, including, but not limited to public health, community health, family mental health, emergency and primary care nursing.

(b) A school nurse holding national certification (NCSN) or out of state certification shall meet the requirements of school nurse III upon evaluation by the bureau of credentialing.

(c) The applicant shall complete and file a "School Nurse Application", November 2017 edition, with the bureau of credentialing along with the following additional materials:

(1) Employment verification letters from a current or previous employer which outlines three years of work experience required in Ed 504.09(a);

(2) A copy of a valid New Hampshire issued license as a registered nurse at the bachelor's degree level or higher; and

(3) An official transcript from an accredited college or university showing the successful completion of a BSN or higher;

(d) A school nurse III shall obtain skills, competencies, and knowledge, through the completion of 45 continuing education hours during the three year life of the certificate as outlined in Ed 513.07 and shall follow the renewal procedures outlined in Ed 509.

(e) A school nurse III with 5 years of school nurse experience shall be listed as an available mentor to a school nurse I as outlined in Ed 504.08(d).

Readopt and renumber Ed 507.36 as Ed 504.11, effective 12-21-12 (Document #10245), to read as follows:

Ed 504.11 Educational Interpreter/Transliterators for Children and Youth Ages 3-21.

(a) For purposes of this section, the following definitions shall apply:

(1) "Educational interpreter" means the professional employee whose job entails the facilitation of communication between individuals who are deaf or hard of hearing, or who use signed language as a primary mode of communication, and individuals who are hearing;

(2) "Interpreting" means the process of accurately conveying information between American Sign Language (ASL) and English; and

(3) "Transliterating" means accurately conveying a message via visual or tactile manual representations of the English language such as manually coded English, cued speech, Signed English, Signing Exact English (SEE), and oral transliterating. This process conveys information from one mode, spoken or signed, of English to another mode of English.

(b) The following requirements shall apply to the licensure of an educational interpreter/transliterators for children and youth ages 3 to 21 years:

(1) Hold a minimum of an associate's degree;

(2) Receive a passing grade on the Educational Interpreter Performance Assessment Written Test (EIPA-WT) as specified in (c); and

(3) Meet one of the following entry level requirements relative to education and experience:

a. Receive a passing grade as determined by the board on the practical examination in signing for the EIPA Performance Test (EIPA-PT) as specified in (c);

b. Hold a current national certification from either national office of the Registry of Interpreters of the Deaf (RID) or National Association of the Deaf (NAD) of at least level III; or

c. Educational interpreter licensure from another state whose standards are equivalent to Ed 507.35.

(c) Candidates for the EIPA-WT and EIPA Performance Test shall demonstrate the following skills, competencies, and knowledge through a combination of a written examination and an actual practical examination in signing in the following areas:

(1) A knowledge of history of general interpreting/transliterating such as:

a. Educational interpreting/transliterating; and

b. Relevant federal, state and local organizations;

(2) The ability to identify resources that serve students who are deaf/hard of hearing (D/HH) including:

a. Services;

b. Programs; and

c. Agencies;

(3) A knowledge of the National Registry of Interpreters for the Deaf Code of Professional Conduct;

(4) The ability to establish an environment allowing for effective interpreting and transliterating in a wide variety of educational settings; and

(5) A knowledge of different modes of communication which shall include but not limited to:

a. ASL;

b. Pidgin sign English (PSE);

c. Manually coded English;

d. Oral;

e. Cued speech; and

f. Tactile;

(6) In the area of the process of interpreting/transliterating, the ability to match the child's communication mode(s) as determined by the Individualized Education Program (IEP) team specified in Ed 1109.03 or the 504 team in one of the following:

a. Simultaneously and consecutively interpret accurately, both expressively and receptively;

b. Simultaneously and consecutively transliterate accurately, both expressively and receptively; or

c. Simultaneously and consecutively orally transliterate accurately, both expressively and receptively;

(7) In the area of the professional roles, responsibilities and practices:

a. Knowledge of federal IDEA/504 and state laws and rules that pertain to students who are deaf and hard of hearing and how they are applied;

b. Knowledge of state child protection laws and school policies regarding how to report child abuse/neglect and explain the appropriate protocol to follow the laws and rules;

c. Knowledge of American deaf culture and how it is distinguished from general American culture;

d. Knowledge of the role and responsibilities of an educational interpreter/transliterater in an educational setting for children and youth ages 3 through 21;

e. The ability to interpret/transliterate accurately in a public forum; and

f. Knowledge of hearing loss and amplification in deaf and hard of hearing children;

(8) In the area of child development:

a. How students learn and develop cognitively, linguistically, socially, morally, emotionally, and physically; and

b. How the development of language in deaf students impacts their development cognitively, linguistically, socially, morally, and emotionally;

(9) In the area of principles and philosophies of public education:

a. Respect for the students' varied talents and perspectives;

b. Knowledge and understanding of public schools as complex organizations within a larger community; and

c. Effective collaboration with school staff, parents, and others to support students' learning and well-being;

(10) In the area of IEP and 504 process in educational settings in:

a. Basic knowledge of the individualized education program (IEP) process as specified in Ed 1109; and the 504 process; and

b. The ability to work with members of the IEP/504 team, contributing information about the child's language including:

1. Most effective mode(s) of communication; and

2. Use of practical and functional language; and

(11) In the area of general studies:

a. A command of language, including the language of words, mathematics and other common terms typically found in preschool through grade 12 curriculum;

b. The ability to comprehend reading materials commonly found in preschool through grade 12 educational programs and curriculum, including:

1. Mass media and social media;

2. Newspapers; and

3. Magazines;

c. The ability to write coherently using:

1. Correct spelling;

2. Grammar;

3. Punctuation; and

4. Appropriate vocabulary;

d. Sufficient cultural literacy including understanding of major principal events and significant figures in American and world cultures and other such information commonly presented in preschool through grade 12 curriculum;

e. Logical thinking and problem-solving ability which draws on a large spectrum of knowledge in the humanities, sciences and the arts; and

f. The ability to utilize technology/assistive technology to enhance and support the instruction of students who are deaf and hard of hearing.

(d) Candidates shall participate in professional development for both personal growth and school district's master plan program improvement as specified in Ed 5123.03(c) individual professional

development plan, Ed 5123.04 criteria for recertification of educators under the professional development master plan and Ed 5123.05 criteria for recertification of educators not under the local professional development master plan.

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Ed 504.07	RSA 21-N:9, II(s)
Ed 504.08 – Ed 504.10	RSA 200:29
Ed 504.11	RSA 21-N:9, II(s)

PART Ed 505 HOW TO OBTAIN A NEW HAMPSHIRE EDUCATOR LICENSE

Readopt with amendment Ed 514.01, effective 8-9-18 (Document #12602), and renumber as Ed 505.01 to read as follows:

Ed 505.01 Basic Academic Skills and Subject Area Assessment.

(a) Except as described in paragraph ~~(g)~~, each candidate seeking an initial teacher or instructional specialist license under one of the pathways listed below shall pass a ~~nationally recognized~~ basic academic skills assessment, including, but not limited to, the praxis core academic skills for educators administered by ~~e~~Educational ~~t~~Testing ~~s~~Service (ETS) **or comparable out of state test as determined by the bureau.**

(b) Each candidate seeking licensure in any endorsement area for which the ~~state~~ board has adopted a subject assessment test cut score shall pass that subject assessment test, or comparable out of state test **as** determined by the bureau, ~~intended~~ to measure the test taker's knowledge of the specific subject area of a concentration in which the test taker seeks an educator license.

(c) The board ~~may~~ **shall** adopt the national cut scores for the praxis core academic skills for educators and all subject assessments in accordance with (a) and (b) above and a list of tests and cut scores shall be maintained on the department website.

(d) The board may request that the department conduct a validation study for any subject assessment before adopting the cut score **for reasons including, but not limited to:**

(1) There is no established national cut score for a given subject area;

(2) To determine, through stakeholder engagement, that the national score accurately reflects NH goals; and

(3) To determine, through stakeholder engagement, the buy-in from the field for adding a new subject area assessment.

(e) Validation studies shall include input from:

(1) The department;

(2) Teacher education institutions; and

(3) New Hampshire teachers with experience as an educator in the test areas.

(~~e~~f) The entities described in (d)(1)-(3) above shall provide input and recommendations regarding:

(1) Test specifications appropriate for New Hampshire;

(2) Which assessments are appropriate for New Hampshire; and

(3) Passing scores on tests for New Hampshire.

(~~fg~~) The board shall accept, in lieu of (a) above, performance at or above the ~~fiftieth~~ 50th percentile on a nationally-recognized basic academic skills test in the areas of reading, writing, and mathematics, including, but not limited to:

- (1) The ~~s~~Scholastic ~~a~~Aptitude ~~t~~Test (SAT) administered by the ~~e~~College ~~b~~Board;
- (2) The ~~g~~Graduate ~~r~~Record ~~e~~Examinations (GRE) administered by ETS; and
- (3) The ACT administered by ACT.

(~~gh~~) A candidate for a career and technical education (CTE) specialty area license may substitute the following in lieu of a nationally recognized test of academic proficiency required by ~~paragraph (da)~~:

- (1) Three years of full-time experience in the area for which the license is sought; and
- (2) Current industry-recognized credential approved by the department in a published list of accepted credentials appropriate to the CTE area in which a license is sought.

(~~hi~~) Candidates shall be responsible for the actual cost of all assessments.

(~~ij~~) A candidate may take a basic academic skills assessment or the subject area assessment as often as they are administered until the candidate passes the assessment.

Readopt with amendment and renumber Ed 505.06 and Ed 505.07, effective 12-17-11 (Document #10046), as Ed 505.02 and Ed 505.03 to read as follows:

Ed 505.02 General Education Requirements. Each applicant who seeks licensure under Ed 505.05 shall have completed a program providing the following core competencies:

(a) Content competencies in the following areas necessary for college and workforce success:

- (1) Language arts;
- (2) Reasoning;
- (3) Information literacy;
- (4) Mathematics;
- (5) Sciences; and
- (6) Social sciences;

(b) Creative competencies in the following areas:

- (1) Creative expression;
- (2) Critical thinking;
- (3) Innovative and collaborative problem-solving; and

- (4) Resourcefulness;
- (c) Communication competencies in the following areas:
 - (1) Languages;
 - (2) Digital media;
 - (3) Networking; and
 - (4) Content creation technologies; and

- (d) Cultural competencies in the following areas:
 - (1) Cultural understanding;
 - (2) Taking responsibility for self and others;
 - (3) Adaptability and resilience;
 - (4) Ability to engage in productive teamwork; and
 - (5) Social and civic engagement.

Ed 505.03 Professional Education Requirements. In addition to the requirements in Ed 505.05 for site-based licensing plans and Ed 505.06 for demonstrated competencies each applicant who is not already licensed shall demonstrate evidence of the following before ~~full~~ licensure is granted:

- (a) In the area of the learner and learning:
 - (1) Learner development, as demonstrated by:
 - a. An understanding of how learners develop, recognizing that patterns of learning and development vary individually within and across the personal, physical, social, and academic dimensions; and
 - b. The ability to facilitate developmentally appropriate and challenging learning experiences based on the unique needs of each learner;
 - (2) Learning differences, as demonstrated by:
 - a. An understanding of individual differences and diverse cultures and communities;
 - b. Ensuring inclusive learning environments that allow each learner to reach his or her full potential; and
 - c. The ability to employ universal design principles and assistive technology; and
 - (3) Learning environment, as demonstrated by:

- a. Working with learners to create and access learning environments that support self-directed individual and collaborative learning, based on each learner’s interests and passions; and
- b. Use of learning environments not limited to the classroom, but extended into the larger community as well as virtual experiences;

(b) In the area of content:

(1) Content knowledge, as demonstrated by:

- a. An understanding of the central concepts, tools of inquiry, and structure of his or her discipline(s); and
- b. An ability to create learning experiences that make the discipline(s) accessible and meaningful for learners; and

(2) Innovative applications of content, as demonstrated by an understanding of how to connect concepts and use differing perspectives to engage learners in critical and creative thinking and collaborative problem-solving related to authentic local and global issues;

(c) In the area of learning facilitation practice:

(1) Use of assessment, as demonstrated by an understanding and ability to use multiple methods of assessment to:

- a. Engage learners in their own growth;
- b. Document learner progress;
- c. Provide learner feedback; and
- d. Inform the educator’s ongoing planning and instructional practices;

(2) Planning for learning facilitation, as demonstrated by an ability, as an active member of a learning community, to draw upon knowledge of content area standards, cross-disciplinary skills, learners, the community, and pedagogy to plan learning experiences that support every learner in meeting rigorous learning goals; and

(3) Learning facilitation strategies, as demonstrated by:

- a. An understanding and use of a variety of strategies and tools to encourage learners to develop deep understanding of content areas and their connections to other disciplines; and
- b. An ability to build skills in accessing, applying, and communicating information; and

(d) In the area of professional responsibility:

(1) Reflection and continuous growth, as demonstrated by:

a. Being a reflective practitioner and using evidence to continually evaluate his or her practice, particularly the effects of choices and actions on students, families, and other professionals in the learning community; and

b. Ability to adapt practice to meet the needs of each learner; and

(2) Collaboration, as demonstrated by collaborating, as a member of the larger learning community, with learners, families, colleagues, other professionals, and community members to leverage resources that contribute to student growth and development, learning, and well-being.

Readopt with amendment Ed 505.01 and Ed 505.02, effective 10-11-19 (Document #12897, Interim), and renumber as Ed 505.04 to read as follows:

Ed 505.04 Approved Educator Preparation Program.

(a) Individuals shall qualify for a beginning educator license or added endorsement to an existing license ~~pursuant to Ed 504~~ by completing a state board approved educator preparation program(s) at a college, university or teacher training institution in New Hampshire in accordance with Ed 600 and meeting the requirements of Ed 505.01.

(b) Upon completion of a New Hampshire state board-approved program in accordance with Ed 600, the applicant shall be recommended for licensure by the program to the department and such recommendation shall remain valid for no more than 3 years from the date of the recommendation by the institution.

(c) Individuals completing a state-approved educator preparation program(s) at a college, university, or teacher training institution in a state other than New Hampshire, whether that state is signatory to the NASDTEC interstate contract or not, shall qualify for a beginning educator license or added endorsement on an existing license by:

(1) ~~e~~Completing a state-approved educator preparation program leading to recommendation by the institution for an educator license in that state;;

(2) ~~m~~Meeting the requirements of Ed 505.01; ~~meeting the~~ and either:

~~(1)~~*a.* Obtaining full licensure in that state in ~~the~~ ***a comparable*** endorsement area ***as the endorsement area*** sought providing that such endorsement has not been expired for more than 3 years from the date of application; or

~~(2)~~*b.* Applying for a comparable New Hampshire state board license ***and endorsement*** within three years of the date of recommendation from the institution.

(d) Applicants seeking to obtain licensure under this paragraph shall apply to the department pursuant to Ed 505.07 through Ed 505.09.

Readopt with amendment Ed 505.04 and Ed 505.05, effective 9-16-11 (Document #9992), and renumber as Ed 505.05, to read as follows:

Ed 505.05 Statement of Eligibility (SOE) and Site-Based Licensing Plan (SBLP).

(a) Before beginning an application for a ~~site-based licensing plan~~ **SBLP**, a qualified candidate shall ~~be employed as an educator after obtaining~~ a statement of eligibility (**SOE**), valid for 3 years from the date of issuance, from the department as follows:

(1) Meeting the entry requirements, ~~including the degree requirement, for a statement of eligibility for a specific endorsement, determined by the department, and published on the department website; as follows:~~

a. Meeting the degree requirement and experience requirement of the endorsement sought as outlined in Ed 506 through Ed 508; and

b. Either:

1. Passing the subject area assessment for endorsements for which the board has adopted a cut score in accordance with Ed 505.01(b); or

2. Only if a subject area test does not exist, transcript analysis to determine a passing grade for 3 college-level courses which directly translate to required competencies in the endorsement area sought as enumerated in Ed 506 through Ed 508;

(2) Meeting the requirements of Ed 505.01(a) or (g); and

(3) Applying for a statement of eligibility following the application procedures outlined in Ed 505.07 through Ed 505.09; and

~~(4) Applicants shall be assigned in the role of the endorsement that allows them to learn and demonstrate the professional education standards enumerated in Ed 505.03, if applicable, and the endorsement specific standards enumerated in Ed 506, Ed 507, and Ed 508.~~

(b) A ~~site-based licensing plan~~ **SBLP** shall be a qualifying method for licensure limited to the following:

(1) Applicants for an endorsement determined by the department to be a critical staffing shortage, published on the department's website, who hold at least a bachelor's degree, or who hold an associate's degree for educational interpreter/transliterators for children and youth ages 3-21;

(2) Applicants for an endorsement in the career and technical specialties pursuant to Ed 507.03;

(3) Applicants for any endorsement for which there is no other available pathway to the license who hold at least a bachelor's degree, or who hold an associate's degree for educational interpreter/transliterators for children and youth ages 3-21;

(4) Applicants for a new endorsement for a period of ~~five~~ **5** years from the effective date of ~~the a new~~ **endorsement** rule and who hold at least a bachelor's degree;

(5) Applicants for a business administrator endorsement who have successfully completed at least 4 college-level courses in the endorsement for which they seek a license;

(6) Applicants for a teaching endorsement who have successfully completed at least 10 college-level courses in the endorsement area for which they seek a license;

(7) Applicants for elementary K-6 education and early childhood education who have successfully completed at least 2 college-level content courses each in mathematics, English, social studies, and science; **and**

(8) Applicants for elementary K-8 education who have successfully completed at least 2 college-level content courses each in mathematics, English, social studies, and science and at least 3 additional college-level content courses for a concentration of coursework in one of those areas.

(c) SOE credential holders shall be employed in a New Hampshire school in the role of the endorsement that allows them to learn and demonstrate the professional education standards enumerated in Ed 505.03, if applicable, and the endorsement requirements enumerated in Ed 506 through Ed 508.

~~(ed)~~ Upon employment as an educator under a statement of eligibility ***as outlined in (c) above***, the applicant and the ~~superintendent~~ ***senior educational official*** shall adhere to the application requirements ***procedures and timeline*** outlined in ***Ed 505.07, Ed 505.08, and Ed 505.09(f).***

~~(de)~~ Upon employment as an educator under a statement of eligibility, each candidate for this pathway to licensure shall be assigned a mentor, appointed by the ~~superintendent or head of school~~ ***senior educational official***, who holds a valid experienced educator license with appropriate endorsements in the same subject area in which the candidate is seeking to obtain a license. If a mentor who meets that criteria is not available through the candidate's employer, the ~~superintendent or head of school~~ ***senior educational official*** shall contact the bureau for assistance in obtaining an appropriate mentor.

Readopt with amendment and renumber Ed 505.03, effective 10-11-19 (Document #12897, Interim), as Ed 505.06 to read as follows:

Ed 505.06 Demonstrated Competencies. Applicants ~~who shall~~ ***shall*** qualify ~~under any of the following for a demonstrated competency pathways by holding the minimum degree required for the endorsement sought, meeting any endorsement specific requirements outlined in Ed 506 through Ed 508, shall~~ meeting the requirements of Ed 505.01 and Ed 505.03, as applicable, and ***qualifying and applying*** for ***one of the following chosen*** pathways ~~following pursuant to the application~~ procedures outlined in Ed 505.07 through Ed 505.09-:

(a) Applicants for demonstrated competencies through portfolio and oral board reviews shall qualify for a beginning educator license or added endorsement on an existing license ~~as follows:~~ ***by documenting***

~~(1) Holding the minimum degree required for the endorsement area;~~

~~(2) Having~~ at least 4 months of continuous full-time or full-time equivalent experience as an educator in the endorsement area;

~~(3) Documentation of meeting any additional endorsement specific requirements;~~

(b) Applicants for demonstrated competencies through national or regional licensure shall qualify for a beginning educator license or added endorsement on an existing license by ~~holding the minimum degree requirements for the endorsement sought, meeting any additional endorsement specific requirements and~~ meeting one of the following requirements:

- (1) Current national board certification in the area of endorsement from the National Board for Professional Teaching Standards;
- (2) A current national license in school psychology (NCSP) by the ~~n~~National ~~a~~Association of ~~s~~School ~~p~~Psychologists for an endorsement in school psychology; or
- (3) A current US ~~d~~Department of ~~d~~Defense educator license;

(c) Applicants for an administrator endorsement, as defined in Ed 501.02(a), through demonstrated competencies shall qualify for a beginning educator license or added endorsement on an existing license by ~~holding the minimum degree requirements for the endorsement sought, meeting any additional endorsement specific requirements, and~~ meeting endorsement-specific knowledge and skills competencies as determined by transcript analysis; or

(d) Applicants for demonstrated competencies based on experience under an out-of-state endorsement on a full license shall qualify for a beginning educator license or added endorsement on an existing license by:

- (1) Having held a comparable license from a state other than New Hampshire within the last 7 years, verified by the department; and
- (2) Having 3 years of educator experience in the last 7 years working in the endorsement area being sought while licensed in that endorsement area, verified by the department.

Readopt with amendment and renumber Ed 508.01, effective 6-15-13 (Document #10362), as Ed 505.07 to read as follows:

Ed 505.07 General Application Instructions.

(a) Persons interested in holding a New Hampshire educator credential shall complete and file an application with the bureau either online or by mail as follows:

- (1) On the department website; or
- (2) Bureau of Credentialing
Department of Education
101 Pleasant Street
Concord, NH 03301; ~~or.~~

(b) Applicants for any credential shall complete and file the appropriate form as follows:

- (1) “Statement of Eligibility” form, ~~August 2019~~**January 2020, for applicants seeking an SOE** as outlined in Ed 505.05(a);

- (2) “Application for Licensure – Educator Preparation Program Completer” form, ~~August 2019~~**January 2020**, for all applicants seeking initial licensure or additional endorsements as outlined in Ed 505.04;
 - (3) “Recommended for Renewal Application” form, ~~August 2019~~**January 2020**, for all New Hampshire licensed educators seeking to renew after recommendation ~~pursuant to~~ **as outlined in** Ed 509.01;
 - (4) “DOE Renewal Application” form, ~~August 2019~~**January 2020**, for all New Hampshire licensed educators seeking to renew directly to the bureau ~~pursuant to~~ **as outlined in** Ed 509.02;
 - (5) “Application for Emergency Authorization” form, ~~August 2019~~**January 2020**, for any unlicensed educator employed by a school district **for which the employer is seeking an emergency authorization** ~~pursuant to~~ **as described in** Ed 504.04;
 - (6) “Paraeducator License Application” form, ~~August 2019~~**January 2020**, for any applicant seeking a paraeducator license as ~~pursuant to~~ **outlined in** Ed 504.06 and Ed 504.07; and
 - (7) “School Nurse License Application” form, ~~August 2019~~**January 2020**, for any applicant seeking a school nurse I, II, or III license ~~pursuant to~~ **as outlined in** Ed 505.08 through Ed 505.10;
 - (8) “Name Change Request” form, ~~August 2019~~**January 2020**, for any credential holder seeking a credential issued with an official name change;
 - (9) “Educational Interpreter/Transliterater for Children and Youth ages 3-21” form, ~~August 2019~~**January 2020**, as outlined in Ed ~~XXX~~**504.11**.
 - (10) “Credential Verification Request” form, ~~August 2019~~**January 2020**, for any credential holder seeking a verification **of their New Hampshire credential** ~~letter pursuant to~~ Ed 501.02(h);
 - (11) “Application for Licensure - Demonstrated Competencies” form, ~~August 2019~~**January 2020**, for any applicant seeking licensure ~~pursuant to~~ **as outlined in** Ed 505.06(b), Ed 505.06(c), and Ed 505.06(d);
 - (12) “Application for Licensure – Portfolio and Oral Board Review” form, ~~August 2019~~**January 2020**, for all applicants seeking ~~initial~~ licensure ~~pursuant to~~ **as outlined in** Ed 505.06(a);
 - (13) “Intern Authorization Application – Site-Based Licensing Plan” form, ~~August 2019~~**January 2020**, **for all applicants seeking licensure** as outlined in Ed 505.05;
 - (14) “Site-Based Licensing Plan Completer” form, ~~August 2019~~**January 2020**, **for all applicants who have completed their SBLP and are ready for full licensure** as outlined in Ed 505.05~~9~~(f)(17);
- (c) If an applicant provides a social security number on any application form, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI-a.

(d) If an applicant chooses to have the department supply an alternative number, the department shall use the ~~teacher~~ number generated by the electronic educator information system and it shall be used as specified in (c) above.

(e) For Ed 505.07(b)(13), if an assessment of an applicant’s background determines that some or all of the education requirements have been completed prior to application, the applicant shall not be required to repeat any requirement already completed.

(f) Filing of the completed application, supporting documentation, and application fee shall be the responsibility of the applicant.

Readopt with amendment and renumber Ed 508.06, effective 11-14-17 (Document #12418), as Ed 505.08 to read as follows:

Ed 505.08 Fees.

(a) An application shall not be complete until all ~~the~~ application materials, including the proper fee, have been filed with the bureau.

(b) Payments shall be made either electronically at the time of application on the department website or by *cash*, money order or cashier’s check, or school employer check on behalf of applicants, made payable to "Treasurer, State of New Hampshire," to the bureau as outlined in Ed 505.07(a).

(c) The required educator fees shall be in accordance with RSA 186:11,X(b), and the fee schedule set forth in Table 505-1 below, with the following fees reflecting the actual cost of the service listed:

Table 505-1 *Fee Schedule*

*All fees are non-refundable and include processing fee.	
Approved Educator Preparation Program BEL/EEL (per endorsement)	\$120.00
Site Based Licensing Plan	
Statement of Eligibility (per endorsement)	\$50.00
Intern Authorization (per endorsement)	\$120.00
Upgrade to BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies Portfolio/Oral Board	
Materials (per endorsement)	\$50.00
Portfolio Review/Oral Board (per endorsement)	\$500.00
BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies National/Regional exam/licensure BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies Transcript Analysis BEL/EEL (per Administrative endorsement)	\$500.00
Demonstrated Competencies Experience under Out of State License BEL/EEL (per endorsement)	\$120.00
BEL/EEL/Master Teacher License Renewal (3 year cycle)	\$120.00
Master Teacher – National Level (per endorsement)	\$120.00
Master Teacher – NH Level (per endorsement)	\$800.00
Late Renewal Filing Fee (BEL/EEL/Master Teacher only)	\$50.00
Paraeducator I	\$10.00

Paraeducator II	\$10.00
Paraeducator I and II Renewal (3 year cycle)	\$10.00
School Nurse I - 3 years with one time renewal	\$75.00
School Nurse II	\$0.00
School Nurse III	\$75.00
School Nurse I, II, III Renewal (3 year cycle)	\$75.00
Educational Interpreter/Transliterater	\$25.00
Educational Interpreter/Transliterater Renewal (3 year cycle)	\$25.00
Name Change	\$50.00
Credential Verification Letter	\$25.00
Emergency Authorization (per endorsement)	\$120.00
Returned check fee (RSA 6:11-a)	\$15.00 (State Treasurer's fee) \$25.00 (Bureau of Credentialing fee)

Readopt with amendment Ed 508.02 through Ed 508.05, effective 6-15-13 (Document #10362), and renumber as Ed 505.09 to read as follows:

Ed 505.09 Applicant, Employer, and Mentor Responsibilities for Timely Review and Processing by the Department.

(a) Within 30 days of receipt of any application outlined in *Ed 505.07(b)*, the department shall notify the applicant in writing that the application has been received and either:

- (1) The application is complete and pending evaluation; or
- (2) The application is incomplete and enumerate the items that the applicant must address in order for the application to be complete.

