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Subject: Draft of the ED 306 Minimum Standard Rules
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Attachments: [image001.png](#)
[April 3 Draft Proposal_Ed 306.01-Ed 306.25 irs.docx](#)
[image002.png](#)
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Dear Team,

Thank you so much for the hours of attention you have committed to making sure we create a great draft of the ED 306 Minimum Standard Rules.

Attached is a draft that reflects the changes that we have agreed to and will be presented to the State Board of Education for their consideration. As you know, while Drew participated in the discussions around these changes, he alone, does not speak for the board.

I would ask that you distribute this draft to your various constituent groups so that we can maximize our time in the April 3 hearing to focus on further areas of concern and not sections of the rules that are likely to be modified.

Please reach out if you have any questions.

Frank

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PART Ed 306 MINIMUM STANDARDS FOR PUBLIC SCHOOL APPROVAL

Readopt with amendment Ed 306.01, effective 3-27-14 (Document #10556), to read as follows:

Ed 306.01 Applicability.

(a) Public schools and public academies shall meet the applicable criteria established in these standards to be an approved school.

(b) Except as provided in (c) below, a public school shall be approved as an elementary school if it contains kindergarten through 8 and meets the rules applicable to all schools and to each elementary school.

(c) As determined by vote of the local school board, any combination of the grades 4 through 8 may be organized as a public middle school, and so approved if it meets the rules applicable to all middle schools.

(d) A public school or a public academy shall be approved as a high school if it contains any of the grades 9 through 12 and meets the rules applicable to all schools and to each high school.

Adopt Ed 306.02, previously effective 7-1-05 (Document #8354), as amended effective 12-17-11 (Document #10047), and expired 7-1-13 in paragraphs (a)-(d) and expired 12-17-19 in Ed 306.02 intro. and paragraphs (e)-(h), to read as follows:

Ed 306.02 Definitions. Except where the context makes another meaning manifest, the following words have the meanings indicated when used in this chapter:

- (a) “Academic standards” means “academic standards” as defined in RSA 193-E:2-a, VI(b);
- (b) “Achievement of competencies” means a student has demonstrated competencies at a proficient level through a defensible body of evidence;
- (c) “Career and technical education (CTE)” means CTE as defined in RSA 188-E:2, III;
- (d) “Competencies” means a grouping of related academic standards that a student will be able apply as a result of a specific set of learning opportunities;
- (e) “Competency-based” means an educational approach that includes the following tenets:
 - (1) Competencies are explicitly stated and measured;
 - (2) Assessment practices are varied, authentic, transferable, and meaningful;
 - (3) Students advance to new learning opportunities upon proficiency;
 - (4) Students are offered timely interventions in response to their learning; and
 - (5) Attention to work study practices;
- (f) “Course of study” means a progression of related competencies leading to graduation;
- (g) “Credit” means the official record that a student has achieved competencies associated with learning opportunities;
- (h) “Curriculum” means curriculum as defined in RSA 193-E:2-a, VI(c);
- (i) “Department” means the New Hampshire department of education;

(j) “Differentiation” means the adjustments made to learning opportunities for groups of learners based on similar learning needs;

(k) “Educator” means administrators, educational specialists, instructional specialists, teachers, paraeducators, educational interpreter and transliterators, school nurses, and any other individuals credentialed by the state board;

(l) “Equity” means the practice of designing programming, distributing resources, and implementing policies to individuals or groupings of individuals based on their identified needs in order to adjust for nonachievement of competencies or other barriers to success. The term also includes “equitable”;

(m) “Extended learning opportunities (ELOs)” means the personalized learning process that allows for achievement of competencies through means outside of the classroom;

(n) “Individualization” means adjustments made to learning opportunities based on specific needs of individual learners;

(o) “Instruction” means deliberate and strategic approaches to facilitate student learning;

(p) “Instructional time” means the period of time during which instruction is offered;

(q) “Learning level” means a student’s identified readiness to receive instruction in a competency;

(r) “Learning opportunities” means educational experiences, including but not limited to online, blended, and self-guided classes, ELOs, work-based learning, and alternative learning plans that lead to achievement of competencies;

(s) “Local school board” means the local school board of a district under RSA 189:1-a;

(t) “Personalized learning” means learning opportunities shaped by the learner’s interests, talents, passions, and aspirations. The term also includes “personalization”;

(u) “Proficiency” means the minimum student performance required to satisfy the achievement of a competency. The term also includes “proficient”;

(w) “State board” means the state board of education established in RSA 21-N:10; and

(x) “Work study practices” means collaboration, creativity, and applied learning, logic, and rhetoric as defined by RSA 193-E:2-a, VI(d)-(f).