(b) An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (a)(2) above within 30 days of receipt of the notification, and the department shall respond within 10 business days in accordance with (a)(1) or (2) above.

(c) If, within 30 days of initial notification of an incomplete application pursuant to (a)(2) above, the department does not receive the enumerated items pursuant to (a)(2) above, the application ~~will~~ **shall** be closed and the applicant shall ~~be required to~~ begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08.

(d) For applications outlined in Ed 505.07(b)(1)-(11), within 60 days of ~~the department's notification receipt~~ of a complete application in accordance with (a) and (b) above, the department shall send notification of:

- (1) Approval in the form of the digital credential for which the applicant applied;
- (2) Denial in writing that outlines the specific reasons for denial, including, but not limited to:
 - a. A department confirmed violation of the code of conduct outlined in Ed 510.01 through Ed 510.04; and

b. A determination that the applicant does not meet the requirements for the specified credential; or

(3) Conditional approval *which includes:*

~~a. that~~ *a. An outlines of* the specific areas that the applicant needs to address in order for the bureau to continue a full review of the application;

~~b. to include a~~ *b. An applicant timeline for completing the application* **conditional approval** requirements, not to exceed 120 days;

~~c. The following statement: after which, i~~ *c. The following statement:* **after which, i** “If the conditional approval does not result in an approval pursuant to (d)(1) above **and license**, or the applicant does not complete the application requirements **outlined are not completed** within the timeframe allotted, the application will be closed and the applicant shall be required to begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08”.

(e) For applications pursuant to Ed 505.07(b)(12), portfolio and oral board reviews, ~~after notification by the department that the application is complete pursuant to Ed 505.09 (a) or (b) the~~ following procedures shall apply:

(1) Any applicant choosing to apply for a portfolio and oral board review agrees to extend the time periods for review provided for in RSA 541-A:29 and follow the timeline established below by checking the “waiver of time period for review” box on the “Application for Licensure – Portfolio and Oral Board Review” form, January 2020. If the “waiver of time period for review” box is not checked, the application will be denied.

~~(12)~~ Within 30 days of receipt of a completed application, if the department determines that an individual:

a. Qualifies under this method, the department shall notify the applicant in writing by providing the applicant with portfolio submission instructions and requirements for oral board scheduling which shall include, but not be limited to:

1. Written materials;
2. Videotapes;
3. Audiotapes; and
4. Art portfolio; or

b. Does not qualify under this method, the department shall notify the individual in writing within 30 days of receipt of the completed application materials and:

1. Provide the reasons for the determination, including, but not limited to, the qualifying criteria outlined in Ed 505.06(a)(1) and (2), which shall include a written explanation stating why the materials the applicant has submitted are not acceptable; and

2. Recommend another appropriate application method if one is available;

(23) Within 30 days of receipt of a portfolio submission and appropriate fee in accordance with the fee schedule outlined in Ed 505.08, the department shall notify the applicant in writing that either:

- a. The portfolio is complete and pending oral board scheduling; or
- b. The portfolio is incomplete and enumerate the items that the portfolio must address in order for the portfolio to be complete;

(34) An applicant shall adhere to Ed 505.09(b) and (c) for completing a portfolio submission in accordance with Ed 505.09(e)(23)b. above;

(45) Upon determination by the department that the portfolio is complete, the department shall appoint a review board consisting of one member of the department and 3 members who hold a current experienced educator license in the area of endorsement in which the applicant is seeking to obtain a license;

(56) *If, within 60 days of determination of a complete portfolio, in an effort to complete a timely oral board review, if the department is unable to establish a review board, as outlined in (4) above, within 60 days of such determination the department shall be authorized to establish a review board consisting of department staff or licensed educators as described in (2) above.*

(67) The review board shall review the applicant's application, including documentation that the applicant meets the required competencies in the area of endorsement and, at the oral board review, ask the applicant questions based upon the materials submitted;

(78) The review board shall make a written recommendation to the department, based upon its evaluation of the quality of the applicant's documentation of meeting the required competencies in the area of endorsement, after considering:

- a. The materials submitted to provide the documentation; and
- b. The applicant's oral responses to the board's questions regarding the documentation;

(89) Within 30 days of the conclusion and recommendation of the oral board interview, the department shall issue a decision in writing stating the reasons for the decision under (7) above along with, if applicable, a beginning educator license or additional endorsement; and

(910) An applicant may appeal a decision made by the department to deny an application for a credential under this part pursuant to Ed 200.

(f) For applications pursuant to Ed 505.07(b)(13), the process for establishing a ~~site-based licensing plan~~ **SBLP** for an intern authorization credential resulting in full beginning educator licensure or additional endorsement shall be as follows:

(1) The ~~candidate~~ **SOE credential holder** and assigned mentor pursuant to Ed 505.05(d) shall download and complete the ~~site-based licensing plan~~ **SBLP** materials on the department website;

(2) The ~~site-based licensing plan~~ **SBLP** shall be developed collaboratively and agreed to by the ~~candidate~~ **SOE credential holder**, the mentor, and the ~~superintendent or head of school~~ **senior educational official**;

(3) Within 60 days of the ~~candidate's~~ **SOE credential holder's** first day of employment in the ~~role of the endorsement of the plan~~ **pursuant to Ed 505.05(c)**, the ~~superintendent or head of school~~ **senior educational official** shall upload the completed, approved, and signed ~~site-based licensing plan~~ **SBLP** into the department's educator information system;

(4) Within 180 days of the first day of employment pursuant to Ed 505.05(c), the SOE credential holder shall be credentialed under an intern authorization following the procedures outlined in (5) through (25) below;

(45) Within 5 business days of the upload specified in (3) above, the candidate shall complete and file an "Intern Authorization Application – Site-Based Licensing Plan" form, ~~August 2019~~ **January 2020**, along with the appropriate fee pursuant to Ed 505.08;

(56) The department shall review the plan to ensure all of the following are included:

a. An assessment of the competencies of the applicant as enumerated in Ed 505.03, if applicable, and the endorsement area enumerated in Ed 506, Ed 507, or Ed 508 as applicable, based on the endorsement sought;

b. A plan that includes the competency to be acquired, the projected completion date, and the evidence to be provided upon completion which ~~are~~ **is** directly related to, and substantiates meeting, the competency within the period of the plan;

c. Activities that will be undertaken to acquire the competencies in b. above, which shall include, but not be limited to:

(i) Additional coursework;

(ii) On the job training; and

(iii) Professional development; and

ed. A signature page which certifies that the plan was developed collaboratively and agreed to by the applicant, the mentor, and the ~~superintendent or head of school~~ **senior educational official**;

(67) ~~The department shall, w~~ **Within 30 days of receipt of an "Intern Authorization Application – Site-Based Licensing Plan" form, ~~August 2019~~ January 2020, the department shall** notify the applicant that either:

a. The plan is complete and pending evaluation; or

b. The plan is incomplete and enumerate the items that the applicant must address in order for the application to be complete;

(78) An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (67)b. above within ~~30~~**15** days of receipt of the notification and the department shall respond within 10 business days in accordance with (67)a. or b. above;

(89) If, within 30 days of receipt of *an initial* notification of an incomplete application pursuant to (67)b. above, the department does not receive the enumerated items pursuant to (67)b. above, the application will be closed and the applicant must start over with a new application, to include all fees in accordance with the fee schedule outlined in Ed 5085.068;

(910) Within ~~60~~**30** days of the department's notification under (f)(6)a., or an applicant's response and department's notification under (f)(7), that the plan submission is complete, *receipt of a complete application* the department shall send written notification to the ~~superintendent~~ *senior educational official* and the applicant of either:

a. Approval in the form of an intern authorization in the endorsement area for which the applicant applied, if the department determines that:

1. The assessment of the competencies of the applicant meet the requirements as enumerated in Ed 505.03, and the endorsement area enumerated in Ed 506, Ed 507, or Ed 508 as applicable based on the endorsement sought;

2. The plan, including the competency to be acquired, the activity to be undertaken, the projected completion date, and the evidence to be provided upon completion, are directly related to and will substantiate meeting the competency within the period of the plan; and

3. The plan was developed collaboratively and agreed to by the applicant, the mentor, and the ~~superintendent or head of school~~ *senior educational official*; or

b. ~~A Denial after a~~ determination that the plan does not meet the requirements ~~and requests a plan revision pursuant to the timeline outlined in Ed 505.09(f)(9)a. 1. through 3. A~~above;

(101) ~~An applicant shall respond to a notification of a plan revision in accordance with Ed 505.09(f)(7) and (8) above~~ *A SOE credential holder in receipt of a denial pursuant to (10)b. above may reapply for an intern authorization, to include the fee in accordance with the fee schedule outlined in Ed 505.08, under the following circumstances:*

a. The 180-day time period in (4) above has not lapsed and will not lapse during the new application period; and

b. The SOE credential holder shall not apply for an intern authorization more than twice per endorsement;

(112) Upon approval of the plan, the department shall grant an intern authorization, valid for up to 3 years from the first date of employment in the endorsement area sought, to coincide with the time period in the plan, limited to no more than twice per endorsement;

(123) A ~~site-based licensing plan~~ **SBLP** shall be canceled, and the intern authorization shall automatically expire, if the applicant fails to attain the skills and knowledge agreed to by the applicant within the time frame specified by the plan;

(134) The department, at the request of the ~~superintendent or head of schools~~ **senior educational official**, may grant an extension to the intern authorization period of not more than one year to accommodate an issue outside of the applicant's control which prevents timely completion of the plan. ~~Such issues shall include~~ **ing**, but not be limited to:

- a. Illness of the applicant or immediate member of the applicant's family; and
- b. Availability of a required course within the timeframe of the plan where no comparable course is available;

(145) The ~~superintendent or head of schools~~ **senior educational official**, in consultation with the mentor, shall file a report at the end of each school year attesting to the applicant's progress toward meeting the requirements of the plan;

(156) Once a completed plan is filed with the department, the applicant may:

- a. Obtain employment in a similar position with another school employer provided that:

- ~~1.~~ The duration for plan completion does not change ~~and~~;

- ~~2.~~ The department is notified in writing of the change in place of employment; and

- ~~3.~~ The plan is revised as follows:

- ~~(i).~~ Approved by the mentor assigned in the new school of employment;

- ~~(ii).~~ Approved by the ~~superintendent or head of schools~~ **senior educational official** in the new school of employment; and

- ~~(iii).~~ Resubmitted to the department for approval pursuant to the timeline outlined in Ed 505.09(f)(6)-(10);

- b. Have an intern authorization deactivated upon loss of employment until such time as the educator gains employment with another employer as described in (15)a. above. The total duration of time employed under an active plan shall not exceed 3 years; ~~limited to no more than twice per endorsement~~;

(16) ~~The superintendent or head of school shall complete and upload to the educator information system (EIS) a final report upon the intern's completion of the approved site-based licensing plan which shall be signed by the intern, the superintendent or head of school and the mentor;~~

(17) Within 5 business days of the upload specified in (16) above, the intern shall complete and file a “Site-Based Licensing Plan Completer” form, ~~August 2019~~ **January 2020** along with the appropriate fee pursuant to Ed 505.08;

(18) The *senior educational official shall complete and upload to the educator information system (EIS) a final report for* department shall review the final report to ensure all of the following ~~attesting to the intern’s completion of the SBLP which shall~~ are included:

- a. A copy of the plan, including the competency to be acquired, the activity to be undertaken, the projected completion date, and the evidence to be provided upon completion;
- b. The evidence of plan completion;
- c. A signature page which certifies that the completed plan was reviewed and approved by the applicant, the mentor, and the ~~superintendent or head of schools~~ **senior educational official**;

(19) The department shall, within 30 days of receipt of an “Site-Based Licensing Plan Upgrade to Full Licensure ~~Completer~~” form, ~~August 2019~~ **January 2020**, notify the applicant that either:

- a. The application is complete and pending evaluation; or
- b. The application is incomplete and enumerate the items that the applicant must address in order for the application to be complete;

(20) An applicant shall respond to a notification ~~of an incomplete application by submission of the requirements enumerated in accordance with (19)b. above~~ within 30 days of receipt of the notification and the department shall respond within 10 business days in accordance with ~~(19)a. or b. above~~ **following the timeline established in (7) and (8) above**;

(21) If, within 30 days of receipt of the department’s initial notification of an incomplete application pursuant to (19)b. above, the department does not receive the enumerated items pursuant to (19)b. above, the intern authorization shall expire in accordance with Ed 509.09(f)(12);

(22) Within 60 days of the department’s ~~notification under (f)(19)a., or an applicant’s response and department’s notification under (f)(20), that the application is~~ **receipt of a** complete “*Site-Based Licensing Plan Completer*” form, **January 2020**, the department shall send written notification to the ~~superintendent~~ **senior educational official** and the applicant of either:

- a. Approval in the form of an intern authorization in the endorsement area for which the applicant applied if the department determines that the final report documents confirm that the intern has met all the competencies and requirements for full licensure; or
- b. A determination that the ~~application if the department determines that~~ **completion documentation**, the final report, **or both**, does not reflect the documentation required by the approved plan to indicate that the candidate has met all of the competencies and

requirements for full licensure and outlines the documentation required to support completion of the plan;

(23) Upon receipt of notification that the department does not approve the application in accordance with (22)b. above, the ~~superintendent or head of school~~ *senior educational official* shall, within 10 business days, upload the required documentation to support completion of the plan or the intern authorization shall expire in accordance with Ed 509.09(f)(12);

(25) Applicants shall receive a beginning educator license or added endorsement on an existing license after approval by the department pursuant to (22)a. above.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 505.01	RSA 21-N:9, II(s)
Ed 505.02 - 505.03	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.04	RSA 21-N:9, II(s); RSA 186:11, X(a); RSA 186:8, IV
Ed 505.05 - Ed 505.06	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.07	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.08	RSA 186:11, X(a) and (b); RSA 200:29
Ed 505.09	RSA 186:11, X(a) ; RSA 541-A:29

NOV 14 2019

RULEMAKING NOTICE FORM

12/31

Notice Number 2019-205

Rule Number Ed 505

1. Agency Name & Address:
State Board of Education
c/o NH Department of Education
101 Pleasant Street
Concord, NH 03301

2. RSA Authority: RSA 21-N:9, II(s);
RSA 186:11, X

3. Federal Authority:

4. Type of Action:
Adoption
Amendment
Repeal
Readoption
Readoption w/amendment X

5. Short Title: How to Obtain a New Hampshire Educator License

6. (a) Summary of what the rule says and of any proposed amendments:

Part Ed 505 "Qualifying Methods for Obtaining a Teaching Credential" is amended to read "How to Obtain a New Hampshire Educator License". The types of educator licenses, pathways to licensure, and the fees and how to apply for each pathway are included in these rules. The existing Ed 505.01 through Ed 505.05 are interim rules scheduled to expire on 4-8-20.

Ed 505.01 Basic Academic Skills and Subject Area Assessment: Ed 514.01 is being readopted with amendment as Ed 505.01. In the current rules, this rule is located in the last part of Chapter Ed 500, even though before a person can apply for any credential or license he or she must pass the appropriate skills assessment tests. This amendment and move makes it clear that before obtaining any credential certain applicants are required to pass specific tests. This amendment also combines expired Ed 514.02 on validation studies into Ed 505.01.

Ed 505.02 General Education and Ed 505.03 Professional Education Requirements: Ed 505.06, General Education Requirements, is being readopted with amendment and renumbered as Ed 505.02. Ed 505.07, Professional Education Requirements, is being readopted with amendment and renumbered as Ed 505.03.

Ed 505.04 Approved Educator Preparation Program: Ed 505.01 on Alternative 1: Approved Program in New Hampshire and Ed 505.02 on Alternative 2: States Other than NH are being readopted with amendment as Ed 505.04 in order to combine the eligibility requirements of an applicant who completed an educator preparation program whether it was completed in New Hampshire or in another state.

The amendments still delineate between an in-state and out-of-state program, but reflects that both are a direct path to licensure with a recommendation from the program.

The current rules do not reflect an expiration of a recommendation from a program. The amendments add an expiration of 3 years to both the in-state recommendation and the out-of-state recommendation. This is being proposed because of applications received in the Bureau of Credentialing for a license where the recommendation from the educator preparation program is 10 or more years old, and in that time the rules for that license's minimum qualifications

have changed, and the applicant has not been doing any professional development for license maintenance because the applicant never applied for a license.

Ed 505.05 Site-Based Licensing Plan (SBLP): Ed 505.04, Alternative 4: Individualized Professional Development Plan (Restricted), and Ed 505.05, Site-Based Certification Plan, are being readopted with amendment as Ed 505.05. In the current rules, the two rules accomplish the same result using an intern authorization. The difference in the two is the amount of time allowed on an intern license and who could qualify for each pathway. The current Ed 505.04 is for applicants for any endorsement on the critical shortage list. The current Ed 505.05 is available in elementary and secondary teaching areas, excluding career and technical specialty certification, and special education.

The amendment outlines in Ed 505.05(a) the minimum qualifications and in Ed 505.05(b) who qualifies for this method, which include a description of the qualifications for a statement of eligibility. The current rules only mention a statement of eligibility (SOE) and the current rules do not have an expiration date for an SOE. This proposal adds an expiration of 3 years to an SOE.

The minimum grade point average requirement of the current Alternative 5 pathway is removed with this amendment. Instead, endorsements that require content courses are outlined in Ed 505.05(b)(5)-(9).

Ed 505.06 Demonstrated Competencies Ed 505.03, Alternative 3: Demonstrated Competencies and Equivalent, is being readopted with amendment as Ed 505.06. This rule contains all of the methods of demonstrated competencies from the current rule, but has been amended to only include who qualifies for this pathway. The current rules contain application process information such as the process for establishing an oral board review or the process for establishing a site-based licensing plan. This proposal moves the application process information to the rules specific to the application process. In the current rules the application process begins in Ed 508, after all of the rules for each specific endorsement area. This proposal places the application instructions in Ed 505 for “How to Obtain a New Hampshire Educator License”.

Ed 505.07 General Application Instructions: Ed 508.01 Application – Generally, is being readopted with amendment as Ed 505.07, General Application Instructions and addresses violations of rulemaking requirements pursuant to RSA 541-A:19-b Adoption of Form,s. Our current rules refer to five application forms, which are actually all the same form, while, in practice, the Bureau of Credentialing has several more required forms that are not mentioned in rule.

Our current application rules specify, as mentioned above, five application forms, but do not incorporate them by reference in the rule. Instead each rule includes all of the information required on the form which means we have five separate rules that all say the same thing. In this proposal Ed 505.07(b) incorporates by reference each of the 14 different application forms used by the Bureau of Credentialing.

Ed 505.08 Fees: Ed 508.06, Fees, is being readopted with amendment as Ed 505.08 with the same title. The rule has been amended to allow payment by money order, cashier’s check, or school employer check in order to avoid the process of insufficient fund notifications. Currently, if an applicant pays a fee with a personal check, the Bureau does not receive notification of insufficient funds until after the credential has been issued, which causes the Bureau to have to suspend the credential until payment is made.

Additionally, the fee table has been updated as follows:

- All \$130 licensing fees have been reduced to \$120.
- Site-based licensing plan fees have been broken up into 3 separate payments. \$50 is paid for the statement of eligibility, \$120 is paid to initiate the plan with an intern authorization, and \$120 is paid to upgrade from an intern authorization to a full license (which is the same for a renewal of a current license).
- Demonstrated competencies portfolio/oral board fees are broken up into 3 separate payments. \$50 is paid in order to be evaluated for qualifying for this licensure method, \$500 is paid for a review of the portfolio and the oral board interview, and \$120 is paid upon approval in order to receive a beginning or experienced educator license. In the current rules there are no fees listed for this pathway.
- Demonstrated competencies national/regional exam/licensure BEL/EEL has a fee of \$120, the standard license and renewal fee, down from \$300 being that it is a transfer of an already recognized license.
- Demonstrated competencies transcript analysis BEL/EEL fee is \$500. The current rule does not list a fee for this service.
- Demonstrated competencies experience under out of state license BEL/EEL has a fee of \$120. This is the same as the current rule, but is delineated as a separate item.
- Endorsement – Add to BEC or EEC has been removed and is now considered a regular application for \$120. Upon renewal, there is no cost for each separate endorsement.
- Master teacher – national level is reduced from \$250 to \$120, the same as any other full license application.
- Paraeducator fees are reduced from \$25 to \$10.
- Educational interpreter/transliterators fees are reduced from \$130 to \$25 as they are now recognized as a separate license and not included as a BEL/EEL.
- Added a \$50 fee for a Name Change and a \$25 fee for a Credential Verification Letter as currently there is not a fee for this service.
- Removed the fee for duplicate certificate since the credential holder can now print the license on their own.

Ed 505.09 Applicant, Employer, and Mentor Responsibilities for Timely Review and Processing by the Department: Ed 508.02, Application Form: Alternative 1, Ed 508.03, Application Form: Alternative 2-5, Ed 508.04, Application Form: Superintendent, Assistant Superintendent, Principal Instructional Leader; Associate Principal, and Ed 508.05, Application Form: Business Administrator, are being readopted with amendment and renumbered as Ed 505.09, Applicant, Employer, and Mentor Responsibilities for Timely Review and Processing by the Department which includes the application procedures and timelines required by RSA 541-A:29. Ed 508.02 through Ed 508.05 were, in essence, the same rule repeated four times with a different heading. The references to those application forms are contained in Ed 505.07 and these rules are amended to reflect the application process to include the requirements of RSA 541-A:29.

This rule outlines specific procedures for oral board reviews and site-based licensing plans. For applications for oral board reviews, the application will require that an applicant waive the timeline outlined in RSA 541-A:29 because establishing an oral board and conducting the review takes longer than the required 60 days. This is allowed under RSA 541-A:29, IV as an extension “upon written agreement of the applicant”. If the applicant does not agree to this extension of the timeframe, the applicant will need to select a different pathway to licensure. Significant changes to the current process include:

- Applicants are required to respond to a notification of an incomplete application by submission of the missing items within 30 days of the notification or the application will be closed and the applicant shall be required to begin a new application, to include all of the fees. Currently there is no specified timeline for a response to an incomplete application and applications are sitting in the queue for months with no action. This process is outlined in Ed 505.09(a) through Ed 505.09(c) in this proposal.

- Ed 505.09(d) outlines the process for any application pursuant to Ed 505.07(b)(1)-(11). These are applications such as an educator preparation program completer, school nurse, paraeducator, etc. which do not require any additional materials or evaluation. In these applications, the applicant either meets all the qualifications for the license or the applicant does not. In some cases, mostly out-of-state transfers, a conditional approval may be required because, for example, all of the qualifications are met except the testing requirement. The Bureau can issue a conditional approval not to exceed 120 days to allow for that applicant to take the required exam.

- Ed 505.09(e) outlines the process for a portfolio and oral board review. Timelines for applicants and the Department are established in this process. In addition, Ed 505.09(e)(5) allows the Department to establish a review board outside of the requirements in Ed 505.09(e)(4) for situations where there are not enough licensed educators to make up a review board.

- Ed 505.09(f) outlines the process for establishing a site-based licensing plan with timelines in accordance with RSA 541-A:29. New to this process is a rule that allows for a one-year extension of a 3-year plan due to extenuating circumstances.

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

Public and chartered public schools and their students, participating non-public schools, licensed educators, and applicants for NH licensure are affected by these rules.

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

Rule	Specific State Statute the Rule Implements
Ed 505.01	RSA 21-N:9, II(s)
Ed 505.02 - 505.03	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.04	RSA 21-N:9, II(s); RSA 186:11, X(a); RSA 186:8, IV
Ed 505.05 - Ed 505.06	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.07	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.08	RSA 186:11, X(a) and (b); RSA 200:29
Ed 505.09	RSA 186:11, X(a) ; RSA 541-A:29

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

Name: **Amanda Phelps**

Title: **Administrative Rules
Coordinator**

Address: **Department of Education
101 Pleasant Street
Concord, NH 03301**

Phone #: **(603) 271-2718**

Fax#: **(603) 271-3830**

E-mail: **amanda.phelps@doe.nh.gov**

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

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8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **December 19, 2019**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **December 12, 2019 at 10:00 a.m.**

Place: **Department of Education, State Board Room, 101 Pleasant St.,
Concord, NH 03301**

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

FIS # 19-191, dated 10/24/19

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

When compared to the existing rules, the proposed rules will have an indeterminable impact on both state restricted revenue and costs to state citizens.

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

No federal mandate, no impact on state funds.

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

These proposed rules are part of large restructuring of Ed 500. These rules include two provisions which will have an impact on state restricted credentialing fund revenue and state citizens, to the extent they seek certain educator licenses:

Fee Schedule (Ed 505.08, Formerly Ed 508.06)

The proposed rules make the following changes to the Bureau of Credentialing fee schedule, with total estimated impact based on FY 2019 actual data:

Description	Fee Amount			Quantity	TOTAL Increase / (Decrease)
	Current	Proposed	Increase / (Decrease)		
Approved Educator Preparation Program BEL/EEL ¹	\$130	\$120	(\$10)	805	(\$8,050)
Site Based Licensing Plan ¹					
Statement of Eligibility	\$50	\$50	\$0	1,263	\$0
Intern Authorization	\$20	\$120	\$100	316	\$31,600
Upgrade to BEL/EEL	\$130	\$120	(\$10)	501	(\$5,010)
Demonstrated Competencies Portfolio/Oral Board ¹					
Materials	\$20	\$50	\$30	29	\$870
Portfolio Review/Oral Board	\$300	\$500	\$200	18	\$3,600
BEL/EEL	\$130	\$120	(\$10)	48	(\$480)
Demonstrated Competencies ¹					
National/Regional exam/licensure BEL/EEL	\$130	\$120	(\$10)	2	(\$20)
Transcript Analysis BEL/EEL	\$300	\$500	\$200	41	\$8,200
Experience under Out of State License BEL/EEL	\$130	\$120	(\$10)	270	(\$2,700)
BEL/EEL/Master Teacher License Renewal ²	\$130	\$120	(\$10)	7,753	(\$77,530)
Master Teacher – National Level ¹	\$130	\$120	(\$10)	0	\$0
Master Teacher – NH Level ¹	\$800	\$800	\$0	0	\$0
Late Renewal Filing Fee (BEL/EEL/Master Teacher only)	\$50	\$50	\$0	0	\$0
Paraeducator I	\$25	\$10	(\$15)	131	(\$1,965)
Paraeducator II	\$25	\$10	(\$15)	96	(\$1,440)
Paraeducator I and II Renewal ²	\$25	\$10	(\$15)	1,064	(\$15,960)
School Nurse I (3 years with one-time renewal)	\$75	\$75	\$0	322	\$0
School Nurse II	\$0	\$0	\$0	0	\$0
School Nurse III	\$75	\$75	\$0	0	\$0
School Nurse I, II, III Renewal ²	\$75	\$75	\$0	122	\$0
Educational Interpreter/Transliterater	\$25	\$25	\$0	4	\$0
Educational Interpreter/Transliterater Renewal ²	\$25	\$25	\$0	3	\$0
Name Change-estimate	\$0	\$50	\$50	750	\$37,500
Credential Verification Letter-estimate	\$0	\$25	\$25	104	\$2,600
Emergency Authorization ¹	\$50	\$120	\$70	78	\$5,460
				TOTAL	(\$23,325)

BEL / ELL – Beginning Educator License / Experienced Educator License

¹ Per Endorsement

² 3-Year Cycle

Statement of Eligibility (Ed 505.05)

The proposed rules change the duration for which a statement of eligibility is valid from non-expiring to three years from issuance. To the extent an individual needs a statement of eligibility beyond three years, they would incur a fee for reissuance.

A. To State general or State special funds:

See 3 above. No impact on state general funds.

B. To State citizens and political subdivisions:

See 3 above. No impact on political subdivisions.

C. To independently owned businesses:

None.

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

Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules provide the requirements for the educator credentialing process which is already in place. The credentialing procedures are self-funded activities of the NH Department of Education from the credentialing fee revenues. Therefore, there is no violation of Part I, Article 28-a.

Note to Agency: Please check all rules cited in the text in the proposal. Some are incorrect.

PART Ed 505 ~~QUALIFYING METHODS FOR OBTAINING A TEACHING CREDENTIAL-HOW TO OBTAIN A NEW HAMPSHIRE EDUCATOR LICENSE~~

Readopt with amendment Ed 514.01, effective 8-9-18 (Document #12602), and renumber as Ed 505.01 to read as follows:

Edit: "(h)" (See (d) below.)

Authority: There does not appear to be authority to use a term other than the one set by statute. See attached RSA 21-N:9, II(s), RSA 186:8, IV and VI, and RSA 186:11, X(a). (Applies throughout.)

Ed 51405.01 ~~Basic Academic Skills and Subject Area Assessment.~~

(a) Except as described in paragraph (b), each candidate seeking ~~an initial teacher certification or instructional specialist license~~ under one of the alternatives listed in Ed 505 ~~pathways listed below~~ shall pass a nationally recognized test of academic proficiency required by paragraph (d) ~~basic academic skills assessment, including, but not limited to, the praxis core academic skills for educators administered by educational testing service (ETS).~~

Edit: caps

(b) A candidate for initial certification in a career and technical education (CTE) specialty area under Ed 505.04 or Ed 505.05 may substitute the following in lieu of a nationally recognized test of academic proficiency required by paragraph (d):

Edit: "board" See Ed 501.02(c). (Here and throughout.)

(1) Three years of full time experience in the area for which certification is sought; and

Unclear: Delete shaded language to clarify that the remainder is the criterion for the Bureau's determination.

(2) Current industry recognized credential approved by the department in a published list of accepted credentials and appropriate to the CTE area in which certification is sought. ~~Each candidate seeking licensure in any endorsement area for which the state board has adopted a subject assessment test cut score shall pass that subject assessment test, or comparable out of state test determined by the bureau, intended to measure the test taker's knowledge of the specific subject area of a concentration in which the test taker seeks an educator license.~~

(c) Each candidate seeking teacher certification in any one of the major areas of concentration in which the state board has established a passing score shall pass a subject assessment test ~~The board may adopt the national cut scores for the praxis core academic skills for educators and all subject assessments in accordance with (a) and (b) above and a list of tests and cut scores shall be maintained on the department website.~~

(d) The test used for the purposes of the basic academic skills assessment under (a) shall be a basic competency test, such as, but not limited to, the Praxis Core Academic Skills for Educators administered by Educational Testing Service, intended to measure the test taker's basic academic skills in the areas of reading, writing, and mathematics. In the area of reading, such a test shall measure reading comprehension and require the test taker to analyze content in a reading selection. In the area of writing, such a test shall measure ability to use grammar and language effectively and to communicate effectively in writing. In the area of mathematics, such a test shall measure a test taker's understanding of key mathematical concepts and ability for problem solving, reasoning, and estimating. ~~The board may request that the department conduct a validation study for any subject assessment before adopting the cut score. Validation studies shall include input from:~~

Unclear/Legis. Intent: The use of "may" to reserve an agency's discretion conflicts with §§ 3.2 and 3.8 of the Manual, and violates RSA 541-A:8. Lack of criteria for discretionary decisions violates RSA 541-A:3 and 22, 1.

Edit: "(e)" Re-letter subsequent paragraphs and any cross-references.

- (1) *The department;*
- (2) *Teacher education institutions; and*
- (3) *New Hampshire teachers with experience as an educator in the test areas.*

(e) The test used for the purposes of the subject assessment under (c) shall be a basic subject assessment test, such as, but not limited to, the subject area assessments administered by Educational Testing Service or Pearson Education, intended to measure the test taker's knowledge of the specific subject area of concentration in which the test taker seeks certification for a beginning teacher. *The entities described in (d)(1)-(3) above shall provide input and recommendations regarding:*

- (1) *Test specifications appropriate for New Hampshire;*
- (2) *Which assessments are appropriate for New Hampshire; and*
- (3) *Passing scores on tests for New Hampshire.*

Edit: comma

Edit: "50th"

(f) The board shall assign ~~accept~~ the following qualifying scores following validation studies conducted in accordance with Ed 514.02, after considering recommendations of the validation studies and qualifying scores set by other states *in lieu of (a) above, performance at or above the fiftieth percentile on a nationally recognized basic academic skills test in the areas of reading, writing, and mathematics, including, but not limited to:*

Edit: hyphen

- (1) ~~Qualifying scores on each of the 3 Praxis Core Academic Skills for Educators assessments, namely, reading, writing, and mathematics~~ *The scholastic aptitude test (SAT) administered by the college board;*
- (2) ~~Performance at or above the fiftieth percentile on a nationally recognized test in the areas of reading, writing, and mathematics such as, but not limited to, the SAT, GRE, or ACT~~ *The graduate record examinations (GRE) administered by ETS; ~~or and~~*
- (3) ~~Qualifying scores on each of the subject assessments in (c)~~ *The ACT administered by ACT.*

Edit: caps

Edit: Delete "paragraph". (Here and subsequently.)

Unclear: Incorrect cite

(g) *A candidate for a career and technical education (CTE) specialty area license may substitute the following in lieu of a nationally recognized test of academic proficiency required by paragraph (d):*

- (1) *Three years of full-time experience in the area for which the license is sought; and*
- (2) *Current industry-recognized credential approved by the department in a published list of accepted credentials appropriate to the CTE area in which a license is sought.*

(gh) Candidates shall be responsible for the actual cost of all assessments.

(hf) A candidate may take a basic academic skills assessment or the subject area assessment as often as they are administered until the candidate passes the assessment.

Readopt with amendment and renumber Ed 505.06 and Ed 505.07, effective 12-17-11 (Document #10046), as Ed 505.02 and Ed 505.03 to read as follows:

Ed 505.062 General Education Certification Requirements. Each applicant who seeks certification *licensure* under Ed 505.045 shall have completed a program providing the following core competencies:

- (a) Content competencies in the following areas necessary for college and workforce success:
 - (1) Language arts;

- (2) Reasoning;
 - (3) Information literacy;
 - (4) Mathematics;
 - (5) Sciences; and
 - (6) Social sciences;
- (b) Creative competencies in the following areas:
- (1) Creative expression;
 - (2) Critical thinking;
 - (3) Innovative and collaborative problem-solving; and
 - (4) Resourcefulness;
- (c) Communication competencies in the following areas:
- (1) Languages;
 - (2) Digital media;
 - (3) Networking; and
 - (4) Content creation technologies; and
- (d) Cultural competencies in the following areas:
- (1) Cultural understanding;
 - (2) Taking responsibility for self and others;
 - (3) Adaptability and resilience;
 - (4) Ability to engage in productive teamwork; and
 - (5) Social and civic engagement.

Ed 505.073 Professional Education Requirements; Alternatives 3, 4, and 5. In addition to the requirements in Ed 505.035 *for site-based licensing plans and Ed 505.06 for demonstrated competencies* for Alternative 3, Ed 505.04 for Alternative 4, and Ed 505.05 for Alternative 5, an *each* applicant for a credential under Alternative 3, 4, or 5 who is not already ~~credentialed~~ *licensed* shall demonstrate evidence of the following *before full licensure is granted*:

- (a) In the area of the learner and learning:

(1) Learner development, as demonstrated by:

- a. An understanding of how learners develop, recognizing that patterns of learning and development vary individually within and across the personal, physical, social, and academic dimensions; and
- b. The ability to facilitate developmentally appropriate and challenging learning experiences based on the unique needs of each learner;

(2) Learning differences, as demonstrated by:

- a. An understanding of individual differences and diverse cultures and communities;
- b. Ensuring inclusive learning environments that allow each learner to reach his or her full potential; and
- c. The ability to employ universal design principles and assistive technology; and

(3) Learning environment, as demonstrated by:

- a. Working with learners to create and access learning environments that support self-directed individual and collaborative learning, based on each learner's interests and passions; and
- b. Use of learning environments not limited to the classroom, but extended into the larger community as well as virtual experiences;

(b) In the area of content:

(1) Content knowledge, as demonstrated by:

- a. An understanding of the central concepts, tools of inquiry, and structure of his or her discipline(s); and
- b. An ability to create learning experiences that make the discipline(s) accessible and meaningful for learners; and

(2) Innovative applications of content, as demonstrated by an understanding of how to connect concepts and use differing perspectives to engage learners in critical and creative thinking and collaborative problem-solving related to authentic local and global issues;

(c) In the area of learning facilitation practice:

(1) Use of assessment, as demonstrated by an understanding and ability to use multiple methods of assessment to:

- a. Engage learners in their own growth;
- b. Document learner progress;
- c. Provide learner feedback; and

d. Inform the educator’s ongoing planning and instructional practices;

(2) Planning for learning facilitation, as demonstrated by an ability, as an active member of a learning community, to draw upon knowledge of content area standards, cross-disciplinary skills, learners, the community, and pedagogy to plan learning experiences that support every learner in meeting rigorous learning goals; and

(3) Learning facilitation strategies, as demonstrated by:

a. An understanding and use of a variety of strategies and tools to encourage learners to develop deep understanding of content areas and their connections to other disciplines; and

b. An ability to build skills in accessing, applying, and communicating information; and

(d) In the area of professional responsibility:

(1) Reflection and continuous growth, as demonstrated by:

a. Being a reflective practitioner and using evidence to continually evaluate his or her practice, particularly the effects of choices and actions on students, families, and other professionals in the learning community; and

b. Ability to adapt practice to meet the needs of each learner; and

(2) Collaboration, as demonstrated by collaborating, as a member of the larger learning community, with learners, families, colleagues, other professionals, and community members to leverage resources that contribute to student growth and development, learning, and well-being.

Readopt with amendment Ed 505.01 and Ed 505.02, effective 10-11-19 (Document #12897, Interim), and renumber as Ed 505.04 to read as follows:

Ed 505.04 ~~Alternative 1: Approved *Educator Preparation Program in New Hampshire*.~~

(a) Individuals shall qualify for a ~~credential~~ ***beginning educator license or added endorsement to an existing license*** pursuant to Ed 504 by completing a ***state*** board approved educator preparation program(s) at a college, university or teacher training institution in New Hampshire in accordance with Ed 600 ***and meeting the requirements of Ed 505.01.***

Edit: hyphen

(b) Upon completion of a ***New Hampshire state*** board approved program in accordance with Ed 600, the applicant shall:

~~(1) Obtain confirmation of completion of the program on the application for certification described in Ed 508.02 by the designated official of the college or university; and~~

be recommended for licensure by the program to the department and such recommendation shall remain valid for no more than 3 years from the date of the recommendation by the institution.

Unclear due to length of the introductory language. Suggest splitting it into 2 paragraphs.

(2) Complete and file the application for certification pursuant to the application procedures of Ed 508.

Edit: "board" ?

Edit: hyphen

(c) *Individuals completing a state approved educator preparation program(s) at a college, university, or teacher training institution in a state other than New Hampshire, whether that state is signatory to the NASDTEC interstate contract or not, shall qualify for a beginning educator license or added endorsement on an existing license by completing a state-approved educator preparation program leading to recommendation by the institution for an educator license in that state, meeting the requirements of Ed 505.01, meeting the and either:*

Unclear as worded.

(1) *Obtaining full licensure in that state in the endorsement area sought providing that such endorsement has not been expired for more than 3 years from the date of application; or*

(2) *Applying for a comparable New Hampshire state board license within three years of the date of recommendation from the institution.*

(e) A current listing of approved programs in New Hampshire shall be kept on file by the bureau.

(d) *Applicants seeking to obtain licensure under this paragraph shall apply to the department pursuant to Ed 505.07 through Ed 505.09.*

~~Ed 505.02 Alternative 2: States Other Than NH. Alternative 2 shall have 2 distinct requirements known as Alternative 2A and 2B, as described below:~~

~~(a) Alternative 2A relative to the National Association of State Directors of Teacher Education and Certification – NASDTEC Interstate Contract shall consist of the following:~~

~~(1) Individuals shall qualify for a beginning or experienced educator credential respectively by:~~

~~a. Completing a program in another state party to the NASDTEC Interstate Contract, which would qualify the applicant for certification as an educator in the other state, including, but not limited to, an alternative certification program, consistent with the terms of the NASDTEC Interstate Contract with New Hampshire; or~~

~~b. Holding an equivalent, valid credential from a state party to the NASDTEC Interstate Contract and having 3 years of educational experience in the last 7 years under a credential from a participating state; and~~

~~(2) Applicants seeking to obtain certification under this paragraph shall apply to the bureau pursuant to Ed 508.~~

~~(b) Alternative 2B relative to a state not signatory to the NASDTEC Interstate Contract shall consist of individuals from a state not a party to the NASDTEC Interstate Contract who qualify for a beginning or experienced educator credential respectively by:~~

~~(1) Completing a program in another state not signatory to the NASDTEC Interstate Contract, which would qualify the applicant for certification as an educator in the other state,~~

including, but not limited to, an alternative certification program, approved by the state department of education in a state not signatory to NASDTEC Interstate Contract;

~~(2) Holding an equivalent, valid credential from a state not signatory to NASDTEC Interstate Contract and having at least 3 years of experience as an educator in the last 7 years under a credential issued by that state.~~

Readopt with amendment Ed 505.04 and Ed 505.05, effective 10-11-19 (Document #12897, Interim), and renumber as Ed 505.05, to read as follows:

Ed 505.045 ~~Alternative 4: Individualized Professional Development Plan (Restricted)~~ Site-Based Licensing Plan.

(a) ~~Alternative 4 shall be a qualifying method for certification limited to the following:~~

~~(1) Applicants recommended for employment under a critical staffing shortage who hold at least a bachelor's degree;~~

~~(2) Applicants recommended for employment in the career and technical specialties pursuant to Ed 507;~~

~~(3) Applicants recommended for employment as business administrators who have not completed the requirements of Ed 506.03; and~~

~~(4) Applicants recommended for employment as a driver education teacher in an approved secondary school program. *Before beginning an application for a site-based licensing plan, a qualified candidate shall be employed as an educator after obtaining a statement of eligibility, valid for 3 years from the date of issuance, from the department as follows:*~~

~~(1) Meeting the entry requirements, including the degree requirement, for a statement of eligibility for a specific endorsement, determined by the department, and published on the department website;~~

~~(2) Meeting the requirements of Ed 505.01;~~

~~(3) Applying for a statement of eligibility following the application procedures outlined in Ed 505.07 through Ed 505.09; and~~

~~(4) Applicants shall be assigned in the role of the endorsement that allows them to learn and demonstrate the professional education standards enumerated in Ed 505.03, if applicable, and the endorsement specific standards enumerated in Ed 506, Ed 507, and Ed 508.~~

Unclear/Legis. Intent: The entry requirements appear to be rules, and must be adopted as such. Allows for oral rulemaking in violation of RSA 541-A:3 and 22, I.

~~(b) An applicant may be employed as an educator after obtaining a statement of eligibility from the bureau while completing an individualized professional development plan. *A site-based licensing plan shall be a qualifying method for licensure limited to the following:*~~

~~(1) Applicants for an endorsement determined by the department to be a critical staffing shortage, published on the department's website, who hold at least a bachelor's degree, or~~

who hold an associate's degree for educational interpreter/transliterators for children and youth ages 3-21;

(2) Applicants for an endorsement in the career and technical specialties pursuant to Ed 507;

Edit: "5"

(3) Applicants for any endorsement for which there is no other available pathway to the license who hold at least a bachelor's degree, or who hold an associate's degree for educational interpreter/transliterators for children and youth ages 3-21;

Edit: "2020"

(4) Applicants for a new endorsement for a period of five years from the effective date of the new rule and who hold at least a bachelor's degree;

Edit: "this"

(5) Applicants for a ~~business~~ administrator ~~or~~ endorsement who have successfully completed at least 4 college-level courses in the endorsement for which they seek a license;

(6) Applicants for a teaching endorsement who have successfully completed at least 4-10 college-level courses in the endorsement area for which they seek a license;

(7) Applicants for elementary K-6 education and early childhood education who have successfully completed at least 2 college-level content courses each in mathematics, English, social studies, and science

Edit: "; and"

(8) Applicants for elementary K-8 education who have successfully completed at least 2 college-level content courses each in mathematics, English, social studies, and science and at least 3 additional college-level content courses for a concentration of coursework in one of those areas.

~~(c) An educator shall be considered for a credential under (a)(1) above only if the bureau has received notification from the superintendent that the applicant has been employed as an educator. Upon employment as an educator under a statement of eligibility, the applicant and the superintendent shall adhere to the application requirements outlined in Ed 505.09(f).~~

Unclear: Appears to be incorrect.

~~(d) The process for establishing an individualized professional development plan shall be as follows:~~

~~(1) The individualized professional development plan shall be based on an assessment of the strengths and weaknesses of the applicant;~~

~~(2) Each plan shall include:~~

~~a. A description of the competencies outlined in Ed 505.06 for general education requirements, in Ed 505.07 for professional education requirements, as appropriate, and in the area in which the applicant seeks certification;~~

~~b. The means by which these competencies shall be attained, demonstrated and evaluated; and~~

~~c. An evaluation of resources to be utilized such as, but not limited to, additional coursework, on the job training, and professional development;~~

~~(3) The plan shall be developed collaboratively and agreed to by:~~

- _____ a. The applicant;
- _____ b. A mentor certified in the same subject area that the applicant will be teaching who shall:
 - _____ 1. Be appointed by the superintendent; and
 - _____ 2. Hold a valid experienced educator credential with the appropriate endorsements in the same subject area in which the applicant is seeking to obtain a credential; and
- _____ c. The superintendent;
- _____ (4) The superintendent shall submit the plan and identify the mentor appointed in accordance with Ed 501.02(m) to the bureau for approval; and
- _____ (5) The bureau shall review the plan to ensure all of the following are included:
 - _____ a. Subject matter content;
 - _____ b. General education requirements as specified in Ed 505.06, if appropriate;
 - _____ c. Professional education requirements as specified in Ed 505.07, if appropriate;
 - _____ d. Performance objectives of educators;
 - _____ e. Evaluation of resources to be utilized such as, but not limited to, additional coursework, on the job training, and professional development; and
 - _____ f. Documentation of how the applicant will overcome weaknesses identified in the assessment process in the applicant's area of endorsement. *Upon employment as an educator under a statement of eligibility, each candidate for this pathway to licensure shall be assigned a mentor, appointed by the superintendent or head of school, who holds a valid experienced educator license with appropriate endorsements in the same subject area in which the candidate is seeking to obtain a license. If a mentor who meets that criteria is not available through the candidate's employer, the superintendent or head of school shall contact the bureau for assistance in obtaining an appropriate mentor.*
- _____ (e) If an assessment of the applicant's background determines that some or all of the education requirements under (d)(5)a. through e. have been completed prior to application, the applicant shall not be required to repeat any requirement already completed.
- _____ (f) Within 30 days of the bureau's determination under (d)(5) that the plan submission is complete, the bureau shall send written notification to the superintendent and the applicant of the bureau's approval of the plan, if the bureau determines that:
 - _____ (1) The subject matter content of the plan is complete;
 - _____ (2) Completion of the plan will assure that the applicant will meet the general education requirements as specified in Ed 505.06, if appropriate;

~~————— (3) The plan contains professional education requirements as specified in Ed 505.07, if appropriate;~~

~~————— (4) The performance objectives specified in the plan are directly related to and substantiate the competency;~~

~~————— (5) The resources to be utilized in the plan are relevant to and support the activity proposed; and~~

~~————— (6) The documentation of how the applicant will overcome weaknesses identified in the assessment process in the applicant's area of endorsement proves that the activity proposed in the plan has been completed as defined in the accepted plan.~~

~~———— (g) The bureau shall send written notification to the superintendent and the applicant that the bureau does not approve the plan, within 30 days of the bureau's determination under (d)(5) that the plan submission is complete, if the bureau determines that a plan does not meet the criteria listed in (f)(1) through (6) above.~~

~~———— (h) An individualized professional development plan shall be canceled if the applicant fails to attain the skills and knowledge agreed to by the applicant within the time frame specified by the plan.~~

~~———— (i) The superintendent shall notify the bureau in writing of the applicant's failure to meet the goals which the applicant agreed to as specified in the plan.~~

~~———— (j) Annual progress reports shall be due at the end of each school year, and a final report shall be due at the end of the school year during which an individualized professional development plan is completed.~~

~~———— (k) The reports required by (j) above shall be filed by the superintendent, in consultation with the mentor, attesting to the applicant's:~~

~~————— (1) Acquisition and demonstration of skills;~~

~~————— (2) Competencies; and~~

~~————— (3) Knowledge of the plan.~~

~~———— (l) The bureau shall grant an intern license for up to 3 years upon initial approval of the plan, to coincide with the time period in the plan.~~

~~———— (m) The applicant shall qualify for a beginning educator or experienced educator credential upon successful completion of the plan during the period of the intern license.~~

~~———— (n) Once a plan is filed with the bureau, the educator may obtain employment in a similar position in another school district provided that:~~

~~————— (1) The bureau is notified in writing of the change in place of employment; and~~

~~————— (2) The revised plan is:~~

- ~~_____ a. Approved by the mentor in the district to which the educator is moving;~~
- ~~_____ b. Signed by the superintendent in the district to which the educator is moving; and~~
- ~~_____ c. Resubmitted to the bureau for approval.~~

~~Ed 505.05 Alternative 5: Site Based Certification Plan.~~

~~_____ (a) The site-based certification plan shall be available in elementary and secondary teaching areas, excluding career and technical specialty certification under Ed 507.03 and special education, for those individuals who qualify under the following specific conditions:~~

~~_____ (1) The applicant shall possess a bachelor's degree from an institution approved by the New Hampshire postsecondary education commission or equivalent regional accrediting agency such as but not limited to the Northeast Regional Association of Schools and Colleges;~~

~~_____ (2) The applicant shall meet one of the following criteria:~~

~~_____ a. For secondary education, the applicant shall possess at least 30 credit hours in the subject to be taught and an overall grade point average of at least 2.5, or equivalent; or~~

~~_____ b. For elementary education, applicants shall have successfully completed courses in mathematics, English, social studies, and science with an overall grade point average of at least 2.5, or equivalent; or~~

~~_____ c. For computer science education, applicants shall:~~

~~_____ 1. Possess at least 30 credit hours in the subject to be taught and an overall grade point average of at least 2.5; or~~

~~_____ 2. Have a current computer science major assignment, as determined by the bureau of credentialing, during or after the 2014/2015 school year and prior to June 30, 2019, and have applied for a computer science education credential during that time period;~~

~~_____ (3) An individual who fails to meet the grade point average requirement shall still qualify for the site-based certification plan provided that:~~

~~_____ a. All other requirements are met;~~

~~_____ b. Collegiate graduation occurred more than 5 years prior to application for the site-based plan; and~~

~~_____ c. Occupational experience totaling 5 years directly related to the area to be taught is documented; and~~

~~_____ (4) Documentation of experience under (a)(3)c. above shall include, but not be limited to:~~

~~_____ a. Letters from previous employers;~~

~~_____ b. Employment contracts; or~~

~~_____ c. Letters of commendation and recommendations from parties knowledgeable about the applicant's background and experience.~~

~~_____ (b) The bureau shall issue a statement of eligibility to an applicant who meets the requirements of (a)(1)-(4) above.~~

~~_____ (c) An applicant may be employed as an educator after obtaining an Alternative 5 statement of eligibility from the bureau while completing a site-based certification plan.~~

~~_____ (d) The process for establishing a site-based certification plan shall be as follows:~~

~~_____ (1) The site-based certification plan shall be based on an assessment of the strengths and weaknesses of the applicant;~~

~~_____ (2) Each plan shall include:~~

~~_____ a. A description of the competencies outlined in Ed 505.07 for professional education requirements, as appropriate, and in the area in which the applicant seeks certification;~~

~~_____ b. The means by which these competencies shall be attained, demonstrated and evaluated; and~~

~~_____ c. An evaluation of resources to be utilized such as, but not limited to, additional coursework, on the job training, and professional development; and~~

~~_____ (3) The plan shall be developed collaboratively and agreed to by:~~

~~_____ a. The applicant;~~

~~_____ b. A mentor certified in the same subject area that the applicant will be teaching who shall:~~

~~_____ 1. Be appointed by the superintendent; and~~

~~_____ 2. Hold a valid experienced educator credential with the appropriate endorsements in the same subject area in which the applicant is seeking to obtain a credential; and~~

~~_____ c. The superintendent.~~

~~_____ (e) The applicant's site-based certification plan shall:~~

~~_____ (1) Require that the applicant meet the professional education competencies outlined in Ed 505.07, if the applicant is not currently certified in New Hampshire;~~

~~_____ (2) Require that the applicant meet the competencies required in the area in which the applicant is teaching; and~~

~~_____ (3) Contain a description of how the applicant plans to meet these competencies.~~

~~— (f) If an assessment of the applicant's background determines that some or all of this study has been completed prior to employment the applicant shall not be required to repeat any requirement already completed.~~

~~— (g) The superintendent shall file with the bureau:~~

~~— (1) A copy of the completed site-based certification plan; and~~

~~— (2) A description of the applicant's teaching assignment.~~

~~— (h) When the district submits the site-based certification plan, the bureau shall issue an intern license to the applicant, after the applicant has paid the required fee under Ed 508.06(e). An intern license shall be issued for up to 2 years to coincide with the time period in the plan.~~

~~— (i) The site-based certification plan shall be completed during the period of the intern license.~~

~~— (j) The site-based certification plan shall be developed and filed with the bureau by the end of the school year. The plan may be modified by those responsible for the work of the applicant, but any modifications shall be filed with the bureau.~~

~~— (k) Upon completion of the site-based certification plan, the superintendent shall submit a statement to the bureau verifying that all portions of the plan have been implemented by the district and satisfactorily completed by the applicant. This statement shall include a recommendation for certification.~~

~~— (l) A positive recommendation shall not obligate a school district to continue the employment of an applicant.~~

~~— (m) Failure by a candidate to complete the site-based certification plan shall result in a negative certification recommendation by the superintendent.~~

~~— (n) Upon successful completion of the site-based certification plan and the superintendent's positive recommendation, the bureau, according to the requirements of RSA 21-N:7, I, shall issue the credential with the endorsement sought by the applicant.~~

~~— (o) Once a plan is filed with the bureau, the educator may obtain employment in a similar position in another school district provided that:~~

~~— (1) The bureau is notified in writing of the change in place of employment; and~~

~~— (2) The revised plan is:~~

~~— a. Approved by the mentor in the district to which the educator is moving;~~

~~— b. Signed by the superintendent in the district to which the educator is moving; and~~

~~— c. Resubmitted to the bureau for approval.~~

Readopt with amendment and renumber Ed 505.03, effective 10-11-19 (Document #12897, Interim), as Ed 505.06 to read as follows:

Ed 505.036 ~~Alternative 3: Demonstrated Competencies and Equivalent~~ ***Demonstrated Competencies***. Applicants who qualify under any of the following demonstrated competency pathways shall meet the requirements of Ed 505.01 and Ed 505.03, as applicable, and apply for the pathway following the procedures outlined in Ed 505.07 through Ed 505.09. ← Edit: colon

~~(a) Alternative 3A relative to demonstrated competencies and equivalent experiences shall require:~~