Readopt with amendment Ed 306.03, effective 3-27-14 (Document #10556), to read as follows:

Ed 306.03 Statutory and Policy Requirements. For a school to be an approved school under these rules, the school board shall comply with all applicable state laws and rules.

Readopt with amendment Ed 306.04, effective 3-27-14 (Document #10556), as amended effective 8-9-19 (Document #12845), to read as follows:

Ed 306.04 Policy Development.

(a) The individual(s) responsible for superintendent services or their designee shall keep students, parents, educators, and all other personnel informed about school policy. Such information shall be readily available, including on the school website.

(b) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures, which shall be available on each school’s website, relative to:

(1) Absenteeism and attendance, which shall:

- a. Include procedures for the accountability and supervision of students;
- b. Not penalize students who miss class or a required school event because of a school scheduling conflict; and
- c. Implement a cooperative approach that clearly explains the parents’ or guardians’ responsibilities for notification when a student is tardy, absent, or dismissed, as well as the school’s responsibility;

(2) Promoting school safety:

- a. On school property;
- b. During authorized school activities, including online and hybrid learning;
- c. Relative to bullying, cyberbullying, and the use of social media platforms;
- d. In managing the behavior of students;
- e. Relative to the use of restraint and seclusion pursuant to RSA 126-U;
- f. Relative to emergency care consistent with RSA 200:40;
- g. By including safety instruction in all applicable programs offered by the school; and
- h. By requiring educators to know and implement safety practices and procedures relative to their area of responsibility;

(3) Discipline, including behavior management and intervention for students. Such policy shall:

- a. Include provisions regarding student rights and responsibilities, rules of conduct, and penalties for misbehavior;
- b. Include provisions regarding suspension and expulsion of pupils pursuant to RSA 193:13 and Ed 317;
- c. Be written in age-appropriate language;
- d. Be disseminated to parents and guardians; and
- e. Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever necessary;

(4) Records retention, including electronic files, requiring:

- a. Complete and accurate records of students’ attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe;
- b. A schedule for the retention and disposition of original records and information be established in accordance with RSA 189:29-a; and

c. Access to all student records and information be controlled by written procedures designed to protect individual rights and to preserve the confidential nature of the various types of records in compliance with applicable federal and state laws;

(5) Character and citizenship, which shall:

a. Include the elements to be incorporated in courses of study or instilled by example in a caring educational environment, not limited to the following:

1. Self-discipline, self-respect, and self-control;
2. Humanity, benevolence, and truth and honesty with self and others, pursuant to Part 2, Article 83 of the New Hampshire Constitution;
3. Fairness, integrity, and justice;
4. Civility, respect, courtesy, and human worth;
5. Responsibility to oneself and others;
6. Community service; and
7. The rights and responsibilities of citizenship; and

b. Be developed in consultation with school staff, administration, parents, and other representatives of the community;

(6) Student hazing;

(7) Student harassment, including bullying and cyberbullying, as required by RSA 193-F:4, II;

(8) Sexual harassment, as detailed in Ed 303.01(j);

(9) Reporting of suspected abuse or neglect;

(10) Promotion of a school environment that is conducive to learning and supports strong family and community partnerships, including:

- a. Engagement opportunities for parents and family members of students of all ages and learning levels;
- b. Parent activities throughout the school year to help parents support their children's learning;
- c. Curricular and learning materials made available to parents, consistent with copyright licensure of such materials;
- d. Frequent communication of school performance, student progress, and learning plans, using both print and online formats;
- e. Initiating community-based developmental activities that prepare students for school and promote ongoing achievement;
- f. Promoting collaboration among parents, schools, and community on school improvement and student achievement projects;