- ~~(1) An applicant for a credential to have acquired competencies, skills and knowledge through means other than Ed 505.01 or Ed 505.02;~~
- ~~(2) An applicant to hold a bachelor's degree prior to submitting documentation that the applicant meets the required competencies;~~
- ~~(3) An applicant to have at least 3 months of full-time continuous experience as an educator in the area of endorsement; and~~
- ~~(4) Three parts, a written application, submission of documentation that the applicant meets the required competencies in the area of endorsement, and an oral interview process as described below:~~
 - ~~a. Individuals seeking a credential through this section shall submit to the bureau:~~
 - ~~1. A completed application form required by Ed 508.03;~~
 - ~~2. Documentation that the applicant meets the required competencies, which may include, depending on the area of endorsement, documentation in the following forms:
 - ~~(i) Written materials;~~
 - ~~(ii) Videotapes;~~
 - ~~(iii) Audiotapes; and~~
 - ~~(iv) Art portfolio;~~~~
 - ~~3. Official college or university transcript(s); and~~
 - ~~4. A letter from the employer verifying that the applicant has completed at least 3 months full-time experience in the area of endorsement for which a credential is sought;~~
 - ~~b. Upon receipt of the materials listed in (4) requesting processing pursuant to Ed 505.03, the bureau shall evaluate the materials to determine if the applicant qualifies for this application method by:~~
 - ~~1. Reviewing the materials to determine if the application is complete; and~~
 - ~~2. Notifying the applicant if any additional information is needed to complete the application process;~~

~~c. If the bureau determines that an individual does not qualify under this method, the bureau shall:~~

- ~~1. Notify the individual in writing within 15 days of its decision;~~
- ~~2. Provide the reasons for the determination, which shall include a written explanation stating why the materials the applicant has submitted are not acceptable and how they can be corrected; and~~
- ~~3. Recommend another appropriate application method if one is available;~~

~~d. Upon the determination by the bureau that the application is complete and qualifies under this method, the applicant shall attend a meeting with the review board;~~

~~e. At the meeting with the review board under d. above, the board shall review the applicant's application, including the written application, transcript(s), and documentation that the applicant meets the required competencies in the area of endorsement and ask the applicant questions based upon the materials submitted;~~

~~f. The review board shall make a written recommendation to the administrator, based upon:~~

- ~~1. Its evaluation of the applicant's written application;~~
- ~~2. Its evaluation of the quality of the applicant's documentation of meeting the required competencies in the area of endorsement, after considering:
 - ~~(i) The materials submitted to provide the documentation; and~~
 - ~~(ii) The applicant's oral responses to the board's questions regarding the documentation;~~~~
- ~~3. Whether the applicant's college or university transcript(s) demonstrates sufficient mastery of the subject matter for which the applicant seeks to be credentialed; and~~
- ~~4. Whether or not the bureau has received the letter verifying experience as required under Ed 505.03(a)(4)a.4.;~~

~~g. After reviewing the review board's written recommendation and the applicant's application and portfolio, the administrator shall:~~

- ~~1. Grant certification if the administrator determines that the applicant meets the education and experience requirements of Ed 504.031(d); or~~
- ~~2. Deny certification if the administrator determines that the applicant does not meet the education and experience requirements of Ed 504.031(d);~~

~~h. The administrator shall issue a decision in writing stating the reasons for the administrator's decision under g. above; and~~

- ~~_____ i. An applicant may appeal a decision made by the administrator to deny an application for a credential under this part pursuant to Ed 200.~~
- ~~_____ (b) The oral interview review board shall be appointed by the bureau as follows:
 - ~~_____ (1) The review board shall consist of a member of the department and 2 other members; and~~
 - ~~_____ (2) The 2 members who are not department employees shall:
 - ~~_____ a. Hold valid credentials as experienced educators in the area of endorsement; and~~
 - ~~_____ b. Be employed in the subject area in which the applicant is seeking to obtain a credential.~~~~~~
- ~~_____ (c) The department shall pay a stipend for each member on the oral interview review board who is not a department employee. The stipend may be paid to the member or used by the school district where the member is employed to pay for a substitute teacher for the member while the member is serving on the review board.~~
- ~~_____ (d) Alternative 3B relative to demonstrated competencies and equivalent experiences, national or regional examination, shall consist of the following:
 - ~~_____ (1) Individuals shall be eligible for a New Hampshire credential who possess:
 - ~~_____ a. A national level or regional certification which has been validated in the individual's endorsement area achieved by passing a national or regional examination designed to assess the individual's skills in the area in which the individual seeks certification; or~~
 - ~~_____ b. Proof of completion of a specialized program, such as, but not limited to, a bachelor's degree in social work, culminating in a bachelor's degree from a college or university accredited by a recognized national, regional, or state accrediting agency; and~~~~
 - ~~_____ (2) Applicants under this paragraph shall apply for a credential by submitting official documentation as identified in (1) along with an application for certification pursuant to Ed 508.03 to the bureau with the appropriate filing fees and accompanying documentation as required by Ed 508.~~~~
- ~~_____ (e) Alternative 3C, relative to demonstrated competencies and equivalent experiences, shall consist of the following for superintendent, principal, special education administrator, curriculum administrator, business administrator, or career and technical education director:
 - ~~_____ (1) An applicant for certification as a superintendent under this paragraph shall qualify if the bureau determines, using transcript analysis, that he or she meets the requirements specified in Ed 506.01(a)(3);~~
 - ~~_____ (2) An applicant for certification as a principal under this paragraph shall qualify if the bureau determines, using transcript analysis, that he or she meets the requirements specified in Ed 506.04(a)(2)b.2;~~~~

~~(3) An applicant for certification as a special education administrator under this paragraph shall qualify if the bureau determines, using transcript analysis, that he or she meets the requirements specified in Ed 506.07(d);~~

~~(4) An applicant for certification as a curriculum administrator under this paragraph shall qualify if the bureau determines, using transcript analysis, that he or she meets the requirements specified in Ed 506.05 (b)(2)b.2;~~

~~(5) An applicant for certification as a Business Administrator under this paragraph shall qualify if the bureau determines, using transcript analysis, that he or she meets the requirements specified in Ed 506.03(a)(2)a; and~~

~~(6) An applicant for certification as a career and technical education director under this paragraph shall qualify if the bureau determines, using transcript analysis, that he or she meets the requirements specified in Ed 507.01(a)(2)b.2.~~

(a) Applicants for demonstrated competencies through portfolio and oral board reviews shall qualify for a beginning educator license or added endorsement on an existing license as follows:

(1) Holding the minimum degree required for the endorsement area;

(2) Having at least 4 months of continuous full-time or full-time equivalent experience as an educator in the endorsement area;

(3) Documentation of meeting any additional endorsement-specific requirements;

Edit: Use a period as there is no intro language for (a)-(d).

Edit: "and"

(b) Applicants for demonstrated competencies through national or regional licensure shall qualify for a beginning educator license or added endorsement on an existing license by holding the minimum degree requirements for the endorsement sought, meeting any additional endorsement specific requirements and meeting one of the following requirements:

(1) Current national board certification in the area of endorsement from the National Board for Professional Teaching Standards;

(2) A current national license in school psychology (NCSP) by the national association of school psychologists for an endorsement in school psychology; or

(3) A current US department of defense educator license;

Edit: caps

Edit: period

(c) Applicants for an administrator endorsement, as defined in Ed 501.02(a), through demonstrated competencies shall qualify for a beginning educator license or added endorsement on an existing license by holding the minimum degree requirements for the endorsement sought, meeting any additional endorsement specific requirements, and meeting endorsement-specific knowledge and skills competencies as determined by transcript analysis; or

Edit: period

(d) Applicants for demonstrated competencies based on experience under an out-of-state endorsement on a full license shall qualify for a beginning educator license or added endorsement on an existing license by:

(1) Having held a comparable license from a state other than New Hampshire within the last 7 years, verified by the department; and

(2) Having 3 years of educator experience in the last 7 years working in the endorsement area being sought while licensed in that endorsement area, verified by the department.

Readopt with amendment and renumber Ed 508.01, effective 6-15-13 (Document #10363), as Ed 505.07 to read as follows:

Edit: "2"

Ed 508.01 ~~Application~~ General Application Instructions.

(a) Persons interested in holding New Hampshire credential(s) shall apply online or through paper application to the:

Bureau of Credentialing
Division of Program Support
New Hampshire Department of Education
101 Pleasant Street
Concord, NH 03301-3860

<https://my.doe.nh.gov/myNHDOE/Login/Login.aspx>

~~(b) Applications for credentials shall be investigated by the bureau for the purpose of verifying all application materials.~~

~~(c) An applicant shall use the appropriate application form as specified in Ed 508.02 – Ed 508.05.~~

Persons interested in holding a New Hampshire educator credential shall complete and file an application with the bureau either online or by mail as follows:

(1) On the department website; or

*(2) Bureau of Credentialing
Department of Education
101 Pleasant Street
Concord, NH 03301; or*

Unclear: Paragraph (b) requires applicants to complete and file the appropriate forms in (b)(1)-(14). Subparagraphs (b)(1), (9), (13), and (14) state a form name and the words "as outlined in Ed ____," However, the cited rules do not outline the forms. All the other subparagraphs, with the exception of (b)(8), say "pursuant to Ed ____," It is unclear whether that language refers to the forms mentioned in those rules, or if it applies to the particular type of license being sought.

Unclear: What is intended? There is no intro language at the beginning of the section.

(b) Applicants for any credential shall complete and file the appropriate form as follows:

(1) "Statement of Eligibility" form, August 2019 as outlined in Ed 505.05(a);

(2) "Application for Licensure – Educator Preparation Program Completer" form, August 2019, for all applicants seeking initial licensure or additional endorsements as outlined in Ed 505.04;

(3) "Recommended for Renewal Application" form, August 2019, for all New Hampshire licensed educators seeking to renew after recommendation pursuant to Ed 509.01;

(4) "DOE Renewal Application" form, August 2019, for all New Hampshire licensed educators seeking to renew directly to the bureau pursuant to Ed 509.02;

(5) "Application for Emergency Authorization" form, August 2019, for any unlicensed educator employed by a school district pursuant to Ed 504.04;

Edit: Delete.

Unclear: 505.08 only lists the fees, 505.09 has no reference to nurses, and 505.10 does not exist.

(6) *“Paraeducator License Application” form, August 2019, for any applicant seeking a paraeducator license as pursuant to Ed 504.06 and Ed 504.07; and*

(7) *“School Nurse License Application” form, August 2019, for any applicant seeking a school nurse I, II, or III license pursuant to Ed 505.08 through Ed 505.10;*

(8) *“Name Change Request” form, August 2019, for any credential holder seeking a credential issued with an official name change;*

Unclear: 505.10 is not in the proposal or existing rules.

(9) *“Educational Interpreter/Transliterater for Children and Youth ages 3-21” form, August 2019, as outlined in Ed XXX.*

Unclear: Specify the rule.

(10) *“Credential Verification Request” form, August 2019, for any credential holder seeking a verification letter pursuant to Ed 501.02(h);*

Unclear: This is merely a definition.

(11) *“Application for Licensure - Demonstrated Competencies” form, August 2019, for any applicant seeking licensure pursuant to Ed 505.06(b), Ed 505.06(c), and Ed 505.06(d);*

(12) *“Application for Licensure – Portfolio and Oral Board Review” form, August 2019, for all applicants seeking initial licensure pursuant to Ed 505.06(a);*

(13) *“Intern Authorization Application – Site-Based Licensing Plan” form, August 2019, as outlined in Ed 505.05;*

Unclear: 505.05 only goes up to “(c)”.

(14) *“Site-Based Licensing Plan Completer” form, August 2019, as outlined in Ed 505.05(f)(17);*

Unclear: Specifically authorized by law? There is no cite in Appendix I.

(c) *If an applicant provides a social security number on any application form, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI-a.*

(d) *If an applicant chooses to have the department supply an alternative number, the department shall use the teacher number generated by the electronic educator information system and it shall be used as specified in (c) above.*

Edit: “(b)”

(e) *For Ed 505.07(13), if an assessment of an applicant’s background determines that some or all of the education requirements have been completed prior to application, the applicant shall not be required to repeat any requirement already completed.*

(f) *Filing of the completed application, supporting documentation, and application fee shall be the responsibility of the applicant.*

Readopt with amendment and renumber Ed 508.06, effective 11-14-17 (Document #12418), as Ed 505.08 to read as follows:

Ed 508.06 Fees. Fees shall be paid in accordance with the following requirements:

~~— (a) All checks or money orders for bureau of credentialing applications shall be made payable to “Treasurer, State of New Hampshire.” An application shall not be complete until all the application materials including the proper fee have been filed with the bureau.~~

Authority: There appears to be no authority to refuse cash.

(b) ~~An application shall not be complete until all the application materials including the proper fee have been filed with the bureau.~~ **Payments shall be made either electronically at the time of application on the department website or by money order or cashier's check, or school employer check on behalf of applicants, made payable to "Treasurer, State of New Hampshire," to the bureau as outlined in Ed 505.07(a).**

(c) The required educator ~~certification~~ fees shall be in accordance with RSA 186:11, X(b), and the fee schedule set forth in Table 5085-1 below, with the following fees reflecting the actual cost of the service listed:

Table 508-1 Bureau of Credentialing Fee Schedule

SERVICE	Initial Fee	Renewal Fee
Alternative 3B Processing Fee	\$ 300.00	— N/A
Beginner Educator Certificate (BEC)	\$ 130.00	\$ 130.00
Experienced Educator Certificate (EEC)	\$ 130.00	\$ 130.00
Endorsement — Add to BEC or EEC	\$ 20.00 each endorsement	— N/A
Intern License — Alternative 4 (up to 3 years)	\$ 130.00	— N/A
Intern License — Alternative 5 (up to 2 years)	\$ 130.00	— N/A
Master Teacher — National Level Certification	\$ 250.00	\$ 250.00
Master Teacher — All other candidates	\$ 800.00	\$ 250.00
Paraprofessional I and II	\$ 25.00	\$ 25.00
Permission to Employ	\$ 50.00	— N/A
Statement of Eligibility	\$ 50.00 each endorsement	— N/A
School Nurse I — 3 years with one time renewal option	\$ 75.00	\$ 75.00
School Nurse II	\$ 0.00	\$ 75.00
School Nurse III	\$ 75.00	\$ 75.00
Duplicate Certificate	\$ 20.00	— N/A
Late Filing Fee — Renewal of any certificate after 6/30 each year	\$ 50.00	— N/A

Edit: Tables must have the title next to the number and be underlined.

Table 505-1

FEE SCHEDULE	
*All fees are non-refundable and include processing fee.	
Approved Educator Preparation Program BEL/EEL (per endorsement)	\$120.00
Site Based Licensing Plan	
Statement of Eligibility (per endorsement)	\$50.00
Intern Authorization (per endorsement)	\$120.00
Upgrade to BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies Portfolio/Oral Board	
Materials (per endorsement)	\$50.00
Portfolio Review/Oral Board (per endorsement)	\$500.00
BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies National/Regional exam/licensure BEL/EEL (per endorsement)	\$120.00

Demonstrated Competencies Transcript Analysis BEL/EEL (per Administrative endorsement)	\$500.00
Demonstrated Competencies Experience under Out of State License BEL/EEL (per endorsement)	\$120.00
BEL/EEL/Master Teacher License Renewal (3 year cycle)	\$120.00
Master Teacher – National Level (per endorsement)	\$120.00
Master Teacher – NH Level (per endorsement)	\$800.00
Late Renewal Filing Fee (BEL/EEL/Master Teacher only)	\$50.00
Paraeducator I	\$10.00
Paraeducator II	\$10.00
Paraeducator I and II Renewal (3 year cycle)	\$10.00
School Nurse I - 3 years with one time renewal	\$75.00
School Nurse II	\$0.00
School Nurse III	\$75.00
School Nurse I, II, III Renewal (3 year cycle)	\$75.00
Educational Interpreter/Transliterater	\$25.00
Educational Interpreter/Transliterater Renewal (3 year cycle)	\$25.00
Name Change	\$50.00
Credential Verification Letter	\$25.00
Emergency Authorization (per endorsement)	\$120.00
Returned check fee (RSA 6:11-a)	\$15.00 (State Treasurer's fee) \$25.00 (Bureau of Credentialing fee)

Edit: Use consistent format for fees within the table.

Readopt with amendment Ed 508.02 through Ed 508.05, effective 6-15-13 (Document #10362), and renumber as Ed 505.09 to read as follows:

~~Ed 508.02 Application Form: Alternative 1.~~

~~(a) Applicants for a credential qualifying pursuant to Ed 505.01 shall provide the following required information or documents, except where specified as optional, on or with the form titled "Application for Certification, Alternative 1":~~

- ~~(1) Social security number, unless the applicant chooses to have the department supply an alternative number, subject to the provisions of (b) and (c) below;~~
- ~~(2) Date of birth;~~
- ~~(3) Name;~~
- ~~(4) Address;~~
- ~~(5) Sex, which may be specified at the option of the applicant;~~
- ~~(6) Telephone number;~~
- ~~(7) Date of application;~~
- ~~(8) Educational information, including the following:~~

- _____ a. Degree;
- _____ b. Major;
- _____ c. State;
- _____ d. College;
- _____ e. Date degree granted; and
- _____ f. Official transcript (s) with seal and signature for each degree listed;
- _____ (9) Educational employment record for last 7 years including:
 - _____ a. Dates;
 - _____ b. State;
 - _____ c. School district;
 - _____ d. Position;
 - _____ e. Assignment/subject;
 - _____ f. Grade level;
 - _____ g. Credential held;
 - _____ h. Number of years of any public school experience;
 - _____ i. Number of years of any non-public school experience; and
 - _____ j. Copy/copies of any teaching credentials held in other states;
- _____ (10) Whether the applicant ever held a New Hampshire credential and, if so, the year it expired and the name under which it was issued;
- _____ (11) Whether the applicant has ever been convicted of a felony and, if so, an explanation;
- _____ (12) Whether the applicant has ever had a teaching credential revoked or suspended and, if so, an explanation;
- _____ (13) Whether the applicant has ever been subject of an investigation for professional misconduct in New Hampshire, another state, or territory of the United States, or foreign country and, if so, an explanation;
- _____ (14) Identification of ethnic origin, which may be specified at the option of the applicant, including one of the following categories:
 - _____ a. American Indian;

- ~~_____ b. Asian/Pacific;~~
- ~~_____ c. African American/Non-Hispanic;~~
- ~~_____ d. White/Non-Hispanic;~~
- ~~_____ e. Hispanic;~~
- ~~_____ f. Multi-ethnic; and~~
- ~~_____ g. Other/do not wish to specify.~~

~~_____ (b) If an applicant provides a social security number under (a)(1) above, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI a.~~

~~_____ (c) If an applicant chooses to have the department supply an alternative number, the department shall use the teacher number generated by the electronic educator information system and it shall be used as specified in (b).~~

~~_____ (d) The applicant shall request that the designated official of the college/university program certify in accordance with his/her college or university's established format the applicant's successful completion of the program by submitting a letter or electronic communication indicating or including the:~~

- ~~_____ (1) Year of graduation;~~
- ~~_____ (2) Type of program completed;~~
- ~~_____ (3) Field of preparation and code;~~
- ~~_____ (4) College seal;~~
- ~~_____ (5) Actual signature of certifying officer as opposed to rubber stamp if the submission is by letter or, in the case of an electronic communication, an electronic signature; and~~
- ~~_____ (6) Date of certification.~~

~~_____ (e) The applicant shall execute a declaration and verification statement for the application, consistent with the requirements of RSA 189:14 g.~~

~~_____ (f) Filing of the completed application, supporting documentation and filing fee pursuant to Ed 508.06 with the bureau, shall be the responsibility of the applicant.~~

~~_____ Ed 508.03 Application Form: Alternative 2-5.~~

~~_____ (a) Applicants for a credential qualifying under Ed 505.02–Ed 505.05 shall provide the following required information or documents, except where specified as optional, on or with the form titled "Application for Certification; Alternative 2–5";~~

- _____ (1) Social security number, unless the applicant chooses to have the department supply an alternative number, subject to the provisions of (b) and (c) below;
- _____ (2) Date of birth;
- _____ (3) Name;
- _____ (4) Address;
- _____ (5) Sex, which may be specified at the option of the applicant;
- _____ (6) Telephone number;
- _____ (7) Date of application;
- _____ (8) Educational information as follows:
 - _____ a. Degree;
 - _____ b. Major;
 - _____ c. State;
 - _____ d. College;
 - _____ e. Date degree granted; and
 - _____ f. Official transcript(s) with seal and signature for each degree listed.
- _____ (9) Educational employment record for last 7 years including:
 - _____ a. Dates;
 - _____ b. State;
 - _____ c. School district;
 - _____ d. Position;
 - _____ e. Assignment/subject;
 - _____ f. Grade level;
 - _____ g. Credential held;
 - _____ h. Total years of any public school experience;
 - _____ i. Total years of any non-public school experience; and
 - _____ j. Copy/copies of any teaching credentials held in other states.

~~_____ (10) Whether the applicant has ever held a New Hampshire credential and, if so, the year it expired and the name under which it was issued;~~

~~_____ (11) Whether the applicant has ever been convicted of a felony and, if so, an explanation;~~

~~_____ (12) Whether the applicant ever had a teaching credential revoked or suspended and, if so, an explanation;~~

~~_____ (13) Whether the applicant has ever been the subject of an investigation for professional misconduct in New Hampshire, another state, or territory of the United States, or foreign country and, if so, an explanation;~~

~~_____ (14) Identification of ethnic origin, which shall be optional including one of the following categories:~~

~~_____ a. American Indian;~~

~~_____ b. Asian/Pacific;~~

~~_____ c. African American/Non-Hispanic;~~

~~_____ d. White/Non-Hispanic;~~

~~_____ e. Hispanic;~~

~~_____ f. Multi-ethnic; and~~

~~_____ g. Other/do not wish to specify;~~

~~_____ (b) If an applicant provides a social security number under (a)(1) above, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI a.~~

~~_____ (c) If an applicant chooses to have the department supply an alternative number, the department shall use the teacher number generated by the electronic educator information system and it shall be used as specified in (b);~~

~~_____ (d) The applicant shall execute a declaration and verification statement for the application, consistent with the requirements of RSA 189:14 g.~~

~~_____ Ed 508.04 Application Form: Superintendent, Assistant Superintendent, Principal Instructional Leader, Associate Principal.~~

~~_____ (a) Applicants for a credential pursuant to Ed 506.01 shall provide the following required information or documents, except where specified as optional, on or with the form titled "Application for Certification as Superintendent, Assistant Superintendent, Principal Instructional Leader, or Associate Principal":~~

~~_____ (1) Social security number, unless the applicant chooses to have the department supply an alternative number, subject to the provisions of (b) and (c) below;~~

- ~~_____ (2) Date of birth;~~
- ~~_____ (3) Name;~~
- ~~_____ (4) Address;~~
- ~~_____ (5) Sex, which may be specified at the option of the applicant;~~
- ~~_____ (6) Telephone number;~~
- ~~_____ (7) Date of application;~~
- ~~_____ (8) Educational information, including the following:
 - ~~_____ a. Degree;~~
 - ~~_____ b. Major;~~
 - ~~_____ c. State;~~
 - ~~_____ d. College;~~
 - ~~_____ e. Date degree granted; and~~
 - ~~_____ f. Official transcript (s) with seal and signature for each degree listed;~~~~
- ~~_____ (9) Educational employment record for last 7 years including:
 - ~~_____ a. Dates;~~
 - ~~_____ b. State;~~
 - ~~_____ c. School district;~~
 - ~~_____ d. Position;~~
 - ~~_____ e. Assignment/subject;~~
 - ~~_____ f. Grade level;~~
 - ~~_____ g. Credential held;~~
 - ~~_____ h. Number of years of any public school experience;~~
 - ~~_____ i. Number of years of any non-public school experience; and~~
 - ~~_____ j. Copy/copies of any credentials relating to teaching or school administration held in other states;~~~~
- ~~_____ (10) Whether the applicant ever held a New Hampshire credential and, if so, the year it expired and the name under which it was issued;~~

_____ (11) Whether the applicant has ever been convicted of a felony and, if so, an explanation;

_____ (12) Whether the applicant has ever had a teaching or school administrative credential revoked or suspended and, if so, an explanation;

_____ (13) Whether the applicant has ever been subject of an investigation for professional misconduct in New Hampshire, another state, or territory of the United States, or foreign country and, if so, an explanation; and

_____ (14) Identification of ethnic origin, which may be specified at the option of the applicant, including one of the following categories:

_____ a. American Indian;

_____ b. Asian/Pacific;

_____ c. African American/Non-Hispanic;

_____ d. White/Non-Hispanic;

_____ e. Hispanic;

_____ f. Multi-ethnic; and

_____ g. Other/do not wish to specify.

_____ (b) If an applicant provides a social security number under (a)(1) above, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI a.

_____ (c) If an applicant chooses to have the department supply an alternative number, the department shall use the teacher number generated by the electronic educator information system and it shall be used as specified in (b).

_____ (d) The applicant shall request that the designated official of the college/university program to certify in accordance with his/her college or university's established format the applicant's successful completion of an educational administration program by submitting a letter indicating or including the:

_____ (1) Year of graduation;

_____ (2) Type of program completed;

_____ (3) Field of preparation and code;

_____ (4) College seal;

_____ (5) Actual signature of certifying officer as opposed to rubber stamp; and

_____ (6) Date of certification.

~~— (e) The applicant shall execute a notarized signature declaration and verification statement for the application, consistent with the requirements of RSA 189:14-g.~~

~~— (f) Filing of the completed application, supporting documentation and filing fee pursuant to Ed 508.06 with the bureau, shall be the responsibility of the applicant~~

~~Ed 508.05 Application Form: Business Administrator.~~

~~— (a) Applicants for a credential pursuant to Ed 506.01 shall provide the following required information or documents, except where specified as optional, on or with the form titled "Application for Certification as Superintendent, Principal Instructional Leader, or Associate Principal":~~

~~— (1) Social security number, unless the applicant chooses to have the department supply an alternative number, subject to the provisions of (b) and (c) below;~~

~~— (2) Date of birth;~~

~~— (3) Name;~~

~~— (4) Address;~~

~~— (5) Sex, which may be specified at the option of the applicant;~~

~~— (6) Telephone number;~~

~~— (7) Date of application;~~

~~— (8) Educational information, including the following:~~

~~— a. Degree;~~

~~— b. Major;~~

~~— c. State;~~

~~— d. College;~~

~~— e. Date degree granted; and~~

~~— f. Official transcript (s) with seal and signature for each degree listed;~~

~~— (9) Educational or business management employment record for last 7 years including:~~

~~— a. Dates;~~

~~— b. State;~~

~~— c. School district or other employing entity;~~

~~— d. Position;~~

- ~~_____ e. Credential held, if any;~~
- ~~_____ f. Number of years of any public school business management experience;~~
- ~~_____ g. Number of years of any non-public school business management experience;~~
- ~~_____ h. Number of years of any business management experience in other than a school setting; and~~
- ~~_____ i. Copy/copies of any credentials relating to educational management held in other states;~~
- ~~_____ (10) Whether the applicant ever held a New Hampshire educational credential and, if so, the year it expired and the name under which it was issued;~~
- ~~_____ (11) Whether the applicant has ever been convicted of a felony and, if so, an explanation;~~
- ~~_____ (12) Whether the applicant has ever had a teaching or school administrative credential revoked or suspended and, if so, an explanation;~~
- ~~_____ (13) Whether the applicant has ever been subject of an investigation for professional misconduct in New Hampshire, another state, or territory of the United States, or foreign country and, if so, an explanation; and~~
- ~~_____ (14) Identification of ethnic origin, which may be specified at the option of the applicant, including one of the following categories:
 - ~~_____ a. American Indian;~~
 - ~~_____ b. Asian/Pacific;~~
 - ~~_____ c. African American/Non-Hispanic;~~
 - ~~_____ d. White/Non-Hispanic;~~
 - ~~_____ e. Hispanic;~~
 - ~~_____ f. Multi-ethnic; and~~
 - ~~_____ g. Other/do not wish to specify.~~~~
- ~~_____ (b) If an applicant provides a social security number under (a)(1) above, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI a.~~
- ~~_____ (c) If an applicant chooses to have the department supply an alternative number, the department shall use the teacher number generated by the electronic educator information system and it shall be used as specified in (b).~~

~~_____ (d) The applicant shall request that the designated official of the college/university program to certify in accordance with his/her college or university's established format the applicant's successful completion of a business administration program by submitting a letter indicating or including the:~~

- ~~_____ (1) Year of graduation;~~
- ~~_____ (2) Type of program completed;~~
- ~~_____ (3) Field of preparation and code;~~
- ~~_____ (4) College seal;~~
- ~~_____ (5) Actual signature of certifying officer as opposed to rubber stamp; and~~
- ~~_____ (6) Date of certification.~~

~~_____ (e) The applicant shall execute a notarized signature declaration and verification statement for the application, consistent with the requirements of RSA 189:14-g.~~

~~_____ (f) Filing of the completed application, supporting documentation and filing fee pursuant to Ed 508.06 with the bureau, shall be the responsibility of the applicant.~~

Ed 505.09 Applicant, Employer, and Mentor Responsibilities for Timely Review and Processing by the Department.

Edit: "Ed"

(a) Within 30 days of receipt of any application outlined in 505.07(b), the department shall notify the applicant in writing that the application has been received and either:

- (1) The application is complete and pending evaluation; or***
- (2) The application is incomplete and enumerate the items that the applicant must address in order for the application to be complete.***

(b) An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (a)(2) above within 30 days of receipt of the notification and the department shall respond within 10 business days in accordance with (a)(1) or (2) above.

Edit: Insert comma.

Edit: "shall"

(c) If, within 30 days of initial notification of an incomplete application pursuant to (a)(2) above, the department does not receive the enumerated items pursuant to (a)(2) above, the application will be closed and the applicant shall be required to begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08.

Edit: Delete the highlighted words.

(d) For applications outlined in Ed 505.07(b)(1)-(11), within 60 days of the department's notification of a complete application in accordance with (a) and (b) above, the department shall send notification of:

- (1) Approval in the form of the digital credential for which the applicant applied;***
- (2) Denial in writing that outlines the specific reasons for denial, including, but not limited to:***

a. A department confirmed violation of the code of conduct outlined in Ed 510.01 through Ed 510.04; and

b. A determination that the applicant does not meet the requirements for the specified credential; or

Unclear: Much too long for a single sentence.

(3) Conditional approval that outlines the specific areas that the applicant needs to address in order for the bureau to continue a full review of the application, to include an applicant timeline for completing the application requirements, not to exceed 120 days, after which, if the conditional approval does not result in an approval pursuant to (d)(1) above, or the applicant does not complete the application requirements within the timeframe allotted, the application will be closed and the applicant shall be required to begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08.

(e) For applications pursuant to Ed 505.07(b)(12), portfolio and oral board reviews, after notification by the department that the application is complete pursuant to Ed 505.09(a) or (b) the following procedures shall apply:

(1) Within 30 days of receipt of a completed application, if the department determines that an individual:

a. Qualifies under this method, the department shall notify the applicant in writing by providing the applicant with portfolio submission instructions and requirements for oral board scheduling which shall include, but not be limited to:

- 1. Written materials;*
- 2. Videotapes;*
- 3. Audiotapes; and*
- 4. Art portfolio; or*

b. Does not qualify under this method, the department shall notify the individual in writing within 30 days of receipt of the completed application materials and:

- 1. Provide the reasons for the determination, including, but not limited to, the qualifying criteria outlined in Ed 505.06(a)(1) and (2), which shall include a written explanation stating why the materials the applicant has submitted are not acceptable; and*
- 2. Recommend another appropriate application method if one is available;*

(2) Within 30 days of receipt of a portfolio submission and appropriate fee in accordance with the fee schedule outlined in Ed 505.08, the department shall notify the applicant in writing that either:

a. The portfolio is complete and pending oral board scheduling; or

b. The portfolio is incomplete and enumerate the items that the portfolio must address in order for the portfolio to be complete;

(3) An applicant shall adhere to Ed 505.09(b) and (c) for completing a portfolio submission in accordance with Ed 505.09(e)(2)b. above;

Unclear: 3 members of what?

(4) Upon determination by the department that the portfolio is complete, the department shall appoint a review board consisting of one member of the department and 3 members who hold a current experienced educator license in the area of endorsement in which the applicant is seeking to obtain a license;

(5) In an effort to complete a timely oral board review, if the department is unable to establish a review board, as outlined in (4) above, within 60 days of such determination the department shall be authorized to establish a review board consisting of department staff or licensed educators as described in (2) above.

(6) The review board shall review the applicant's application, including documentation that the applicant meets the required competencies in the area of endorsement and, at the oral board review, ask the applicant questions based upon the materials submitted;

(7) The review board shall make a written recommendation to the department, based upon its evaluation of the quality of the applicant's documentation of meeting the required competencies in the area of endorsement, after considering:

a. The materials submitted to provide the documentation; and

b. The applicant's oral responses to the board's questions regarding the documentation;

Unclear/Legis. Intent: Combined with the rest of the application review, this appears to conflict with the 60-day maximum for a decision on an application, as set by RSA 541-A:29.

(8) Within 30 days of the conclusion and recommendation of the oral board interview the department shall issue a decision in writing stating the reasons for the decision under (7) above along with, if applicable, a beginning educator license or additional endorsement; and

(9) An applicant may appeal a decision made by the department to deny an application for a credential under this part pursuant to Ed 200.

Edit: comma

(f) For applications pursuant to Ed 505.07(b)(13) the process for establishing a site-based licensing plan for an intern authorization credential resulting in full beginning educator licensure or additional endorsement shall be as follows:

Unclear: Are (1) and (2) inconsistent?

(1) The candidate and assigned mentor pursuant to Ed 505.05(d) shall download and complete the site-based licensing plan materials on the department website;

(2) The site-based licensing plan shall be developed collaboratively and agreed to by the candidate, the mentor, and the superintendent or head of school;

(3) Within 60 days of the candidate's first day of employment in the role of the endorsement of the plan, the superintendent or head of school shall upload the completed, approved, and signed site-based licensing plan into the department's educator information system;

Unclear/Legis. Intent: If completion involves supplying information, the info to be supplied must be stated in the rules. Otherwise, this rule is unclear and allows for oral rulemaking in violation of RSA 541-A:3 and 22,1.

(4) *Within 5 business days of the upload specified in (3) above, the candidate shall complete and file a “Intern Authorization Application – Site-Based Licensing Plan” form, August 2019, along with the appropriate fee pursuant to Ed 505.08;*

(5) *The department shall review the plan to ensure all of the following are included:*

a. An assessment of the competencies of the applicant as enumerated in Ed 505.03, if applicable, and the endorsement area enumerated in Ed 506, Ed 507, or Ed 508 as applicable based on the endorsement sought;

Edit: Since (f) is a new rule, there should be no strike-through showing deleted language.

b. A plan that includes the competency to be acquired, ~~the activity to be undertaken,~~ the projected completion date, and the evidence to be provided upon completion which are directly related to, and substantiate meeting, the competency within the period of the plan;

c. Activities that will be undertaken to acquire the competencies in b. above, which shall include, but not be limited to:

Edit: If the highlighted language refers to “the evidence”, it should say “which is” and “substantiates”.

(i) Additional coursework;

(ii) On the job training; and

(iii) Professional development; and

Unclear: “d.”

c. A signature page which certifies that the plan was developed collaboratively and agreed to by the applicant, the mentor, and the superintendent or head of school;

(6) *The department shall, within 30 days of receipt of an “Intern Authorization Application – Site-Based Licensing Plan” form, August 2019, notify the applicant that either:*

a. The plan is complete and pending evaluation; or

b. The plan is incomplete and enumerate the items that the applicant must address in order for the application to be complete;

(7) *An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (6)b. above within 30 days of receipt of the notification and the department shall respond within 10 business days in accordance with (6)a. or b. above;*

(8) *If, within 30 days of receipt of notification of an incomplete application pursuant to (6)b. above, the department does not receive the enumerated items pursuant to (6)b. above, the application will be closed and the applicant must start over with a new application, to include all fees in accordance with the fee schedule outlined in Ed 508.06;*

(9) *Within 60 days of the department’s notification under (f)(6)a., or an applicant’s response and department’s notification under (f)(7), that the plan submission is complete, the department shall send written notification to the superintendent and the applicant of either:*

Unclear/Legis. Intent: See comment to (e)(5) and (8) on p. 32.

a. Approval in the form of an intern authorization in the endorsement area for which the applicant applied, if the department determines that:

1. The assessment of the competencies of the applicant meet the requirements as enumerated in Ed 505.03, and the endorsement area enumerated in Ed 506, Ed 507, or Ed 508 as applicable based on the endorsement sought;

2. The plan, including the competency to be acquired, the activity to be undertaken, the projected completion date, and the evidence to be provided upon completion, are directly related to and will substantiate meeting the competency within the period of the plan; and

3. The plan was developed collaboratively and agreed to by the applicant, the mentor, and the superintendent or head of school; or

See comment to (9) above.

b. A determination that the plan does not meet the requirements and requests a plan revision pursuant to the timeline outlined in Ed 505.09(f)(9)a. 1. through 3. above;

(10) An applicant shall respond to a notification of a plan revision in accordance with Ed 505.09(f)(7) and (8) above;

Unclear: What does this reference?

(11) Upon approval of the plan, the department shall grant an intern authorization valid for up to 3 years from the first date of employment in the endorsement area sought, to coincide with the time period in the plan, limited to no more than twice per endorsement;

(12) A site-based licensing plan shall be canceled, and the intern authorization shall automatically expire, if the applicant fails to attain the skills and knowledge agreed to by the applicant within the time frame specified by the plan;

Edit: "shall"

(13) The department, at the request of the superintendent or head of school, may grant an extension to the intern authorization period of not more than one year to accommodate an issue outside of the applicant's control which prevents timely completion of the plan. Such issues shall include, but not be limited to:

Edit: Say ", including", and delete "be."

a. Illness of the applicant or immediate member of the applicant's family; and

b. Availability of a required course within the timeframe of the plan where no comparable course is available;

(14) The superintendent or head of school, in consultation with the mentor, shall file a report at the end of each school year attesting to the applicant's progress toward meeting the requirements of the plan;

(15) Once a completed plan is filed with the department, the applicant may:

a. Obtain employment in a similar position with another school employer provided that the duration for plan completion does not change and:

Edit: semi-colon

Edit: ": 1. The"

Edit: "2."

1. The department is notified in writing of the change in place of employment; and

Edit: "3."

2. *The plan is revised as follows:*

See (5)c. on p. 33.

- i. Approved by the mentor assigned in the new school of employment;*
- ii. Approved by the superintendent or head of school in the new school of employment; and*
- iii. Resubmitted to the department for approval pursuant to the timeline outlined in Ed 505.09(f)(6)-(10);*

Edit: "or"

Unclear: Does not follow from intro of (15). This is a separate requirement and should be in its own subparagraph.

b. Have an intern authorization deactivated upon loss of employment until such time as the educator gains employment with another employer as described in (15)a. above. The total duration of time employed under an active plan shall not exceed 3 years, limited to no more than twice per endorsement;

(16) The superintendent or head of school shall complete and upload to the educator information system (EIS) a final report upon the intern's completion of the approved site-based licensing plan which shall be signed by the intern, the superintendent or head of school and the mentor;

Unclear: What must it contain?

(17) Within 5 business days of the upload specified in (16) above, the intern shall complete and file a "Site-Based Licensing Plan Completer" form, August 2019 along with the appropriate fee pursuant to Ed 505.08;

(18) The department shall review the final report to ensure all of the following are included:

- a. A copy of the plan, including the competency to be acquired, the activity to be undertaken, the projected completion date, and the evidence to be provided upon completion;*
- b. The evidence of plan completion;*
- c. A signature page which certifies that the completed plan was reviewed and approved by the applicant, the mentor, and the superintendent or head of school;*

(19) The department shall, within 30 days of receipt of an "Site-Based Licensing Plan Upgrade to Full Licensure" form, August 2019, notify the applicant that either:

- a. The application is complete and pending evaluation; or*
- b. The application is incomplete and enumerate the items that the applicant must address in order for the application to be complete;*

(20) An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (19)b. above within 30 days of receipt of the notification and the department shall respond within 10 business days in accordance with (19)a. or b. above;

(21) If, within 30 days of receipt of the department’s initial notification of an incomplete application pursuant to (19)b. above, the department does not receive the enumerated items pursuant to (19)b. above, the intern authorization shall expire in accordance with Ed 509.09(f)(12);

Legis. Intent: Combined with (19), above, there is a potential 90-day period. See (9) above.

(22) Within 60 days of the department’s notification under (f)(19)a., or an applicant’s response and department’s notification under (f)(20), that the application is complete, the department shall send written notification to the superintendent and the applicant of either:

a. Approval in the form of an intern authorization in the endorsement area for which the applicant applied if the department determines that the final report documents confirm that the intern has met all the competencies and requirements for full licensure; or

Unclear as worded. Delete highlighted text.

b. A determination that the application if the department determines that the final report does not reflect the documentation required by the approved plan to indicate that the candidate has met all of the competencies and requirements for full licensure and outlines the documentation required to support completion of the plan;

(23) Upon receipt of notification that the department does not approve the application in accordance with (22)b. above, the superintendent or head of school shall, within 10 business days, upload the required documentation to support completion of the plan or the intern authorization shall expire in accordance with Ed 509.09(f)(12);

Edit: "and"

(25) Applicants shall receive a beginning educator license or added endorsement on an existing license after approval by the department pursuant to (22)a. above.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 505.01	RSA 21-N:9, II(s)
Ed 505.02 - 505.03	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.04	RSA 21-N:9, II(s); RSA 186:11, X(a); RSA 186:8, IV
Ed 505.05 - Ed 505.06	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.07	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.08	RSA 186:11, X(a) and (b); RSA 200:29
Ed 505.09	RSA 186:11, X(a) ; RSA 541-A:29

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21-N

DEPARTMENT OF EDUCATION

Section 21-N:9

21-N:9 Rulemaking. –

I. The board of education shall adopt rules, pursuant to RSA 541-A, relative to minimum standards for:

- (a) High schools, as authorized by RSA 186:8.
- (b) Junior high schools, as authorized by RSA 186:8.
- (c) Elementary schools, as authorized by RSA 186:8 and 189:25.

II. The board of education shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The organization of school administrative units.
- (b) The duties of school boards.
- (c) Standards for school building construction.
- (d) School health policies.
- (e) Child benefit services grants.
- (f) Nonpublic school advisory councils.
- (g) Home study.
- (h) Dual enrollment, as authorized by RSA 193:1-b.
- (i) High school equivalency programs, as authorized by RSA 186:61.
- (j) Adult basic education programs, as authorized by RSA 186:61 and 186:62.
- (k) Vocational rehabilitation services, as authorized by RSA 186:6 and 200-C.
- (l) Special education programs affecting all children with disabilities, as authorized by RSA 186-C:5, 186-C:16 and 186-C:18, V.
- (m) Standards for approval of regional career and technical education centers, as authorized by RSA 188-E:3.
- (n) Vocational technical education, as authorized by RSA 186:6.
- (o) Standards for approval of nonpublic schools, as authorized by RSA 186:11, XXIX.
- (p) Qualifications and duties of school superintendents and principals, as authorized by RSA 186:8.
- (q) Qualifications and duties of school administrative unit professional employees, as authorized by RSA 186:8.
- (r) Professional preparation standards and approval of professional preparation programs for educating teachers in post-secondary institutions, as authorized by RSA 186:11, X.
- (s) Certification standards for educational personnel, and educator certification fees for granting credentials to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, speech-language specialists, social workers, health educators, physical education teachers, consumer and family science teachers, elementary teachers, specialists in assessment of intellectual functioning, media supervisors, media generalists, and master teachers as authorized by RSA 186:8 and RSA 186:11, X, professional credentials including beginning educator credentials, experienced educator credentials, and intern licenses, and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.
- (t) Administering the provisions of RSA 193:27 through 193:30 regarding placement of children, as authorized by RSA 193:30.
- (u) Guidelines for uniform evaluation programs among local school districts.
- (v) Administering the literacy education and dropout prevention program established in RSA 189:52-58.
- (w) The exemption of certain students from participation in the statewide education assessment.

- (x) Safe school zones, as provided in RSA 193-D:2.
 - (y) School bus safety, as provided in RSA 189:6-a.
 - (z) Local master plan for staff development and recertification.
 - (aa) Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners, using a variety of methods, materials, and instructional techniques.
 - (bb) Establishing the educational credential of master teacher as provided in RSA 189:14-f.
 - (cc)(1) The establishment and enforcement of a code of ethics and a code of conduct for licensed or certified educational personnel. These professional codes shall include a statement of purpose and standards defining each of the 4 primary principles which are:
 - (A) Responsibility to the education profession and educational professionals.
 - (B) Responsibility to students.
 - (C) Responsibility to the school community.
 - (D) Responsible and ethical use of technology as it relates to students, schools, and other educational professionals.
 - (2) The professional code of ethics and the professional code of conduct shall apply to all teachers, specialists, and administrators who are licensed or certified by the department.
- III. [Repealed.]

Source. 1986, 41:1. 1987, 168:3. 1988, 274:2. 1989, 49:5. 1990, 140:2, X. 1992, 48:5. 1993, 290:1. 1994, 355:1. 1996, 19:3; 271:2. 1998, 174:1, 2; 314:1. 1999, 82:1. 2008, 274:31. 2011, 224:127, eff. July 1, 2011. 2013, 164:7, I, eff. June 28, 2013. 2015, 252:11, eff. July 1, 2015. 2017, 22:1, eff. June 24, 2017. 2019, 258:1, eff. Sept. 17, 2019.

TITLE XV EDUCATION

CHAPTER 186 THE STATE SCHOOL ORGANIZATION

State Board of Education

Section 186:8

186:8 Rulemaking Authority; Standards; Employee Qualifications. –

The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

I. Academic standards for all grades of the public schools.

II. Minimum standards for public school approval for all grades of the public schools.

III. Qualifications and duties for school superintendents, principals, school administrative unit professionals and other public school employees.

IV. Certification standards for educational personnel, including those listed in RSA 21-N:9, II(s), provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, provide for recertification based on another state's procedures if the other state's professional development plan is approved by the New Hampshire department of education.

V. Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners.

VI. Certification standards for advanced teaching credentials, including administering the master teacher credential as provided in RSA 189:14-f.

VII. Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

VIII. Requiring a high school pupil to attain competency in mathematics for each year in which he or she is in high school through graduation to ensure career and college readiness. A pupil may meet this requirement either by satisfactorily completing a minimum of 4 courses in mathematics or by satisfactorily completing a minimum of 3 mathematics courses and one non-mathematics content area course, including, but not limited to, a CTE program under RSA 188-E, in which mathematics knowledge and skills are embedded and applied, as may be approved by the school board. The rules shall be implemented in the 2015-16 school year.

Source. 1919, 106:5. 1921, 35, 1:5. PL 116:8. RL 134:8. 1951, 255:2. RSA 186:8. 1986, 41:7. 1998, 174:3; 314:2. 1999, 224:1. 2003, 204:1. 2014, 119:1. 2016, 84:1, eff. July 18, 2016. 2018, 108:1, eff. July 24, 2018.

TITLE XV EDUCATION

CHAPTER 186 THE STATE SCHOOL ORGANIZATION

State Board of Education

Section 186:11

186:11 Duties of State Board of Education. –

The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

I. [Repealed.]

II. Supervision. Supervise the expenditure of all moneys appropriated for public schools, and inspect all institutions in which or by which such moneys are used.

III. Budget: Information. Prepare a budget for such expenditures, give to the public information as to the educational conditions in different parts of the state and the opportunities open to pupils in the public schools, and all such further information in respect to educational matters as will promote the cause of education. For this purpose it may employ lecturers and publish and distribute books and pamphlets on education and educational subjects.

IV, V. [Repealed.]

VI. School Registers. Prescribe the form of the register to be kept concerning the schools, the form of blanks and inquiries for the returns to be made by the school boards, and seasonably send the same to the clerks of the several cities and towns for the use of the school boards therein.

VII. Public Documents. Keep on file in its office and distribute all state documents in relation to public schools and education.

VIII. District Returns. Preserve in accessible form the returns of school boards and of all other officers required to make returns to the board.

IX. Instruction as to Child Abuse Prevention, Youth Suicide Prevention, Intoxicants, Drugs, HIV/AIDS, and Sexually Transmitted Diseases.

(a) Direct the department to develop academic standards to serve as a guide and reference in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.

(b) Provide information about HIV/AIDS to all public and private schools to facilitate the delivery of appropriate courses and programs.

(c) Review HIV/AIDS curriculum materials to assure relevancy in assisting students to become health-literate citizens and lead longer, healthier lives.

(d) Provide information about youth suicide prevention to all public and private schools to facilitate the delivery of appropriate courses and programs.

(e) Submit a report no later than December 1, 2010, and biennially thereafter, prepared in conjunction with the commissioner of the department of education, to the chairpersons of the house and senate education committees, the house health, human services and elderly affairs committee, and the senate health and human services committee, detailing the state's efforts in fulfilling the policies relating to health education in kindergarten through grade 12 as set forth in subparagraphs (a)-(d).

IX-a. [Repealed.]

IX-b. Health and Sex Education. Require school districts to adopt a policy allowing an exception to a particular unit of health or sex education instruction based on religious objections. Such policy shall include a provision for alternative learning sufficient to enable the child to meet state requirements for health education.

IX-c. Require School Districts to Adopt a Policy Allowing an Exception to Specific Course Material Based on a Parent's or Legal Guardian's Determination that the Material is Objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education. The policy shall address the method of delivering notification to a parent or legal guardian. To the extent practicable, a school district shall make curriculum course materials available to parents or legal guardians for review upon request. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

IX-d. Require School Districts to Adopt a Policy Governing the Administration of Non-academic Surveys or Questionnaires to Students. The policy shall require school districts to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose. The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent of a parent or legal guardian unless the student is an adult or an emancipated minor. The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The policy shall also allow a parent or legal guardian to opt-out of the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

X. Adopt rules, pursuant to RSA 541-A, relative to:

(a) Certification of teachers, supervisors, and administrators in the public schools. The state board shall also examine the qualifications of candidates for those positions and issue certificates to those who meet the requirements of said rules.

(b) Fees to be paid to the commissioner of education for the administration of proficiency exams and other competence evaluations and other related fees including, but not limited to, fees for late filing and duplicate credentials, and for the issuance of educational credentials. These fees must bear a reasonable relationship to the actual costs related to such activities. Funds collected from these fees shall be expended only for purposes of fulfilling the requirements of this paragraph. No portion of the funds collected from these fees shall lapse, nor be used for any other purpose than fulfilling the requirements of this paragraph, nor be transferred to any other appropriation.

(c) Approval of professional preparation programs.

(d) Procedures for the electronic certification of educational credentials.

(e) Establishment and enforcement of a code of ethics and a code of conduct for licensed or certified educational personnel as provided in RSA 21-N:9, II(cc).

XI. [Repealed.]

XII. Vocational Education. Cooperate with the U.S. Department of Education for the purpose of carrying the Carl D. Perkins Vocational Education Act of 1984 and its successor acts into effect insofar as that act relates to this state.

XIII. Education for Persons with Disabilities. Prepare, develop and administer plans to provide educational facilities for persons with disabilities.

XIV. Lectures. Lecture on educational subjects in as many cities and towns in this state as the time occupied by the commissioner's other duties will permit.

XV. Truant Officers. Report frequently to the chairman of the several school boards the relative efficiency of the several truant officers in the state.

XVI. [Repealed.]

XVII. District Contracts. Examine contracts made by districts with academies, high schools and other literary institutions, for the purpose of deciding whether they are calculated to promote the cause of education.

XVIII. School Attendance. Enforce the laws relative to school attendance and the employment of minors; and

for this purpose the board and its deputies are vested with the power given by law to truant officers.

XIX. School Laws. Compile and issue, at the close of each session of the legislature, an edition of the school laws.

XX-XXIV. [Repealed.]

XXV. Assistants. Employ as many supervisors, inspectors, stenographers, accountants, clerks and agents as may be necessary to enable it to perform the duties imposed on it by law.

XXVI. Conferences. Hold conferences from time to time with superintendents, other school administrative unit personnel, principals, and teachers, or their representatives, for the purpose of inspiring mutual cooperation in the carrying on of their work and of unifying educational aims and practices.

XXVII. Programs. Prepare, publish and distribute such school programs, outlines of work and courses of study as will best promote education interests of the state.

XXVIII. Health. Have authority to employ a competent person or persons to examine and care for the health of pupils, subject to the provisions of RSA 200.

XXIX. Adopt rules, pursuant to RSA 541-A, relative to reasonable criteria for approving non-public schools for the purpose of compulsory attendance requirements. The rules may contain criteria for conditional approval as specified by the state board. The state board of education may, upon request, designate which schools meet those criteria, and may, upon the request of a non-public school, approve or disapprove its education program and curriculum.

XXIX-a. Adopt rules pursuant to RSA 541-A, relative to establishing a process for receiving, investigating, and resolving complaints from parents or legal guardians concerning school safety and school violence in nonpublic schools.

XXX. [Repealed.]

XXXI. Driver Education. Establish jointly with the department of safety, teacher qualifications, course content and standards, in connection with the driver education program conducted in secondary schools in this state; and adopt such rules as may be necessary to carry out the program and supervise the driver education program in the secondary schools of the state. Driver education instructors shall not be required to be certified as secondary school teachers. Although authority is shared by the departments of safety and education, those regulations, directions and procedures that have a direct or indirect relationship to a life or safety issue shall rest with the department of safety as the final and ultimate authority.

XXXII. Learning Disability Teacher. Establish the qualifications, conditions and exceptions for providing a learning disability teacher in each school district.

XXXIII. Discrimination. Ensure that there shall be no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, race, creed, color, marital status, national origin, or economic status of the benefits of educational programs or activities.

XXXIV. Missing Child Education Program. Administer the missing child education program as established in RSA 193:31.

XXXV. Certification Standards for the Credential of Master Teacher. Adopt rules creating the educational credential of master teacher based on the provisions of RSA 189:14-f.

XXXVI. Pupil Safety and Violence Prevention. Develop and distribute to school districts a technical assistance advisory for the purpose of providing guidance to school districts on the implementation of pupil safety and violence prevention policies as required under RSA 193-F.

XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

Source. 1919, 106:9. 1921, 85, I:8. PL 116:11. 1929, 145:3. 1939, 8:1. RL 134:11. 1953, 243:1-4. RSA 186:11. 1957, 252:1, 2. 1961, 196:1-3. 1963, 117:2; 147:1; 303:7; 305:1-3. 1965, 199:1; 339:4. 1967, 448:1. 1969, 69:1-3. 1971, 371:4, 5; 443:4. 1973, 140:15; 209:2; 242:1. 1974, 28:1. 1975, 23:1; 207:1; 505:6. 1977, 432:1; 452:6. 1979, 53:1; 459:4, 9, 10. 1981, 318:1. 1985, 318:4. 1986, 41:8-10, 29, II. 1987, 161:1. 1988, 262:7. 1989, 266:37. 1990, 28:1; 140:2, III. 1992, 123:1. 1993, 322:9, I, II. 1996, 298:5, I. 1998, 174:4, 5; 314:3; 389:8, 9. 1999, 157:1. 2000, 190:2. 2003, 39:1; 186:2. 2005, 92:1. 2008, 251:1, 4, 5. 2009, 105:1; 280:1. 2011, 271:1.