- g. Development of a sustained plan to harness relevant community resources, including but not limited to organizations, businesses, talented individuals, natural resources, and technology, to engage each student in achieving necessary skills and knowledge; and
- h. Development of business partnerships to assist students in the successful transition to employment or further education;

- (11) Remote learning as provided in Ed 306.18;
- (12) Providing alternative means of demonstrating proficiency of competencies resulting in the award of credit for a high school diploma or equivalent;
- (13) Homeless students;
- (14) Supporting the physical and emotional health needs of students and providing appropriate interventions;
- (15) Supporting the availability and distribution of healthy foods and beverages in all schools, including standards for nutrient dense foods and beverages as identified and defined by 7 CFR Part 210.10;
- (16) Air quality in school buildings as required by RSA 200:48;
- (17) Promoting students from one learning level to another based on achievement of competencies in alignment with RSA 193-C:3;
- (18) How high school credit is awarded to students based upon demonstrated proficiency of competencies:
 - a. Regardless of age or enrollment status; and
 - b. Pursuant to the requirements enumerated in Ed 306.21;
- (19) How students can graduate early, which outlines:
 - a. The requirement of parental or guardian involvement for students under the age of 18;
 - b. The approval process by the high school principal if it is determined that all state and local graduation requirements will be met; and
 - c. How, upon meeting local graduation requirements, the student is awarded a high school diploma;
- (20) Basic learning standards, including:
 - a. Homework, including how it is accessed and assessed;
 - b. Promoting students from one learning level or grade to another based on achievement of competencies;
 - c. Digital literacy;
 - d. How students can pursue learning opportunities, including:
 - 1. Advanced placement (AP) courses;

2. Career-related credentials and certifications;
 3. Dual and concurrent enrollment in college courses; and
 4. VLACS and Learn Everywhere programs; and
- e. How students can pursue ELOs and career readiness activities, addressing:
1. The administration and supervision of the program;
 2. How certified school personnel oversee an individual student’s curriculum;
 3. The requirement that each ELO aligns to competencies;
 4. Access to ELOs by middle school students;
 5. How high school credit is awarded through ELOs; and
 6. How students can include summer activities;

(21) Exploration of career pathways in a developmentally appropriate manner; and

(22) Developmentally appropriate daily physical activity pursuant to Ed 310. The policy shall be in addition to and shall not replace the physical education program requirement.

Readopt with amendment Ed 306.05 through Ed 306.08, effective 3-27-14 (Document #10556), to read as follows:

Ed 306.05 School Philosophy, Goals, and Objectives. The local school board shall direct each school in its district to adopt a written philosophy and a statement of goals and objectives consistent with the rules of the state board. Provisions shall be made for the review of the philosophy, goals, and objectives at least every 5 years.

Ed 306.06 Culture and Climate.

(a) The local school board shall adopt policies that address:

- (1) Respect for differences, and affording all students equitable opportunities;
- (2) Shared responsibility for the school culture and climate among students, their families, school administration and staff, and the community;
- (3) Student leadership through involvement in decision-making; and
- (4) Civil, nondiscriminatory, and respectful use of language and behavior.

(b) The school administration and staff shall:

- (1) Review ways in which equity gaps can be reduced, and develop and implement a plan to address academic under-performance of individual students to eliminate barriers to learning; and
- (2) Establish a fair and equitable code of discipline that is fairly and consistently implemented and which supports students’ understanding of the importance of norms, rules, and expectations for behavior.

(c) The school administration shall provide professional development opportunities directed at understanding the policies and reporting requirements that support an equitable, safe, and healthy school environment.

Ed 306.07 School Facilities. The local school board shall require that the facilities operated by the school district for K-12 educational purposes are approved to operate or are conditionally approved to operate in accordance with Ed 320.