2014, 62:1. 2015, 161:6. 2016, 14:1; 84:2. 2017, 9:1, eff. June 16, 2017; 22:2, eff. June 24, 2017; 251:1, eff. Sept. 16, 2017. 2019, 258:2, eff. Sept. 17, 2019.

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:3

541-A:3 Procedure for Adoption of Rules. –

Except for interim or emergency rules, an agency shall adopt a rule by:

- I. Filing a notice of the proposed rule under RSA 541-A:6, including a fiscal impact statement and a statement that the proposed rule does not violate the New Hampshire constitution, part I, article 28-a;
- II. Providing notice to occupational licensees or those who have made timely requests for notice as required by RSA 541-A:6, III;
- III. Filing the text of a proposed rule under RSA 541-A:10;
- IV. Holding a public hearing and receiving comments under RSA 541-A:11;
- V. Filing a final proposal under RSA 541-A:12;
- VI. Responding to the committee when required under RSA 541-A:13; and
- VII. Adopting and filing a final rule under RSA 541-A:14.

Source. 1994, 412:1, eff. Aug. 9, 1994.

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:8

541-A:8 Drafting and Procedure Manual. – Each agency shall conform to a drafting and procedure manual for rules, including agency forms, developed by the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the committee. The director may require any agency to rewrite any rule, including any agency form, submitted for filing to conform to this manual until that rule is adopted and filed under RSA 541-A:14 or RSA 541-A:19 or the form is adopted pursuant to RSA 541-A:19-b.

Source. 1994, 412:1. 2000, 288:8, eff. July 1, 2000. 2015, 234:4, eff. Sept. 11, 2015.

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:22

541-A:22 Validity of Rules. –

I. No agency rule is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

II. Rules shall be valid and binding on persons they affect, and shall have the force of law unless they have expired or have been amended or revised or unless a court of competent jurisdiction determines otherwise. Except as provided by RSA 541-A:13, VI, rules shall be prima facie evidence of the proper interpretation of the matter that they refer to.

III. An agency shall not by rule:

(a) Provide for penalties or fines unless specifically authorized by statute.

(b) Require licensing, as defined in RSA 541-A:1, IX, unless authorized by a law which uses one of the specific terms listed in RSA 541-A:1, VIII.

(c) Require fees unless specifically authorized by a statute enforced or administered by an agency. Specific authorization shall not include the designation of agency fee income in the operating budget when no other statutory authorization exists.

(d) Provide for non-consensual inspections of private property, unless the statute enforced or administered by the agency specifically grants inspection authority.

(e) Delegate its rulemaking authority to anyone other than the agency named in the statute delegating authority.

(f) Adopt rules under another agency's authority.

(g) Expand or limit a statutory definition affecting the scope of who may practice a profession.

(h) Require a submission of a social security number unless mandated by state or federal law.

IV. No agency shall grant waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.

Source. 1994, 412:1. 2003, 309:2, eff. July 1, 2004. 2015, 234:8, eff. Sept. 11, 2015.

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:29

541-A:29 Agency Action on Applications, Petitions and Requests. –

In processing an application, petition, or request, in any matter other than rulemaking or a declaratory ruling, in which a response is specifically addressed to the applicant, petitioner, or requester, the agency shall:

I. Within 30 days of receipt, examine the application, petition, or request, notify the applicant of any apparent errors or omissions, request any additional information that the agency is permitted by law to require, and notify the applicant of the name, official title, address, and telephone number of an agency official or employee who may be contacted regarding the application.

II. Within a reasonable time, not to exceed 60 days, after receipt of the application, petition or request, or of the response to a timely request made by the agency pursuant to paragraph I, the agency shall:

(a) Approve or deny the application, in whole or in part, on the basis of nonadjudicative processes, if disposition of the application by the use of these processes is not precluded by any provision of law; or

(b) Commence an adjudicative proceeding in accordance with this chapter.

III. If the time limits prescribed by this section conflict with specific time limits provided for by other provisions of law, the specific time limits provided for by such other provisions shall control.

IV. An agency may extend the time periods for review provided for in this section or in any other provision of law upon written agreement of the applicant.

Source. 1994, 412:1, eff. Aug. 9, 1994. 2018, 279:6, eff. Jan. 1, 2019.

TITLE LV

PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A

ADMINISTRATIVE PROCEDURE ACT

Section 541-A:29-a

541-A:29-a Failure of Agency to Act. –

- I. If an agency fails to take any required action on an application, petition, or request within the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request shall be deemed approved and any permit, approval or other item requested shall be deemed granted to or received by the applicant, petitioner, or requestor.
- II. If a permit, approval, or other item has been granted under paragraph I, the applicant may request written confirmation of such grant from an agency. The agency shall provide an applicant written confirmation of such an approval within 14 days of the applicant's request.
- III. A permit, approval, or other item shall not be granted by default if an applicant has agreed in writing to extend an agency's time for review pursuant to RSA 541-A:29, IV or any other provision of law.
- IV. A grant of a permit, approval, or other item under this section shall not relieve the applicant, petitioner, or requestor from the obligation to comply with all federal, state, and local requirements applicable to activities authorized by the permit, approval, or other item.

Source. 2018, 279:9, eff. Jan. 1, 2019.

PART Ed 505 HOW TO OBTAIN A NEW HAMPSHIRE EDUCATOR LICENSE

Readopt with amendment Ed 514.01, effective 8-9-18 (Document #12602), and renumber as Ed 505.01 to read as follows:

Ed 505.01 Basic Academic Skills and Subject Area Assessment.

(a) Except as described in paragraph (h), each candidate seeking an initial teacher or instructional specialist license under one of the pathways listed below shall pass a basic academic skills assessment, including, but not limited to, the praxis core academic skills for educators administered by Educational Testing Service (ETS) or comparable out of state test as determined by the bureau.

(b) Each candidate seeking licensure in any endorsement area for which the board has adopted a subject assessment test cut score shall pass that subject assessment test, or comparable out of state test as determined by the bureau, to measure the test taker's knowledge of the specific subject area of a concentration in which the test taker seeks an educator license.

(c) The board shall adopt the national cut scores for the praxis core academic skills for educators and all subject assessments in accordance with (a) and (b) above and a list of tests and cut scores shall be maintained on the department website.

(d) The board may request that the department conduct a validation study for any subject assessment before adopting the cut score for reasons including, but not limited to:

- (1) There is no established national cut score for a given subject area;
- (2) To determine, through stakeholder engagement, that the national score accurately reflects NH goals; and
- (3) To determine, through stakeholder engagement, the buy-in from the field for adding a new subject area assessment.

(e) Validation studies shall include input from:

- (1) The department;
- (2) Teacher education institutions; and
- (3) New Hampshire teachers with experience as an educator in the test areas.

(f) The entities described in (d)(1)-(3) above shall provide input and recommendations regarding:

- (1) Test specifications appropriate for New Hampshire;
- (2) Which assessments are appropriate for New Hampshire; and
- (3) Passing scores on tests for New Hampshire.

(g) The board shall accept, in lieu of (a) above, performance at or above the 50th percentile on a nationally-recognized basic academic skills test in the areas of reading, writing, and mathematics, including, but not limited to:

- (1) The Scholastic Aptitude Test (SAT) administered by the College Board;
- (2) The Graduate Record Examinations (GRE) administered by ETS; and
- (3) The ACT administered by ACT.

(h) A candidate for a career and technical education (CTE) specialty area license may substitute the following in lieu of a nationally recognized test of academic proficiency required by (a):

- (1) Three years of full-time experience in the area for which the license is sought; and
- (2) Current industry-recognized credential approved by the department in a published list of accepted credentials appropriate to the CTE area in which a license is sought.

(i) Candidates shall be responsible for the actual cost of all assessments.

(j) A candidate may take a basic academic skills assessment or the subject area assessment as often as they are administered until the candidate passes the assessment.

Readopt with amendment and renumber Ed 505.06 and Ed 505.07, effective 12-17-11 (Document #10046), as Ed 505.02 and Ed 505.03 to read as follows:

Ed 505.02 General Education Requirements. Each applicant who seeks licensure under Ed 505.05 shall have completed a program providing the following core competencies:

(a) Content competencies in the following areas necessary for college and workforce success:

- (1) Language arts;
- (2) Reasoning;
- (3) Information literacy;
- (4) Mathematics;
- (5) Sciences; and
- (6) Social sciences;

(b) Creative competencies in the following areas:

- (1) Creative expression;
- (2) Critical thinking;
- (3) Innovative and collaborative problem-solving; and
- (4) Resourcefulness;

(c) Communication competencies in the following areas:

- (1) Languages;
 - (2) Digital media;
 - (3) Networking; and
 - (4) Content creation technologies; and
- (d) Cultural competencies in the following areas:
- (1) Cultural understanding;
 - (2) Taking responsibility for self and others;
 - (3) Adaptability and resilience;
 - (4) Ability to engage in productive teamwork; and
 - (5) Social and civic engagement.

Ed 505.03 Professional Education Requirements. In addition to the requirements in Ed 505.05 for site-based licensing plans and Ed 505.06 for demonstrated competencies each applicant who is not already licensed shall demonstrate evidence of the following before licensure is granted:

- (a) In the area of the learner and learning:
- (1) Learner development, as demonstrated by:
 - a. An understanding of how learners develop, recognizing that patterns of learning and development vary individually within and across the personal, physical, social, and academic dimensions; and
 - b. The ability to facilitate developmentally appropriate and challenging learning experiences based on the unique needs of each learner;
 - (2) Learning differences, as demonstrated by:
 - a. An understanding of individual differences and diverse cultures and communities;
 - b. Ensuring inclusive learning environments that allow each learner to reach his or her full potential; and
 - c. The ability to employ universal design principles and assistive technology; and
 - (3) Learning environment, as demonstrated by:
 - a. Working with learners to create and access learning environments that support self-directed individual and collaborative learning, based on each learner's interests and passions; and

b. Use of learning environments not limited to the classroom, but extended into the larger community as well as virtual experiences;

(b) In the area of content:

(1) Content knowledge, as demonstrated by:

a. An understanding of the central concepts, tools of inquiry, and structure of his or her discipline(s); and

b. An ability to create learning experiences that make the discipline(s) accessible and meaningful for learners; and

(2) Innovative applications of content, as demonstrated by an understanding of how to connect concepts and use differing perspectives to engage learners in critical and creative thinking and collaborative problem-solving related to authentic local and global issues;

(c) In the area of learning facilitation practice:

(1) Use of assessment, as demonstrated by an understanding and ability to use multiple methods of assessment to:

a. Engage learners in their own growth;

b. Document learner progress;

c. Provide learner feedback; and

d. Inform the educator's ongoing planning and instructional practices;

(2) Planning for learning facilitation, as demonstrated by an ability, as an active member of a learning community, to draw upon knowledge of content area standards, cross-disciplinary skills, learners, the community, and pedagogy to plan learning experiences that support every learner in meeting rigorous learning goals; and

(3) Learning facilitation strategies, as demonstrated by:

a. An understanding and use of a variety of strategies and tools to encourage learners to develop deep understanding of content areas and their connections to other disciplines; and

b. An ability to build skills in accessing, applying, and communicating information; and

(d) In the area of professional responsibility:

(1) Reflection and continuous growth, as demonstrated by:

a. Being a reflective practitioner and using evidence to continually evaluate his or her practice, particularly the effects of choices and actions on students, families, and other professionals in the learning community; and

b. Ability to adapt practice to meet the needs of each learner; and

(2) Collaboration, as demonstrated by collaborating, as a member of the larger learning community, with learners, families, colleagues, other professionals, and community members to leverage resources that contribute to student growth and development, learning, and well-being.

Readopt with amendment Ed 505.01 and Ed 505.02, effective 10-11-19 (Document #12897, Interim), and renumber as Ed 505.04 to read as follows:

Ed 505.04 Approved Educator Preparation Program.

(a) Individuals shall qualify for a beginning educator license or added endorsement to an existing license by completing a state board approved educator preparation program(s) at a college, university or teacher training institution in New Hampshire in accordance with Ed 600 and meeting the requirements of Ed 505.01.

(b) Upon completion of a New Hampshire state board-approved program in accordance with Ed 600, the applicant shall be recommended for licensure by the program to the department and such recommendation shall remain valid for no more than 3 years from the date of the recommendation by the institution.

(c) Individuals completing a state-approved educator preparation program(s) at a college, university, or teacher training institution in a state other than New Hampshire, whether that state is signatory to the NASDTEC interstate contract or not, shall qualify for a beginning educator license or added endorsement on an existing license by:

(1) Completing a state-approved educator preparation program leading to recommendation by the institution for an educator license in that state;

(2) Meeting the requirements of Ed 505.01; and either:

a. Obtaining full licensure in that state in a comparable endorsement area as the endorsement area sought providing that such endorsement has not been expired for more than 3 years from the date of application; or

b. Applying for a comparable New Hampshire state board license and endorsement within three years of the date of recommendation from the institution.

(d) Applicants seeking to obtain licensure under this paragraph shall apply to the department pursuant to Ed 505.07 through Ed 505.09.

Readopt with amendment Ed 505.04 and Ed 505.05, effective 9-16-11 (Document #9992), and renumber as Ed 505.05, to read as follows:

Ed 505.05 Statement of Eligibility (SOE) and Site-Based Licensing Plan (SBLP).

(a) Before beginning an application for a SBLP, a candidate shall obtain a statement of eligibility (SOE), valid for 3 years from the date of issuance, from the department as follows:

(1) Meeting the entry requirements as follows:

a. Meeting the degree requirement and experience requirement of the endorsement sought as outlined in Ed 506 through Ed 508; and

b. Either:

1. Passing the subject area assessment for endorsements for which the board has adopted a cut score in accordance with Ed 505.01(b); or

2. Only if a subject area test does not exist, transcript analysis to determine a passing grade for 3 college-level courses which directly translate to required competencies in the endorsement area sought as enumerated in Ed 506 through Ed 508;

(2) Meeting the requirements of Ed 505.01(a) or (g); and

(3) Applying for a statement of eligibility following the application procedures outlined in Ed 505.07 through Ed 505.09.

(b) A SBLP shall be a qualifying method for licensure limited to the following:

(1) Applicants for an endorsement determined by the department to be a critical staffing shortage, published on the department's website, who hold at least a bachelor's degree, or who hold an associate's degree for educational interpreter/transliterators for children and youth ages 3-21;

(2) Applicants for an endorsement in the career and technical specialties pursuant to Ed 507.03;

(3) Applicants for any endorsement for which there is no other available pathway to the license who hold at least a bachelor's degree, or who hold an associate's degree for educational interpreter/transliterators for children and youth ages 3-21;

(4) Applicants for a new endorsement for a period of 5 years from the effective date of a new endorsement rule and who hold at least a bachelor's degree;

(5) Applicants for a business administrator endorsement who have successfully completed at least 4 college-level courses in the endorsement for which they seek a license;

(6) Applicants for a teaching endorsement who have successfully completed at least 10 college-level courses in the endorsement area for which they seek a license;

(7) Applicants for elementary K-6 education and early childhood education who have successfully completed at least 2 college-level content courses each in mathematics, English, social studies, and science; and

(8) Applicants for elementary K-8 education who have successfully completed at least 2 college-level content courses each in mathematics, English, social studies, and science and at least 3 additional college-level content courses for a concentration of coursework in one of those areas.

(c) SOE credential holders shall be employed in a New Hampshire school in the role of the endorsement that allows them to learn and demonstrate the professional education standards enumerated in Ed 505.03, if applicable, and the endorsement requirements enumerated in Ed 506 through Ed 508.

(d) Upon employment as an educator, the applicant and the senior educational official shall adhere to the application procedures and timeline outlined in Ed 505.07, Ed 505.08, and Ed 505.09(f).

(e) Upon employment as an educator under a statement of eligibility, each candidate for this pathway to licensure shall be assigned a mentor, appointed by the senior educational official, who holds a valid experienced educator license with appropriate endorsements in the same subject area in which the candidate is seeking to obtain a license. If a mentor who meets that criteria is not available through the candidate's employer, the senior educational official shall contact the bureau for assistance in obtaining an appropriate mentor.

Readopt with amendment and renumber Ed 505.03, effective 10-11-19 (Document #12897, Interim), as Ed 505.06 to read as follows:

Ed 505.06 Demonstrated Competencies. Applicants shall qualify for a demonstrated competency pathways by holding the minimum degree required for the endorsement sought, meeting any endorsement specific requirements outlined in Ed 506 through Ed 508, meeting the requirements of Ed 505.01 and Ed 505.03, as applicable, and qualifying and applying for one of the following chosen pathways pursuant to the application procedures outlined in Ed 505.07 through Ed 505.09:

(a) Applicants for demonstrated competencies through portfolio and oral board reviews shall qualify for a beginning educator license or added endorsement on an existing license by documenting at least 4 months of continuous full-time or full-time equivalent experience as an educator in the endorsement area;

(b) Applicants for demonstrated competencies through national or regional licensure shall qualify for a beginning educator license or added endorsement on an existing license by meeting one of the following requirements:

(1) Current national board certification in the area of endorsement from the National Board for Professional Teaching Standards;

(2) A current national license in school psychology (NCSP) by the National Association of School Psychologists for an endorsement in school psychology; or

(3) A current US Department of Defense educator license;

(c) Applicants for an administrator endorsement, as defined in Ed 501.02(a), through demonstrated competencies shall qualify for a beginning educator license or added endorsement on an existing license by meeting endorsement-specific knowledge and skills competencies as determined by transcript analysis; or

(d) Applicants for demonstrated competencies based on experience under an out-of-state endorsement on a full license shall qualify for a beginning educator license or added endorsement on an existing license by:

(1) Having held a comparable license from a state other than New Hampshire within the last 7 years, verified by the department; and

(2) Having 3 years of educator experience in the last 7 years working in the endorsement area being sought while licensed in that endorsement area, verified by the department.

Readopt with amendment and renumber Ed 508.01, effective 6-15-13 (Document #10362), as Ed 505.07 to read as follows:

Ed 505.07 General Application Instructions.

(a) Persons interested in holding a New Hampshire educator credential shall complete and file an application with the bureau either online or by mail as follows:

(1) On the department website; or

(2) Bureau of Credentialing
Department of Education
101 Pleasant Street
Concord, NH 03301.

(b) Applicants for any credential shall complete and file the appropriate form as follows:

(1) “Statement of Eligibility” form, January 2020, for applicants seeking an SOE as outlined in Ed 505.05(a);

(2) “Application for Licensure – Educator Preparation Program Completer” form, January 2020, for all applicants seeking initial licensure or additional endorsements as outlined in Ed 505.04;

(3) “Recommended for Renewal Application” form, January 2020, for all New Hampshire licensed educators seeking to renew after recommendation as outlined in Ed 509.01;

(4) “DOE Renewal Application” form, January 2020, for all New Hampshire licensed educators seeking to renew directly to the bureau as outlined in Ed 509.02;

(5) “Application for Emergency Authorization” form, January 2020, for any unlicensed educator employed by a school district for which the employer is seeking an emergency authorization as described in Ed 504.04;

(6) “Paraeducator License Application” form, January 2020, for any applicant seeking a paraeducator license as outlined in Ed 504.06 and Ed 504.07; and

(7) “School Nurse License Application” form, January 2020, for any applicant seeking a school nurse I, II, or III license as outlined in Ed 504.08 through Ed 504.10;

(8) “Name Change Request” form, January 2020, for any credential holder seeking a credential issued with an official name change;

(9) “Educational Interpreter/Transliterater for Children and Youth ages 3-21” form, January 2020, as outlined in Ed 504.11.

(10) “Credential Verification Request” form, January 2020, for any credential holder seeking a verification of their New Hampshire credential;

(11) “Application for Licensure - Demonstrated Competencies” form, January 2020, for any applicant seeking licensure as outlined in Ed 505.06(b), Ed 505.06(c), and Ed 505.06(d);

(12) “Application for Licensure – Portfolio and Oral Board Review” form, January 2020, for all applicants seeking licensure as outlined in Ed 505.06(a);

(13) “Intern Authorization Application – Site-Based Licensing Plan” form, January 2020, for all applicants seeking licensure as outlined in Ed 505.05;

(14) “Site-Based Licensing Plan Completer” form, January 2020, for all applicants who have completed their SBLP and are ready for full licensure as outlined in Ed 505.09(f)(17);

(c) If an applicant provides a social security number on any application form, the social security number shall be used by the bureau for the purposes of generating data on teacher salaries or such other purposes as authorized by law including but not limited to RSA 161-B:11, VI-a.

(d) If an applicant chooses to have the department supply an alternative number, the department shall use the number generated by the electronic educator information system and it shall be used as specified in (c) above.

(e) For Ed 505.07(b)(13), if an assessment of an applicant’s background determines that some or all of the education requirements have been completed prior to application, the applicant shall not be required to repeat any requirement already completed.

(f) Filing of the completed application, supporting documentation, and application fee shall be the responsibility of the applicant.

Readopt with amendment and renumber Ed 508.06, effective 11-14-17 (Document #12418), as Ed 505.08 to read as follows:

Ed 505.08 Fees.

(a) An application shall not be complete until all application materials, including the proper fee, have been filed with the bureau.

(b) Payments shall be made either electronically at the time of application on the department website or by cash, money order or cashier’s check, or school employer check on behalf of applicants, made payable to "Treasurer, State of New Hampshire," to the bureau as outlined in Ed 505.07(a).

(c) The required educator fees shall be in accordance with RSA 186:11,X(b), and the fee schedule set forth in Table 505-1 below, with the following fees reflecting the actual cost of the service listed:

Table 505-1 Fee Schedule

*All fees are non-refundable and include processing fee.	
Approved Educator Preparation Program BEL/EEL (per endorsement)	\$120.00

Site Based Licensing Plan	
Statement of Eligibility (per endorsement)	\$50.00
Intern Authorization (per endorsement)	\$120.00
Upgrade to BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies Portfolio/Oral Board	
Materials (per endorsement)	\$50.00
Portfolio Review/Oral Board (per endorsement)	\$500.00
BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies National/Regional exam/licensure BEL/EEL (per endorsement)	\$120.00
Demonstrated Competencies Transcript Analysis BEL/EEL (per Administrative endorsement)	\$500.00
Demonstrated Competencies Experience under Out of State License BEL/EEL (per endorsement)	\$120.00
BEL/EEL/Master Teacher License Renewal (3 year cycle)	\$120.00
Master Teacher – National Level (per endorsement)	\$120.00
Master Teacher – NH Level (per endorsement)	\$800.00
Late Renewal Filing Fee (BEL/EEL/Master Teacher only)	\$50.00
Paraeducator I	\$10.00
Paraeducator II	\$10.00
Paraeducator I and II Renewal (3 year cycle)	\$10.00
School Nurse I - 3 years with one time renewal	\$75.00
School Nurse II	\$0.00
School Nurse III	\$75.00
School Nurse I, II, III Renewal (3 year cycle)	\$75.00
Educational Interpreter/Transliterator	\$25.00
Educational Interpreter/Transliterator Renewal (3 year cycle)	\$25.00
Name Change	\$50.00
Credential Verification Letter	\$25.00
Emergency Authorization (per endorsement)	\$120.00
Returned check fee (RSA 6:11-a)	\$15.00 (State Treasurer's fee) \$25.00 (Bureau of Credentialing fee)

Readopt with amendment Ed 508.02 through Ed 508.05, effective 6-15-13 (Document #10362), and renumber as Ed 505.09 to read as follows:

Ed 505.09 Applicant, Employer, and Mentor Responsibilities for Timely Review and Processing by the Department.

(a) Within 30 days of receipt of any application outlined in Ed 505.07(b), the department shall notify the applicant in writing that the application has been received and either:

- (1) The application is complete and pending evaluation; or
- (2) The application is incomplete and enumerate the items that the applicant must address in order for the application to be complete.

(b) An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (a)(2) above within 30 days of receipt of the notification, and the department shall respond within 10 business days in accordance with (a)(1) or (2) above.

(c) If, within 30 days of initial notification of an incomplete application pursuant to (a)(2) above, the department does not receive the enumerated items pursuant to (a)(2) above, the application will shall be closed and the applicant shall be required to begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08.

(d) For applications outlined in Ed 505.07(b)(1)-(11), within 60 days of the department's notification receipt of a complete application in accordance with (a) and (b) above, the department shall send notification of:

- (1) Approval in the form of the digital credential for which the applicant applied;
- (2) Denial in writing that outlines the specific reasons for denial, including, but not limited to:
 - a. A department confirmed violation of the code of conduct outlined in Ed 510.01 through Ed 510.04; and
 - b. A determination that the applicant does not meet the requirements for the specified credential; or
- (3) Conditional approval which includes:
 - a. An outlines of the specific areas that the applicant needs to address in order for the bureau to continue a full review of the application;
 - b. An applicant timeline for completing the conditional approval requirements, not to exceed 120 days;
 - c. The following statement:-"If the conditional approval does not result in an approval and license, or the requirements outlined are not completed within the timeframe allotted, the application will be closed and the applicant shall be required to begin a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08".

(e) For applications pursuant to Ed 505.07(b)(12), portfolio and oral board reviews, the following shall apply:

- (1) Any applicant choosing to apply for a portfolio and oral board review agrees to extend the time periods for review provided for in RSA 541-A:29 and follow the timeline established below by checking the "waiver of time period for review" box on the "Application for Licensure – Portfolio and Oral Board Review" form, January 2020. If the "waiver of time period for review" box is not checked, the application will be denied.
- (2) Within 30 days of receipt of a completed application, if the department determines that an individual:

a. Qualifies under this method, the department shall notify the applicant in writing by providing the applicant with portfolio submission instructions and requirements for oral board scheduling which shall include, but not be limited to:

1. Written materials;
2. Videotapes;
3. Audiotapes; and
4. Art portfolio; or

b. Does not qualify under this method, the department shall notify the individual in writing within 30 days of receipt of the completed application materials and:

1. Provide the reasons for the determination, including, but not limited to, the qualifying criteria outlined in Ed 505.06(a)(1) and (2), which shall include a written explanation stating why the materials the applicant has submitted are not acceptable; and
2. Recommend another appropriate application method if one is available;

(3) Within 30 days of receipt of a portfolio submission and appropriate fee in accordance with the fee schedule outlined in Ed 505.08, the department shall notify the applicant in writing that either:

- a. The portfolio is complete and pending oral board scheduling; or
- b. The portfolio is incomplete and enumerate the items that the portfolio must address in order for the portfolio to be complete;

(4) An applicant shall adhere to Ed 505.09(b) and (c) for completing a portfolio submission in accordance with Ed 505.09(e)(3)b. above;

(5) Upon determination by the department that the portfolio is complete, the department shall appoint a review board consisting of one member of the department and 3 members who hold a current experienced educator license in the area of endorsement in which the applicant is seeking to obtain a license;

(6) If, within 60 days of determination of a complete portfolio, in an effort to complete a timely oral board review, the department is unable to establish a review board as outlined in (4) above, the department shall be authorized to establish a review board consisting of department staff or licensed educators.

(7) The review board shall review the applicant's application, including documentation that the applicant meets the required competencies in the area of endorsement and, at the oral board review, ask the applicant questions based upon the materials submitted;

(8) The review board shall make a written recommendation to the department, based upon its evaluation of the quality of the applicant's documentation of meeting the required competencies in the area of endorsement, after considering:

- a. The materials submitted to provide the documentation; and
- b. The applicant’s oral responses to the board’s questions regarding the documentation;

(9) Within 30 days of the conclusion and recommendation of the oral board interview, the department shall issue a decision in writing stating the reasons for the decision under (7) above along with, if applicable, a beginning educator license or additional endorsement; and

(10) An applicant may appeal a decision made by the department to deny an application for a credential under this part pursuant to Ed 200.