Ed 306.08 Learning Resources. The local school board shall require that each school:

(a) Provides a developmentally appropriate collection of resources aligned to all learning levels, including online and print materials, equipment, and technologies that shall be necessary to support the curriculum as well as the learning needs of all students;

(b) Provides that learning resources are, as appropriate:

(1) Organized and accessible to students, staff, and parents; and

(2) Managed through circulation policies and procedures that are designed to maximize the use of the resources;

(c) Integrates the following learning opportunities across curricular areas when appropriate:

(1) Accessing information efficiently and effectively;

(2) Evaluating information and sources critically and competently;

(3) Citing sources and not plagiarizing;

(4) Using information accurately and creatively;

(5) Pursuing information related to personal interests;

(6) Appreciating literature and other creative expressions of information;

(7) Striving for excellence in information-seeking and knowledge generation;

(8) Recognizing the importance of information to a democratic society;

(9) Practicing ethical behavior in regard to information and information technology;

(10) Participating effectively in groups to pursue and generate information; and

(11) Activities to promote the development of reading, viewing, and listening skills; and

(d) Implements a plan approved by district administration for ongoing development, organization, acquisition, maintenance, replacement, and updating of curriculum and learning resources necessary to support the needs of students.

Repeal Ed 306.09, effective 3-27-14 (Document #10556), as follows:

~~Ed 306.09 Custodial and Maintenance Services.~~

~~— (a) The local school board shall provide for each school such custodial services as are necessary to ensure a clean, sanitary, and safe physical plant and grounds. The school plant shall be cleaned on a daily basis when school is in session. School repairs and maintenance shall be performed on a regular basis.~~

~~— (b) All school staff, including custodians, maintenance workers, food service workers, educators, support staff, and administrators shall receive training on their roles in maintaining clean, healthy school facilities and the importance of quality indoor air; and~~

~~— (c) Schools shall minimize the use of toxic chemicals for cleaning and pest control. Staff shall not be permitted to bring cleaning products or pesticides into a school without approval from the school administration.~~

Readopt with amendment and renumber Ed 306.10 and Ed 306.11, effective 3-27-14 (Document #10556), as Ed 306.09 and Ed 306.10 to read as follows:

Ed 306.09 Administrative Support Services. The local school board shall ensure that all school records are maintained in accordance with local policy, state laws and rules, and federal laws and regulations.

Ed 306.10 Food and Nutrition Services.

(a) The local school board shall:

(1) Require that each school makes a meal available during school hours to every student under its jurisdiction, in accordance with RSA 189:11-a, I-II;

(2) Provide a qualified individual(s) to:

- a. Oversee the operation of school meals;
- b. Maintain proper resources that meet state and federal regulations; and
- c. Maintain state health requirements for each school site within the district; and

(3) Require that each newly constructed school or renovated kitchen or cafeteria provide space for the preparation and consumption of meals in compliance with Ed 321.12(d).

(b) All food service employees shall, within their first year of employment, obtain a certificate of completion for an approved sanitation course.

(c) Students shall be provided with an adequate time to consume meals in each elementary, middle, and high school in accordance with the federal Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).

(d) If a waiver is granted pursuant to (a)(1) above due to inadequate space, the school district shall make provisions in the next school physical plant expansion provisions to house a food service preparation and consumption area that is in compliance with Ed 321.12(d).

(e) Any school choosing a standard for foods available at school which is not consistent with the USDA standard for Child Nutrition Programs, shall request a waiver from the department. The department shall evaluate the alternative standards and shall grant the waiver if the alternative standards are determined to be equivalent to the nutrition standards of 7 CFR Part 210.

Readopt with amendment and renumber Ed 306.12, effective 11-14-17 (Document #12418), as Ed 306.11 to read as follows:

Ed 306.11 School Health Services.

(a) In accordance with federal and state law, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), Section 504 of the Rehabilitation Act of 1973, RSA 141-C, RSA 169-C, RSA 200:26-41, and RSA 326-B, the local school board shall require that each school provides qualified personnel to carry out appropriate school health-related activities.

(b) Each registered nurse, licensed practical nurse, or licensed nursing assistant employed by a school district shall hold such current license under RSA 326-B.

(c) If a school nurse or licensed practical nurse is not available to a school for any reason, at least one other person who has a current first aid and cardiopulmonary resuscitation certification (CPR) certification shall be available.