(f) For applications pursuant to Ed 505.07(b)(13), the process for establishing a SBLP for an intern authorization credential resulting in full beginning educator licensure or additional endorsement shall be as follows:

(1) The SOE credential holder and assigned mentor pursuant to Ed 505.05(d) shall download and complete the SBLP materials on the department website;

(2) The SBLP shall be developed collaboratively and agreed to by the SOE credential holder, the mentor, and the senior educational official;

(3) Within 60 days of the SOE credential holder’s first day of employment in the pursuant to Ed 505.05(c), the senior educational official shall upload the completed, approved, and signed SBLP into the department’s educator information system;

(4) Within 180 days of the first day of employment pursuant to Ed 505.05(c), the SOE credential holder shall be credentialed under an intern authorization following the procedures outlined in (5) through (25) below;

(5) Within 5 business days of the upload specified in (3) above, the candidate shall complete and file an “Intern Authorization Application – Site-Based Licensing Plan” form, January 2020, along with the appropriate fee pursuant to Ed 505.08;

(6) The department shall review the plan to ensure all of the following are included:

a. An assessment of the competencies of the applicant as enumerated in Ed 505.03, if applicable, and the endorsement area enumerated in Ed 506, Ed 507, or Ed 508 as applicable, based on the endorsement sought;

b. A plan that includes the competency to be acquired, the projected completion date, and the evidence to be provided upon completion which is directly related to, and substantiates meeting, the competency within the period of the plan;

c. Activities that will be undertaken to acquire the competencies in b. above, which shall include, but not be limited to:

(i) Additional coursework;

(ii) On the job training; and

(iii) Professional development; and

d. A signature page which certifies that the plan was developed collaboratively and agreed to by the applicant, the mentor, and the senior educational official;

(7) Within 30 days of receipt of an “Intern Authorization Application – Site-Based Licensing Plan” form, January 2020, the department shall notify the applicant that either:

a. The plan is complete and pending evaluation; or

b. The plan is incomplete and enumerate the items that the applicant must address in order for the application to be complete;

(8) An applicant shall respond to a notification of an incomplete application by submission of the requirements enumerated in accordance with (7)b. above within 15 days of receipt of the notification and the department shall respond within 10 business days in accordance with (7)a. or b. above;

(9) If, within 30 days of receipt of an initial notification of an incomplete application pursuant to (7)b. above, the department does not receive the enumerated items pursuant to (7)b. above, the application will be closed and the applicant must start over with a new application, to include all fees in accordance with the fee schedule outlined in Ed 505.08;

(10) Within 30 days of receipt of a complete application the department shall send written notification to the senior educational official and the applicant of either:

a. Approval in the form of an intern authorization in the endorsement area for which the applicant applied, if the department determines that:

1. The assessment of the competencies of the applicant meet the requirements as enumerated in Ed 505.03, and the endorsement area enumerated in Ed 506, Ed 507, or Ed 508 as applicable based on the endorsement sought;

2. The plan, including the competency to be acquired, the activity to be undertaken, the projected completion date, and the evidence to be provided upon completion, are directly related to and will substantiate meeting the competency within the period of the plan; and

3. The plan was developed collaboratively and agreed to by the applicant, the mentor, and the senior educational official; or

b. Denial after a determination that the plan does not meet the requirements outlined in Ed 505.09(f)(9)a. 1. through 3. above;

(11) A SOE credential holder in receipt of a denial pursuant to (10)b. above may reapply for an intern authorization, to include the fee in accordance with the fee schedule outlined in Ed 505.08, under the following circumstances:

a. The 180-day time period in (4) above has not lapsed and will not lapse during the new application period; and

b. The SOE credential holder shall not apply for an intern authorization more than twice per endorsement;

(12) Upon approval of the plan, the department shall grant an intern authorization, valid for up to 3 years from the first date of employment in the endorsement area sought, to coincide with the time period in the plan, limited to no more than twice per endorsement;

(13) A SBLP shall be canceled, and the intern authorization shall automatically expire, if the applicant fails to attain the skills and knowledge agreed to by the applicant within the time frame specified by the plan;

(14) The department, at the request of the senior educational official, may grant an extension to the intern authorization period of not more than one year to accommodate an issue outside of the applicant's control which prevents timely completion of the plan including, but not limited to:

- a. Illness of the applicant or immediate member of the applicant's family; and
- b. Availability of a required course within the timeframe of the plan where no comparable course is available;

(15) The senior educational official, in consultation with the mentor, shall file a report at the end of each school year attesting to the applicant's progress toward meeting the requirements of the plan;

(16) Once a completed plan is filed with the department, the applicant may:

- a. Obtain employment in a similar position with another school employer provided that:
 - 1. The duration for plan completion does not change;
 - 2. The department is notified in writing of the change in place of employment; and
 - 3. The plan is revised as follows:
 - (i) Approved by the mentor assigned in the new school of employment;
 - (ii) Approved by the senior educational official in the new school of employment; and
 - (iii) Resubmitted to the department for approval pursuant to the timeline outlined in Ed 505.09(f)(6)-(10);
- b. Have an intern authorization deactivated upon loss of employment until such time as the educator gains employment with another employer as described in (15)a. above. The total duration of time employed under an active plan shall not exceed 3 years;

(17) Within 5 business days of the upload specified in (16) above, the intern shall complete and file a "Site-Based Licensing Plan Completer" form, January 2020 along with the appropriate fee pursuant to Ed 505.08;

(18) The senior educational official shall complete and upload to the educator information system (EIS) a final report for department review attesting to the intern’s completion of the SBLP which shall include:

- a. A copy of the plan, including the competency to be acquired, the activity to be undertaken, the projected completion date, and the evidence to be provided upon completion;
- b. The evidence of plan completion;
- c. A signature page which certifies that the completed plan was reviewed and approved by the applicant, the mentor, and the senior educational official;

(19) The department shall, within 30 days of receipt of a “Site-Based Licensing Plan Completer” form, January 2020, notify the applicant that either:

- a. The application is complete and pending evaluation; or
- b. The application is incomplete and enumerate the items that the applicant must address in order for the application to be complete;

(20) An applicant shall respond to a notification following the timeline established in (7) and (8) above;

(22) Within 60 days of the department’s receipt of a complete “Site-Based Licensing Plan Completer” form, January 2020, the department shall send written notification to the senior educational official and the applicant of either:

- a. Approval in the form of an intern authorization in the endorsement area for which the applicant applied if the department determines that the final report documents confirm that the intern has met all the competencies and requirements for full licensure; or
- b. A determination that the completion documentation, the final report, or both, do not reflect the documentation required by the approved plan to indicate that the candidate has met all of the competencies and requirements for full licensure and outlines the documentation required to support completion of the plan;

(23) Upon receipt of notification that the department does not approve the application in accordance with (22)b. above, the senior educational official shall, within 10 business days, upload the required documentation to support completion of the plan or the intern authorization shall expire in accordance with Ed 509.09(f)(12);

(25) Applicants shall receive a beginning educator license or added endorsement on an existing license after approval by the department pursuant to (22)a. above.

Appendix I

Rule	Specific State Statute the Rule Implements
Ed 505.01	RSA 21-N:9, II(s)

Ed 505.02 - 505.03	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.04	RSA 21-N:9, II(s); RSA 186:11, X(a); RSA 186:8, IV
Ed 505.05 - Ed 505.06	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.07	RSA 21-N:9, II(s); RSA 186:11, X(a)
Ed 505.08	RSA 186:11, X(a) and (b); RSA 200:29
Ed 505.09	RSA 186:11, X(a) ; RSA 541-A:29

New Hampshire
State Board of Education
Londergan Hall, Room 100F
101 Pleasant Street
Concord, NH 03301
Minutes of the January 9, 2020 Meeting

AGENDA ITEM I. CALL TO ORDER

The regular meeting of the State Board of Education was convened at 9:05 AM at the State Department of Education, 101 Pleasant Street, Concord, NH. Drew Cline presided as Chairman.

Members present: Drew Cline, Chairman, Kate Cassady, Cindy Chagnon, Sally Griffin, Helen Honorow, Phil Nazzaro and Ann Lane. Frank Edelblut, Commissioner of Education, and Christine Brennan, Deputy Commissioner, were also in attendance.

AGENDA ITEM II. PLEDGE OF ALLEGIANCE

Helen Honorow led the Pledge of Allegiance.

AGENDA ITEM III. PUBLIC COMMENT

Stacy Buckley, Superintendent, Newfound, and John Freeman, Superintendent, Pittsfield, attended the meeting to jointly represent all the districts

of the Lakes Region and share some highlights of programs in extended learning opportunities (ELOs), technology integration, community engagement, social emotional learning, robotics, Running Start, Makerspaces, student leadership and competency-based learning happening at schools in the region, including Alton Central School, Prospect Mountain High School, SAU 53 in the Pembroke area, Moultonborough School District, Plymouth Regional High School, Franklin School District, Newfound Area School District, Newfound Regional High School, Winnisquam Regional School District, Kingswood Regional High School, Merrimack Valley School District, Tamworth School District, Madison School District, Freedom School District, and Pittsfield School District.

Scott Wade, a resident of Charlestown, NH and a member of the Charlestown School Withdrawal Advisory Committee expressed his concerns on the recent developments in the process of Charlestown withdrawing from the Fall Mountain Regional Cooperative School District. An updated withdrawal plan was presented at the Board's December 12, 2019 meeting. At the same time, a minority report group presented information and asked questions, leading the Board to request more information in the withdrawal plan for a second time. Since that meeting, the withdrawal committee has verified the information it supplied was accurate and that the financial information in the minority report was inaccurate. Mr. Wade hopes that if the minority has an opportunity to speak at today's meeting, it is only to provide new information or updates to the minority report.

AGENDA ITEM IV. PRESENTATIONS/REPORTS/UPDATES

A. Job Corps Student Presentations

Marcia Burns, Business Community Liaison, for Job Corps in Manchester was joined by Career Transition Specialists Lisa Robitaille and Bill Bissonnette and three students: Manny Lopez, Michelin Cruz, and Brandi Martinez.

Manny Lopez provided an overview of his experience with Job Corps in programs in electrical apprenticeship, security, and advanced training. Job Corps opened opportunities for him after going through high school not feeling challenged or able to see an end game. Once Job Corps opened the doors for him, he started running and hasn't stopped yet.

Michelin Cruz is a medical assistant at Bedford Commons OB/GYN. She hopes to be a physician one day and plans to join the Air Force this year to help fund that goal. Her cousin edged her toward Job Corps when she was working at Taco Bell and she did the medical assistant program. Job Corps provided her not only educational resources, but helped her develop socially as well.

Brandi Martinez came to Job Corps from a homeless background. She was passed through the Arizona school district with Ds. In fifth grade, she lost interest

in school, but also became interested in becoming a teacher. As she grew up, she lost that dream and eventually wound up in New Hampshire on the street. Because of Job Corps, she found her dream again. She is currently enrolled at Manchester Community College (MCC) in teacher preparation and has been selected and hopes to attend a new program at Southern New Hampshire University.

Chairman Cline asked how Job Corps differs from a community college. One of the Job Corps attendees explained that it's more akin to a high school GED program, but Job Corps offers a trade as well. Students that qualify can stay at the Job Corps school and also go to college. The students range in age from 16-24 (25 for those in college). Job Corps is intended for high school students who are struggling to the point that they are not going to make it. Job Corps would like to offer dual enrollment programs so the student could remain at their original high school while at the same time be enrolled in Job Corps. Job Corps is working on a dual enrollment program with Manchester.

Chairman Cline asked what happens to the tuition money paid to a public school, such as Manchester, when a student enrolls with Job Corps. Does it transfer to Job Corps? It was explained that the student would be unenrolled from Manchester.

New Hampshire Job Corps has started what they believe is a first-in-the-nation alumni association so that graduates can stay connected. Chairman Cline noted that it is a networking opportunity as well.

Kate Cassady asked if Job Corps gives presentations to school districts. Ms. Burns responded that they do as well as some rotary club presentations.

Helen Honorow offered to get Job Corps on a Rotary Club of Nashua West meeting agenda. Ms. Honorow asked if a student has not finished high school and is 18 or older, would he or she be eligible for Job Corps? Ms. Burns responded that they would be and explained the enrollment process and noted that it is income based. Ms. Burns also noted that Job Corps offers a lot more support, especially upfront, than a community college.

In addition to the job training, Job Corps works with students on their soft skills such as promptness, workplace comportment, etc.

Manny Lopez pointed out that the courses that Job Corps offers in a given state are partially driven by the need for professions in that state.

B. Withdrawal of Charlestown from the Fall Mountain Regional School District Cooperative Update

Albert St. Pierre, Chair, Fall Mountain RSA 195 Withdrawal Study Committee, provided the Board with an update. At a January 2, 2020 meeting, there was a 5-3 vote to accept the plan, the same voting margin as the past four months. Mr. St. Pierre then reviewed the changes that have been made to the plan, including those pertaining to the makeup of the school board, the allocation formula for the remaining four towns, Charlestown's honoring the existing collective bargaining agreement, disposition of property, etc. The committee believes their plan can be discussed, voted on, and brought back to the Board after the March town meetings.

Chairman Cline pointed out that the Board's attorney looked at the plan and had no concerns with it meeting statutory requirements.

In response to a question on the provision for high school students, the plan is to work with the school district and tuition their students to Fall Mountain for high school. They have also had discussions with other surrounding schools and they all have space. In response to a question about Fall Mountain voting against approving a tuition agreement, Mr. St. Pierre said that Fall Mountain has voted to continue the discussion and he believes it will take the next year or two to work on that. Chairman Cline noted that he had received a letter that stated that because of Charlestown's backlog of owed payments to the regional school district, they want Charlestown to stay in the district, but if they leave, Fall Mountain would be reluctant to accept a tuition agreement. Mr. St. Pierre replied that the select board

met with the legal counsel and it comes back to the difficult Fall Mountain tuition formula. There were two different student attendance numbers coming from two different state sources. Charlestown put the money owed in an escrow account because they were not getting answers. As of the day before the meeting, the Charlestown attorneys had come to terms with the school district and Charlestown will send a check for \$1.83 million the Monday following the meeting.

In response to a question, an unidentified speaker asserted that Fall Mountain has the room to take the high school students; their reluctance is a factor of negotiations over the withdrawal. Mr. St. Pierre stated that Fall Mountain was originally built to house 600 students and has been expanded over the years. Currently, there are about 500 students, of which 200 are Charlestown students.

Mary Henry, a member of the minority on the withdrawal committee and Vice Chair of the Fall Mountain School Board, offered to answer questions on the tuition, but Chairman Cline said the Board had no questions. Although he acknowledged that there has been a lot of back and forth on the numbers, the Chairman did then allow Ms. Henry to address the Board.

Ms. Henry stated that the previous mentioned letter came about for a few reasons: Charlestown has been behind on their taxes for the past three years, twice a year, and they did not respond to a December letter on why they were not paying their taxes. After Fall Mountain planned to take them to court, Ms. Henry

confirmed that she had heard as of the night prior that Charlestown planned to pay their taxes on the Monday following the meeting. She noted that collecting taxes is much more straightforward than collecting tuition and the latter could take months to collect. The Fall Mountain Regional School District board did defeat a motion to enter into a tuition agreement should Charlestown withdraw, because they felt that there has been no communication from Charlestown in the past.

In addition, Ms. Henry has concerns about the withdrawal plan, including that it contains items around money allocation, insurance money, etc. that could make Fall Mountain insolvent. Ms. Henry knows that the withdrawal will happen eventually, but she wants a plan that the four towns remaining can also vote on. She feels the committee is not spending the time to produce a proper plan. It is throwing the district into chaos, with people worried about losing their jobs, etc. On disposition of assets, Fall Mountain believes they need a real appraisal. They also dispute Charlestown's notion of depreciation, which they do not believe exists for school districts.

Ms. Henry then asked the Board to reject the plan and let Fall Mountain work this out. There are options for Fall Mountain around consolidation between the high school and middle school, not that they want to go down that path. They would prefer Charlestown to stay, but they cannot enter a tuition agreement where there is a possibility that the other party would not pay. It is not political.

Gordon Graham, attorney for the Fall Mountain School District stated that withdrawal is a difficult, complex, and an emotional process. RSA-195, the law on cooperative school districts, needs to be addressed because it is not very specific about withdrawals. He suggested that the Board consider the purpose of the statute: to increase educational opportunities through co-ops that are a natural socio-economic region, have an adequate minimum taxable valuation, and have enough pupils to permit the efficient use of facilities in the district. Is withdrawal in the best interests of all the students in Fall Mountain and Charlestown?

Attorney Graham also questioned the goals of the withdrawing district, which he characterized as being to keep everything the same, but no longer be a member of the Fall Mountain Regional School District. He believes the purpose is not to create a new district that does something different, but rather to address the apportionment formula.

Chairman Cline believed at this point that they had heard enough testimony. If you use the marriage analogy, the Chairman believes you have irreconcilable differences. He also stated that he believes that Charlestown does not want to just "keep things the same," as they have mentioned the ability to negotiate, consider other options, create different opportunities for their children, etc. Chairman Cline does have concerns about their funding, however. The tax base is not optimal.

Chairman Cline does not believe the statute was intended to trap members into the co-op. A withdrawal plan is needed; however, it is hard to have precise numbers prior to the withdrawal taking place due to the unknown makeup of the agreements that will be in place afterward. The Board's legal advice was that the plan does not have to be to that level of detail. He further noted that while the Board may not necessarily endorse all the merits of the plan it is the Board that determines if it meets the requirements of the law.

Cindy Chagnon questioned that given the economies of scale, would it not be less expensive for Charlestown to remain with Fall Mountain? She noted there is no way to guarantee cutbacks in programs and services for Charlestown students won't occur, but if someone wants out of the marriage, how can you force them to stay?

Chairman Cline did remind people that at the last meeting, Charlestown said they would be willing to pay more in taxes to be independent. Helen Honorow questioned whether the voters would have it presented to them that way. The Chairman pointed out that those comments were made on the record.

Chairman Cline commented that it feels like this Board is part of the withdrawal committee, as the withdrawal committee has presented a plan before the Board three times and three times the minority has disputed the facts of the plan. The majority report has been adjusted to answer the Board's questions and

although the minority thinks the numbers are wrong, the Board will never settle that because the two sides cannot agree on the numbers.

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education accept the Fall Mountain Regional Cooperative School District's Withdrawal Committee Report.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

Chairman Cline encouraged both sides to be civil and factual about what goes to the voters. He also reiterated that the Board's approval of the report is not an endorsement of every merit contained within it. It is an approval that the report meets the legal requirements of the statute.

AGENDA ITEM V. COUNCIL for TEACHER EDUCATION (CTE)

A. One (1) Year Extension of All of Franklin Pierce University's Educator Preparation Program

Laura Stoneking, NHDOE, Administrator, Bureau of Educator Preparation and Higher Education began by introducing Dr. Cindy Gallagher, Director of

Education, Franklin Pierce University, David Starrett, Interim Provost and Vice President for Academic Affairs, and Dr. Matthew Konieczka, Dean of the College of Liberal Arts.

Dr. Gallagher began in her new role at Franklin Pierce this fall. Dr. Gallagher explained when she started there was quite a bit of restructuring and new faculty hired. The proposed one-year extension will allow the three new people overseeing the educational programs to better understand them as well familiarize themselves with processes and data.

Chairman Cline felt the informational material was self-explanatory. One Board member asked about the plans for integration into real-world experiences for the educational students. It was explained that Franklin Pierce was well established in this area and students start in their sophomore year in district observations and practices. Students conduct 100 hours of field placement prior to student teaching with no less than five opportunities. Franklin Pierce also has a well-established afterschool program.

Cindy Chagnon asked about secondary education students. Are they involved in learning how to bring Shakespeare, for example, down to a high school level? Dr. Gallagher said that Franklin Pierce has methods classes in the education department, which is a shift that she has been introducing. They are working to bring the content area faculty on board.

Another Board member asked about the struggle to keep students in the education program if they do not succeed in it. Dr. Gallagher replied that undergraduate was solid, but Franklin Pierce is looking at its graduate programs.

Helen Honorow asked if any continuous improvement review will be taking place over the interim year. Dr. Gallagher responded that they will be doing a data analysis as part of the university's five-year cycle. In addition, she wants to familiarize the administration above on the education rules. There may also be one or two new faculty members to be hired. The continuous improvement for them will be to start bringing the required data programs together. She also noted that they are in the process of putting the data structures in place.

Ms. Honorow said that she feels confident that Franklin Pierce is going to use the year extension in a productive way.

MOTION: Cindy Chagnon made the following motion, seconded by Sally Griffin, that the State Board of Education grant a one-year extension of all seven of Franklin Pierce University's educator preparation programs from August 30, 2021 to August 30, 2022. Elementary education, K-8, K-6, for the BA and MEd conversion, English language arts for grades 5-12, for the BA and Masters conversion, English language arts for grades 5-

8, for BA and Masters conversion, general special education for BA and Masters conversion, life sciences for grades 7-12, BA and Masters conversion, social studies for grades 5-12, BA and Masters conversion, social studies for grades 5-8, BA and Masters conversion.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM VI. CHARTER SCHOOL REPORTS/UPDATES

A. New Charter Application for Northeast Woodlands Public Charter School

Jesse Badger, Chairman, Board of Trustees, planned to begin his presentation with a video condensed from a video celebrating 100 years of Waldorf Education, but technical problems prevented it playing. Waldorf is relatively new in New Hampshire, although it is growing in popularity across the world.

Mr. Badger then provided an overview of three topics: 1) a community ready to embrace Northeast Woodlands—there is already a successful Waldorf private school, but not everyone can afford it; 2) careful planning, including joining the Alliance for Public Waldorf Education, gathering materials to adapt a curriculum to

their needs, and drafting an application with appendices that Mr. Badger believes are a roadmap to a successful school; and 3) a solid foundation based on a 100-year-old educational philosophy.

In response to a question, a member of the group noted that the school would cover 28 communities in the Mount Washington Valley area, with a population of around 35,000. The application lists a projected enrollment of 225 students. For the first few years, the distribution might be a little front heavy toward the lower grades, but they expect that to balance out over time.

Chairman Cline wanted to clarify that the grades 1-7 enrollment number in year one was 15 per grade, not 15 in total. He then noted that 130 students for the first year was a big number for a charter school. A Northeast Woodlands Public Charter School (NWPCS) group member responded that support has started out word of mouth, with people who cannot afford the private school saying they would enroll their child in the public Waldorf school. The NWPCS group started a poll 24 hours before the meeting and has over 120 people who have committed interest in sending at least one child. In addition, the community is very outdoorsy and nature-focused and the Waldorf style of education would really fit this community. Another member of the NWPCS group pointed out that Waldorf education is very well known in the valley because of the private school.

In response to a question, a member of the NWPCS group noted that Waldorf is an educational philosophy and the charter school is separate from the

private school. In response to another question, they did state that in full disclosure all the members of the NWPCS group were in some way connected to the private school as they would not have learned about the Waldorf philosophy otherwise. They have had some assistance from Waldorf teachers in drafting their document, but they are their own school, constructed to provide a need in the valley. Chairman Cline pointed out that there is a prohibition in the charter school legislation against private schools morphing into charter schools and the NWPCS group responded that this was not the case here. There are some association in that some NWPCS group members' kids have attended the private school and one member of the NWPCS group is actually a teacher there. The NWPCS group has a small pool of talent from which to pull in its area, so they needed to pull in the best minds available locally to draft their curriculum.

Chairman Cline stated that to be compliant with the state law, the Board needed to have a full understanding of the NWPCS group's organization, organization chart, board members, and administration, as well as that of the private school, the White Mountain Waldorf School. That information is not fully accounted for in the application and the Board will need it. It has to be very clear that this is not functioning as a reorganization of White Mountain Waldorf School into a public school. There has to be a bright dividing line between the two organizations.

Kate Cassady expressed her concern about enrollment. The Robert Frost Montessori School is having trouble with enrollment and in addition Heartwood Public Charter School will be opening in Lancaster in 2021 and they are also doing a nature-based academic philosophy, albeit without being a Waldorf school. A member of the NWPCS group pointed out that their location search is centered around North Conway. Another member pointed out that North Conway is 56 miles from Lancaster, over a notch that would be treacherous to travel over in winter. They believe the distance is too far for the Lancaster school to be pulling students from the NWPCS group's area.

It was asked how many of the 28 communities that the NWPCS group hopes to draw students from will travel to North Conway to go to school? A NWPCS group member replied that the roads that lead into the Conway/North Conway area, where the biggest opportunities lie to find students, are less treacherous. In addition, New Hampshire is known for keeping the roads open. The 28 communities include Gorham, Bretton Woods, Freedom, Effingham, Sandwich, Ossipee, Wonalancet, Tamworth, and everything in between. The speaker also clarified that the NWPCS group understands that they cannot serve Maine students without a tuition agreement and first making sure that New Hampshire students get the first opportunity to attend the school.

Another NWPCS group member stated that the "belt" of towns from which the Northeast Woodlands Public Charter School would hope to draw its students

was devised by pulling data on towns within a half-hour's driving distance of the hoped-for location of the school. They feel that that distance is typical for the residents of their valley in terms of getting to school, shopping, etc.

Another NWPCS group member returned to the original thrust of the question, which was around several schools pulling from the same population, and he stated that the NWPCS group believes that their school will affect enrollment at the existing charter school and probably the private school as well. They believe that is out of their control, however, and they have an excellent educational model that meets the needs of the community.

Kate Cassady asked whether the NWPCS group had met with local superintendents, guidance counselors, and principals. A member of the NWPCS group responded that there had been discussions with members of the local education community and the feedback has been "we welcome Waldorf and your students." The NWPCS group understands the need for working relationships with those schools and they will try to do better with that. They have not had the "nitty gritty" conversations yet with the local education community.

In addition, the NWPCS group stressed that they are coming into this from a cooperative standpoint. It is not that they do not believe in a public school; it's that they believe in the Waldorf philosophy. They want to partner with the existing public schools to make the community stronger.

A Board member pointed out that special education coordination can be an issue for charter schools. A member of the NWPCS group said she met four times with the special services coordinator for SAU 9, and her response was positive and has had good relationships with charter schools in providing services. Another NWPCS group member said it comes down to relationships. The Board member noted that new charter school groups always say things will be great, but when they come back for their one-year or two-year review, it turns out to be a bigger issue than they thought it was going to be.

Phil Nazzaro noted that the NWPCS group at the outset talked about the economics, with the household income being below the average for New Hampshire. The planning for funding, however, mentions receiving funds from parents, fundraisers, etc. A NWPCS group member responded that in the application, they may have overstated the amount of fundraising they expect the parents to do. They want to come up with a few large-scale Circus-Smirkus-type fundraisers that provide something to the valley. They will not take the typical PTA-type bake sale fundraisers off the table, but they do not want the fundraising to fall on the backs of parents. They want to hire a grant writer as soon as possible as they have identified \$10.7 million in grant money they wish to pursue. An unidentified speaker noted that with tourism and second-home owners, the population triples [at certain times of year], so it is not unusual to be able to make \$65,000 from an event.

Ann Lane asked the Commissioner of Education, Frank Edelblut, to shed some light on what is expected in grades 1-8 in terms of computer science education in the 306 Ed rules and the charter law RSA194:B-3(f). Given that the Northeast Woodlands Public Charter School is not planning to have “screens” until seventh or eighth grade, the commissioner stated that he would have to go back and look at the specifics. In his experience with Waldorf students, having coached a Waldorf school ski team, he did not see any children who came through the Waldorf program not successfully transitioning. In terms of computer capacities, he cited people who say that learning good algebraic thinking is important to programming, so those critical thinking and logic skills are an important basis and foundation to transition to technology education.

The NWPCS group were asked about their thoughts on this technology issue. A NWPCS group member stated that they introduce tech educationally at a developmentally appropriate time. He cited that tech people like Bill Gates and Steve Jobs did not allow their children to have tech until a later, more developmentally appropriate age.

Commissioner Edelblut promised to check on what the law says exactly and the NWPCS group promised to comply with the standards specified in the law. They will work with the Board to meet state standards in a way that is acceptable within their curriculum.

It was noted that the Northeast Woodlands Public Charter School application, while well done, looks more like a private Waldorf school versus a public charter school that utilizes the philosophy. The application seemed to suggest that the school would not have to follow the state requirements. A NWPCS group member stated that becoming the first public Waldorf school in the state would take some work, as the state is not used to working with Waldorf schools and vice versa.

The NWPCS group was asked to explain their plan for student assessments. In the application, the NWPCS group used the Alliance for Public Waldorf Charter Schools as a resource. The NWPCS group is aware that there are state standards they need to look at closely. Upon approval, they would create curriculum and assessment teams to create models that meet both standards. Waldorf teachers are taught to do daily observations based on the lesson book and then the school will also do traditional assessments such as quizzes, tests, quarterly reports, state tests, etc. It was pointed out that once the application is approved, it is the Board's role to make sure the kids are getting an adequate education and the only way to do that is through the school's assessments.

Chairman Cline complimented the NWPCS group on their strong application, but noted that there were a few areas that needed some work. One concern is that he felt the Board will need a map to how the Waldorf approach will

be aligned to the state standards. That alignment is tough to do once approved and the clock starts ticking to opening day. A little more detail in that respect might strengthen the application. A NWPCS group member pointed out that appendix J of the application shows where there is alignment with the NH Common Core. Another NWPCS group member asked if they could partner with the state to work on curriculum, assessment and standards issues and concerns to ensure alignment. Commissioner Edelblut responded positively to that suggestion and promised to have the department work with the NWPCS group.

Phil Nazzaro asked about projected revenues, which show one third coming from grants and contributions charged for service (*which are not guaranteed*) and two thirds from the state (*enrollment*). In his experience, the enrollment figure was aggressive for a first-year charter. He encouraged them to have a strong risk mitigation strategy or contingency strategy in the event enrollments are lower or they do not receive the grants they want. A member of the NWPCS group explained they came up with those numbers based on the interest expressed in enrollment already. They feel it is attainable.

Chairman Cline added that the Board has had multiple charter schools present their fundraising plan, and a missing key piece almost every time is having a board member or executive with business and fundraising experience. It is encouraging to see a businessperson and Chamber of Commerce member in the NWPCS group, but Chairman Cline would find it reassuring to have more

information on who the board will be or what resources will be tapped for fundraising. The Board of Education does not require this information, but it would be good to identify individuals with fundraising experience, as well as include a calendar for fundraising. The NWPCS group members noted that their entire last meeting was focused on fundraising.

A NWPCS group member noted that the school has devised a two-board system. The first board will deal with day-to-day school operations and the second will focus on fundraising and board of trustee issues. Chairman Cline noted that was fine, but the application was sometimes confusing when it referenced a board. The roles and structure need to be clarified.

Ann Lane asked for an update on the leadership search for the charter school. A NWPCS group member responded that it is hard to get anyone to commit until there is an actual school.

Helen Honorow asked about paragraph B1 on page 9 of the application, where it references the trustees. If trustees have no term limits, how would they be removed? Also, she was confused that NWEF board members are deemed trustees of the charter school by virtue of their status as a board member. A NWPCS group member stated they can vote on removing a problematic trustee. Part of the NWEF board members' goal will be to keep the charter school trustees true to the mission and vision over time.

Chairman Cline, referencing the same paragraph, noted that although trustees will have no term limits, there should be terms. A NWPCS group member stated that the by-laws for the Northeast Waldorf Foundation do specify the term length. Chairman Cline thought it would be helpful to include those by-laws.

Chairman Cline noted that the school board would be covered by the right-to-know law. He does not know what the law says about a board of trustees overseeing a school board.

The Board asked that the NWPCS group return next month and provide updates on:

- The areas not met on the Department's review.
- Alignment of curriculum to state standards
- Student assessment
- Clarifying the structure and roles of the two boards
- Documentation clearly showing the charter school and private school are separate entities. Chairman Cline asked for a list of everyone associated with each school, with an eye to making sure the two groups were totally separate.

The NWPCS group promised to send the Board the video presentation that they had been intending to show.

B. Spark Academy of Advanced Technologies Public Charter School First Year Program Audit Report

Chairman Cline began by noting that the Board had read the progress report. Denis Mailloux, Director, then provided a general overview. The school is in its first year and currently has 25 students, only two of whom are girls, so they want to attract more young women to the program.

The school runs two cohorts of 15 students each, alternating between CAD and mathematics. Students then alternate between humanities and science in the afternoon. The school feels the daily schedule is functioning well and the curriculum progress is proceeding according to expectations.

Spark Academy administered the PSAT 8/9 in October and Mr. Mailloux displayed a panel with data from that. The faculty has yet to meet to review the hot spots coming out of this data, but the data will provide some specific direction in terms of curriculum and pedagogy. On the other hand, they do not want to derive too much from one student test.

In terms of the progress Spark Academy is seeing so far, the students overall score higher with respect to math, but trail off in the language arts areas.

Curriculum implementation is going according to expectations. Manchester Community College (MCC) has been amazing in facilitating the process. Spark Academy is expanding its staff for the second semester by hiring a biology teacher.

In terms of finances, they have not yet submitted a finance report to the Department. The school began receiving public funds in September and will submit the finance report in the next week or two. In the meantime, their budget is posted on their website and accessible to everyone.

One other area to highlight is that a certified guidance counselor has been a solid addition to the program.

In response to a question about fundraising, Mr. Mailloux stated that they've been fortunate to be supported by a foundation to the point where they are accepting the state and federal monies. They obtained a robotics grant from the state for \$10,000. The school is also optimistic that they will receive a \$50,000 matching grant. They have also had contact from two high tech corporations who have verbally indicated they wish to support the program.

A Board member asked about the school's relationship with the foundation that is enhancing the school's financial condition. Mr. Mailloux replied that the foundation has sponsored a number of charter schools. The understanding is that the money has been contributed and at some point, the monies will become viewed as loans, should the school continue to need them. Currently, they are not loans.

Another Board member asked for more information on the school's enrollment and what is being done to increase it. Mr. Mailloux stated that having been approved on April 15, the enrollment period was briefer than they would have preferred. Their enrollment of 25 was five less than they originally envisioned. In November, they conducted an open house for prospective students. At this point, they have 13 applications, three of which are from young women. In the current class, at least seven are from Manchester and the rest come from as far away as Windham, Nashua, and Raymond. In addition, they are doing monthly information nights. They believe that a target enrollment of 30-45 would be reasonable.

They are also balancing the number of students versus the space available. They hope at some point to construct a building on the campus of MCC. The current class space that they lease from MCC can accommodate up to 30 students. Increasing to 45 students would require additional space.

In response to a question about rolling admissions, Mr. Mailloux replied that especially with respect to the CAD program, transferring in during the course of

the year is virtually impossible. They see themselves currently locked into accepting students into the ninth grade only.

A Board member asked about Spark Academy's intention to build on the MCC campus and whether MCC did not have extra room. Mr. Mailloux explained that first, for tech classes, Spark Academy is already at the maximum that MCC felt comfortable with. Second, the tutoring in the AI math program calls for a lot of intense one-on-one work, so limits the number of students per class. It also means the school does not alleviate overhead by increasing class size. In addition, as the students matriculate into the college courses in their third and fourth years, less classroom space is required.

In response to a question on community connections, Mr. Mailloux noted that Spark Academy has had connections with area businesses and the community church that does a lot of charitable work in central Manchester. They are also connected to the Boys and Girls Club of Manchester. They would like to eventually conduct more outreach, but it has been a good start.

C. Capital City Public Charter School First Year Program Audit Report Update

Barbara Higgins, Managing Director, began by providing an overview of her background and introducing Stephanie Alicea, Head of School, Amy Zumiez, a

nationally certified behavior analyst who is helping the school with special ed organization, Kasai Mumpini, board chair, Caroletta Alicea, vice chair, and Lilyanne Caron, treasurer.

Ms. Higgins went through a list of concerns given to her by DOE Investigator Richard Farrell.

- After a heat issue, the heat has been repaired and restored.
- There were concerns about the open campus, so the school has now instituted a closed campus.
- There was concern about safety with respect to windows, doors, and cameras. The school has subsequently contracted with One Source Security and now there are fire doors, a buzzer to get in, new keys, etc. The next step is to work on the fire code issues, including getting the mall staff to take care of plumbing and pipe issues that could affect the sprinkler system.
- The Capital City Public Charter School has restructured its student population, placing their 10th and 11th graders either back in their home schools or into other charter schools that might be more appropriate for them. Ms. Higgins noted that in conversations with local education agencies (LEAs) and an out-of-district representative, it was thought that Capital City was an alternative school for children with behavior

problems, which it is not. The charter is specific that it is a service-learning academy.

- Teacher, Scott Palmer is now certified in English Language Arts and high school English and Justin Wolbert, the history teacher, has begun the certification process as well. Ms. Higgins noted that the 9th graders will be taking their geography class online with the Virtual Learning Academy Charter School (VLACS).
- Ms. Higgins noted that the math teacher has left and that she is filling in, which has been a good opportunity for her to get a handle on student performance and interests. With 21 years in special education, she has a good handle on where kids need help.

In response to a question about how many students are left in the school, Ms. Higgins replied there were 31 left. Capital City has an aggressive plan to recruit middle school students.

Another area of concern are invoices and showing how money is being spent. The school has hired someone with experience in accounting, bookkeeping, etc. Ms. Higgins and Ms. Alicea have also restructured the bank accounts. Two staff members are also working with an outside accounting firm to organize receipts and paperwork to upload into QuickBooks for better fiscal management.

Chairman Cline asked for more detail on how the outdoor entrance to the parking lot now operates. Ms. Higgins explained that the outer doors are open, but

to get beyond the vestibule, you need to be buzzed in. Eventually, students and staff will have photo ID badges. Chairman Cline asked what would happen if a student wanted to sneak out the back door? Ms. Higgins said the student would have to get by the secretary who lets people in. The outer exterior doors need to be open during the day for safety. She also noted that the layout of the school makes it very difficult to hide.

Capital City Public Charter School had concerns over two students with high truancy levels and both of those families were put in contact with special education coordinators in their districts. One student had severe anxiety and trouble leaving the house. While he is being tested, Capital City put together online work for the student to do at home and is doing well with the coursework.

In terms of special education, Ms. Zumiez has reviewed every student with a special needs file. Ms. Higgins has spoken to and is working with school districts to have individual education plans implemented and in place.

In terms of fundraising, at a recent board retreat, there was a lot of focus on community connections, community service, and fundraising. One parent board member brings a wealth of knowledge to the inner workings of charter schools and fundraising.

Ms. Higgins then referred to a list of Board concerns provided by Jane Waterhouse, NHDOE Charter School Administrator and offered the following responses:

- The school's curriculum is now online.
- ThinkWave, a gradebook and school management system, is now online.
- A sample newsletter was provided. The PTO is planning to take over the newsletter.
- The school's board meeting minutes from January 4 were included. Ms. Higgins is looking for one or two educators to add to the board.
- Teacher evaluations from the year prior were provided. Ms. Higgins stated she is setting up a plan for teacher observations that will probably take place at the beginning of April.

In response to a question about the number of actual faculty, Ms. Higgins stated that there are two teachers, herself, Ms. Alicea and Ms. Zumiez on staff. Ms. Higgins clarified that she is a teacher and will provide special ed services when she can and teach middle school math for the time being. The history teacher also teaches some reading and oversees the Lego club. The other teacher on staff teaches structured English language arts. He will also be monitoring the 9th grade students taking math with VLACS.

Ms. Higgins will be supervising reading groups with the lower grades who will meet a few days a week with two parent volunteers that are certified as educational assistants.

In response to a question about whether Capital City needs to hire any more teachers, Ms. Higgins said not at the moment because of her certification and the partnership with VLACS.

Ms. Higgins noted that Capital City has accomplished a lot in terms of organizing, categorizing, and chronicling. They still have work ahead of them, but she feels confident that they are getting to where they need to be.

In response to a question, Ms. Higgins stated that the financial audits and reports are in process. Commissioner Edelblut noted that they are due February 11. It was asked that a signed copy of an engagement letter with an accounting firm be provided.

Ms. Higgins then addressed the implementation, fidelity, and effectiveness of the curriculum and the defined measures of competencies. Capital City uses a wide variety of curricula. The initial issue is to improve student performance in reading, so the school has implemented groups for children that need extra support. As the children start receiving special education services, Ms. Higgins expects that their basic skills will show a marked increase.

The recommendation was “develop individual goals and objectives for struggling students.” Ms. Higgins has written a thousand IEPs in her life, so this will become an ongoing part of the school’s process. Of the 31 remaining students, nine of them have IEPs. Ms. Higgins is working with the sending school districts to have scheduled IEP meetings, updates, etc. Capital City has a student with a 504 from Gilford and a meeting is being set up for her with her contact.

Ms. Higgins has written a school culture, pulling from the charter and encapsulating what service learning looks like. The school culture has five key components: investigation, preparation and planning, action, reflection, and demonstration. Ms. Higgins feels this will be more effectively implemented due to the changes they have made.

Ms. Higgins is in the process of implementing a Wednesday morning community service to connect students with local organizations that need help. In addition, they want to start a community garden.

A final piece that is in process is public access to curriculum, which has been sent to the school’s web person.

Helen Honorow asked about the difference in organizational structure and what exactly Stephanie Alicea’s and Ms. Higgins’s roles will be. Ms. Higgins stated that she is the managing director, managing Ms. Alicea. Ms. Higgins sees her role

as nothing happens without her knowing about it and she is part of the conversation when making decisions. Ms. Alicea as head of school will have the duties of any school principal: very involved in administration and delegating of tasks to staff. Ms. Higgins will oversee disciplinary issues. Ms. Alicea added that it was a one-woman show for a long time. Part of Ms. Alicea's role is to be the first point of contact for educators and potential students; allowing her to connect with students and also make connections in the community. Ms. Higgins added that with a small staff, they all assume multiple duties.

Ms. Honorow said she still was not sure of the difference between Head of School and Managing Director. Ms. Higgins said you could say Superintendent and Principal, although she feels like she and Ms. Alicea are co-managing.

Ms. Honorow then asked who was in charge of managing the fidelity to the mission of service learning and Ms. Higgins replied that all the staff have this responsibility. If you have to be reminded that you are working at a service learning school, maybe it is not the school for you. She explained that this is a conversation at all their weekly staff meetings.

Phil Nazzaro noted that when everyone is in charge, no one is in charge, and that lack of clarity can cause friction. The more they clarify responsibilities, the easier it will be. Ms. Higgins agreed. Now that they have plugged the holes, she feels that that hierarchy can be more clearly defined. Ms. Higgins feels that

the head of school and the managing director will be equal in the hierarchy, albeit with different roles and responsibilities. They are accountable to one another, but they are not each other's boss. In answer to a question, she also clarified that they both answer to the board.

Kate Cassady questioned whether or not Capital City could be true to its mission and follow through with what has been promised to the Board on paper. Ms. Higgins stated that they have already made huge changes and the Board will have to have a little faith.

A Board member asked about community building and fundraising. Ms. Higgins stated that it will be a focus at their January 15, 2020 board meeting and explained that they have two parents with fundraising ideas. The school has done small fundraisers such as selling t-shirts; however, Ms. Higgins has a lot of connections with high caliber financial people, but has not had time yet to reach out to them. She is also reaching out to other charter school principals for guidance on how they started out.

In response to a question on grants for service learning, Ms. Higgins said she did not know if they exist, but will look into it and noted she has written two grants in the past.

Commissioner Edelblut asked whether Capital City had engaged an accountant to finish their audit for last year. It was explained that the newly hired staff member with bookkeeping and accounting experience is working on getting QuickBooks up and running accurately to then send over to the accounting firm. Ms. Higgins stated that there is an engagement letter with the accounting firm and will email it to Ms. Waterhouse to share with the Board.

Commissioner Edelblut noted that at the November meeting, the Board was concerned about disrupting the education of students in the middle of the year, knowing that the school had accepted students who were outside of the scope of its charter. With respect to the families who were extended to the end of the quarter, the Board had outreach from those parents, who believe that the state has said that those students were not permitted to stay in the school. Having read the communication that was sent to the parents from Capital City, the commissioner interpreted it the same way as the parents; the state was not allowing those students to stay. That is not the action that the Board took in November and this should be made clear in communications to the parents. Ms. Higgins stated that that was not how the information was meant to be interpreted.

The correspondence to parents seemed to imply that the Board was discouraging students with IEPs from attending this school and encouraging them to find a home back in their districts. Ms. Higgins stated that while her wording may have been vague, she took it as the school did not have official approval for 10th

and 11th grade and the school is failing miserably with these students. Chairman Cline clarified that Capital City does have approval from the Board for these 9th and 10th grade students to remain at the school.

Ms. Higgins reviewed some of the discussions she has had with her 9th and 10th grade parents, covering the requirements for service learning and whether the school was a good fit for their children. She emphasized that she did not tell students that they could not stay because they had an IEP. As a special ed teacher, she considers herself a champion of the underdog. Chairman Cline advised her to be careful with the vernacular, particularly with the word “placement,” as that has legal connotations. It has to be clear that the school is not discriminating against children because of disabilities. Ms. Higgins said she tried to be sensitive to that, but apparently she was not, and apologized.

It was reiterated that it is problematic for Capital City to have two people in leadership roles without distinctly defined responsibilities and that the Board would like to see a line of responsibility and accountability. Ms. Higgins said she will look at the charter with respect to the responsibilities of the head of school and will keep it in mind when working with the school’s board.

Kate Cassady asked Chairman Mumpini for his thoughts. Mr. Mumpini responded that the commissioner and he felt it was prudent to bring a new person in which was why Ms. Higgins was hired. They have not decided yet what role Ms.

Higgins will fill vis-a-vis Ms. Alicea's role. Currently, Ms. Higgins is focused on cleaning up some of the mess. In the near future, they will work on clearly defining the two roles and responsibilities. Ms. Cassady then asked Mr. Mumpini what his goals were and he responded that it is to see the school grow, become stable, and provide the best education they can with the goals under which it was started.

Chairman Cline said that it looked like Ms. Higgins and the school had made significant progress in the past six weeks. Organizationally, there was a lot to be done and the Board's frustration was that they had raised red flags over months that organizationally things were not working and it is good to see that some catchup has been done. Chairman Cline's biggest concern currently is addressing the concerns in the letter the Department sent them on December 29 where they laid out their expectations. Ms. Higgins said she never received a letter and she submitted the material to the Department before December 29. Chairman Cline conceded that there was some overlap and there are still things to work on.

Chairman Cline then listed some areas that need immediate attention. First, he is concerned about the children who have IEPs and various special needs and making sure that they get the services they need immediately. Also, he feels the Board does not have an understanding of coursework the students have missed so far this school year. The Board is concerned that many students have fallen far behind because they were not receiving the services they need. Chairman Cline

would like a progress update on these students. Ms. Higgins said steps are being taken and listed some individual cases where arrangements have been made.

Ms. Higgins conceded that many of the students were not being served and stated she cannot go back and fix what went wrong—it is done and we are here now. Chairman Cline stated that to some extent, there is an obligation to fix what went wrong in the sense of making sure those kids are brought up to speed the best they can. He loves that Ms. Higgins is a special educator and is addressing these issues, but going forward the Board needs more clarity. For example, how many children were not getting services? What is the plan for getting those children up to speed? Is there an assessment involved? The children are legally required to have had those services, so the Board wants to make sure there is a plan in place for catching up.

Ms. Higgins stated she fully expects to be back before the Board with updates.

Chairman Cline said he likes Ms. Higgins' attitude and appreciates her frankness. He also noted that the Chairman Mumpini has been super-responsive. Chairman Cline said it was great to see how much progress the school has made in a few weeks; however, the Board still has serious concerns.

Chairman Cline would like Capitol City to give an update at the March 12, 2020 meeting.

AGENDA ITEM VIII. LEGISLATIVE UPDATES

Amanda Phelps, NHDOE, Administrative Rules Coordinator, updated the Board on some legislative proposals.

A. INITIAL PROPOSAL ~ Robotics Education Fund (Ed 1307)

Chairman Cline reminded everyone that they are discussing the initial proposal to take the steps to make the Robotics Education Fund official without being an emergency status. Ms. Phelps reviewed some changes including approved costs, application deadline dates, application deadlines in the event of grant funds being left over, and clarifying that application approval does not constitute a grant award.

In response to a question on required uniforms, Ms. Phelps stated that you are required to have a tee shirt identifying your team to participate in competitions.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve the initial proposal for Ed 1307, Robotics Education Fund.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

B. INITIAL PROPOSAL: to amend that section of the School Year rules (blizzard bag policy) Ed 306.18(a)(7)

Ms. Phelps stated that this proposal is to remove the requirement that districts have to have the policy approved by the commissioner. She noted there are many policies that districts have to have in place, but not all of them have to be signed by the commissioner.

It was asked whether the blizzard bag policy requires having a computer at home. Nate Greene, NHDOE, Administrator, Bureau of Educational Opportunities stated that if a child does not have a computer at home, they must be given appropriate instructional materials and noted this is the same for students with IEPs.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve the amendment to Ed 306.18(a)(7) relative to the blizzard bag policy requirements for school districts.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

C. FINAL PROPOSAL: Confidentiality and Record Retention (Ed 1102.04(h) and Ed 1119.01

Ms. Phelps noted that this proposal has come to the Board several times. Last time, it had added language in Ed 1119.01(d) suggested by Bonnie Dunham and SAC. A more appropriate place has been found to put that language, so it has been removed from the previous final proposal while Ms. Phelps works with Ms. Dunham on moving it. Her additional language in (a) is still there.

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve the final proposal for Ed 1102.04(h) and Ed 1119.01 relative to special education confidentiality and records retention.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

D. INTERIM RULE ~ Vocational Rehabilitation (VR) Programs, (Ed 1000)

This is an item that was not on the agenda. Ms. Phelps explained that this is a straight adoption with no changes. It went to Joint Legislative Committee for Administrative Rules (JLCAR) who submitted comments on the original rule so Ms. Phelps explained there is a lot of work to be done. An initial proposal will be before the Board next month.

Lisa Hatz, State Director, NH Vocational Rehabilitation explained that one reason the Board did not have an initial proposal for today's meeting is there was confusion around what rulemaking authority the Board had over the entire program. The statute states that there are only three smaller programs that actually have rulemaking authority. That is now being hashed out between the Office of Legislative Services (OLS) and the Attorney General's office.

She also noted that at some point VR was moved to the Department of Education, but the rulemaking authority was not delegated to the Board of Education. It is, therefore, somewhat ambiguous.

It was also noted that some of the language from the Workforce Innovation Opportunity Act needs to be added so there is alignment. There will be an initial proposal for the February meeting.

MOTION: Kate Cassady made the following motion, seconded by Phil Nazzaro, that the State Board of Education adopt the interim rule for vocational rehabilitation programs (Ed 1000).

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM X. COMMISSIONER'S UPDATE

Frank Edelblut, Commissioner of Education, began his report to the Board by discussing personnel issues. He introduced some people in new positions (a few of whom were present): Becky Fredette, who has been promoted to lead the Student Support Bureau; Jim Kask, who is leading the data bureau; Ashley Frame, who has been promoted to be the administrator for the Title programs; Melissa White, who has been promoted to be administrator for academics and the assessments; Susan Blake is our new HR Administrator; Chris Bond is our new attorney; Elizabeth Fontaine was hired to oversee the Work Innovation and Opportunity Act (WIOA) Youth Programs; Jennifer and Sydney are our new interns working in the Bureau of Credentialing; Pauline Doucette was hired for a business and economic affairs role; and Cathy Adams was hired in Title 1.

In terms of retirements, Sue Lang will be retiring from HR.

Mary Ellen Hamilton is moving from the Front Desk to assisting in the Student Support Bureau.

Helen Honorow asked whether someone had been hired for Heather Gage's division director position. Commissioner Edelblut replied no, although the position has been posted and some resumes have come in. He is not in a hurry to fill that position because they have some competent administrators who have good ideas about how they want to structure their work. Once they have leaned into their work, they will backfill the division director position.

AGENDA ITEM IX. OPEN BOARD DISCUSSIONS

Chairman Cline congratulated Helen Honorow for her 12 years of service on the Board. Under state law, board members can only service three terms (i.e., 12 years); however, the Governor does not yet have a new board member lined up, so Helen will be with the Board a little while longer until he does. Commissioner Edelblut expressed his appreciation for Ms. Honorow's being on the Board and what he has learned from her.

Ms. Honorow stated that it is a privilege to serve the children of New Hampshire and with all the other board members.

Ms. Honorow was then presented with a token in recognition of her service.

AGENDA ITEM X. OLD BUSINESS

There was no Old Business.

AGENDA ITEM XI. NONPUBLIC SESSION

MOTION: Helen Honorow made the following motion, seconded by Phil Nazzaro, that the State Board of Education move into nonpublic session in accordance with RSA 91-A:3, II(c).

VOTE: The motion was approved by roll call vote at 2:55 PM by State Board of Education members Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

MOTION: Helen Honorow made the motion, seconded by Phil Nazzaro, to leave nonpublic session and return to public session at 3:20 PM.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

MOTION: Phil Nazzaro made the following motion, seconded by Ann Lane, that the State Board of Education seal the minutes of the nonpublic session.

VOTE: The motion was approved by roll call vote by State Board of Education members, Sally Griffin, Ann Lane, Kate Cassady, Cindy Chagnon, Drew Cline, Phil Nazzaro and Helen Honorow.

AGENDA ITEM XII. TABLED ITEMS

A. FINAL PROPOSAL: Confidentiality and Record Retention (Ed 1102.04(h) and Ed 1119.01)

MOTION: Cindy Chagnon made the following motion, seconded Phil Nazzaro, that the State Board of Education remove this proposal from the table.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM XIII. CONSENT AGENDA

A. Meeting Minutes of December 12, 2019

MOTION: Cindy Chagnon made the following motion, seconded by Kate Cassady, that the State Board of Education approve the minutes from December 12, 2019.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman, Ann Lane, and Phil Nazzaro abstaining.

B. Tuition Agreement—Fall Mountain Regional School District and Lempster School District

C. Proposed Amendment and Renewal of Authorized Regional Enrollment Agreement (AREA) for Pittsburg and Clarksville School Districts

D. Proposed Amendment and Renewal of Authorized Regional Enrollment Agreement (AREA) for Colebrook and Columbia School Districts

E. Proposed Amendment and Renewal of Authorized Regional Enrollment Agreement (AREA) for Gilford and Gilmanton School Districts

MOTION: Ann Lane made the following motion, seconded by Phil Nazzaro, that the State Board of Education approve B, C, D, and E of the consent agenda.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

AGENDA ITEM XIV. ADJOURNMENT

MOTION: Phil Nazzaro made the motion, seconded by Ann Lane, to adjourn the meeting at 3:25 PM.

VOTE: The motion was approved by unanimous vote of the Board with the Chairman abstaining.

Secretary