Repeal Ed 306.14, effective 8-9-19 (Document #12845), as follows:

~~Ed 306.13 RESERVED~~

~~— Ed 306.14 Basic Instructional Standards.~~

~~— (a) The local school board shall require that each school has an instructional program which includes the following:~~

- ~~(1) A policy on homework, including its relationship to the grading system;~~
- ~~(2) An organized plan for recording student progress in meeting district and graduation competencies in alignment with RSA 193-C:3;~~
- ~~(3) A policy for promoting students from one learning level to another based on achievement of district competencies in alignment with RSA 193-C:3;~~
- ~~(4) Instructional materials and resources matched to the appropriate skill levels of students;~~
- ~~(5) A policy that outlines how digital literacy will be integrated in a developmentally appropriate manner across grades 1-12 instruction, and how the district or graduation competencies associated with digital literacy will be assessed either alone or in combination with other district or graduation competencies and assessments;~~
- ~~(6) A policy outlining how students will demonstrate achievement of district and graduation competencies including the awarding of credit for required subjects and open electives;~~
- ~~(7) A policy encouraging students to pursue and demonstrate advanced course work, including advanced placement courses in high school, dual enrollment in college courses; and~~
- ~~(8) A policy encouraging students to have a plan for summer activities that support student learning.~~

~~(b) The instructional program shall enable students to demonstrate achievement of graduation competencies in alignment with RSA 193-C:3.~~

Readopt with amendment and renumber Ed 306.15, effective 3-27-14 (Document #12845), as amended effective 8-9-19 (Document #12845), as Ed 306.12 to read as follows:

Ed 306.12 Provision of Staff and Staff Qualifications.

(a) To carry out the educational program established by these rules and local school board policy, the local school board shall require that each school provides:

- (1) The services of a licensed principal, a licensed library media specialist, and a licensed school counselor(s);

- (2) For the hiring and training of educators licensed under Ed 500 to facilitate learning in their credentialed content area;
 - (3) In each elementary school, the services of a licensed reading specialist and library media specialist to facilitate the delivery of language arts and reading curriculum;
 - (4) In each middle and high school, a library media specialist to support the management of learning resources requirements of Ed 306.08; and
 - (5) Educators in accordance with class size requirements in Ed 306.14.
- (b) In carrying out the school counseling program, the local school board shall require that:
- (1) The counseling load in each elementary school shall not exceed the equivalent of one full-time licensed school counselor per 500 students enrolled;
 - (2) The counseling load in each middle school and each high school shall not exceed the equivalent of one full-time licensed school counselor per 300 students enrolled;
 - (3) High schools with more than 4 school counselors shall provide a high school level licensed director of school counseling to coordinate the implementation of the school counseling program plan and policy, unless (4) below applies; and
 - (4) District level licensed directors of school counseling to coordinate K-12 implementation of the school counseling program plan and policy shall be provided in districts where the number of school counselors across all schools exceeds 10.
- (c) The local school board shall require that each school with an enrollment of 500 or more students provides the services of an assistant principal or 2 or more persons with administrative licensure under Ed 506 who together act as a full-time equivalent to carry out administrative duties assigned by the superintendent in accordance with local school board policy.
- (d) The local school board may provide for each school the services of additional staff to facilitate the use of the learning resources described in Ed 306.08 and the technological resources needed to facilitate the digital literacy program.
- (e) Pursuant to RSA 189:24, and in accordance with Ed 500 and Ed 600, the local school board shall require that each professional staff member is licensed for assignment by the department.

Readopt with amendment and renumber Ed 306.16 and Ed 306.17, effective 3-27-14 (Document #10556), as Ed 306.13 and Ed 306.14 to read as follows:

Ed 306.13 Professional Development.

- (a) The local school board shall require that schools comply with the professional development requirements enumerated in Ed 513.
- (b) The school administration shall require that:
 - (1) Each certified educator's individual professional development plan required under Ed 513.03 is aligned with the professional development master plan; and
 - (2) The professional development activities included in the professional development master plan are designed to improve professional knowledge, as measured in its success in meeting students' needs and improving students' learning.

Ed 306.14 Student-Educator Ratios.

(a) The local school board shall establish student-educator ratios that promote student learning as appropriate for each learning opportunity and learning level.

(b) In the interest of safety, the maximum number of students in laboratory classes in such areas as science and CTE shall be determined by the number of workstations and the size and design of the area.

Readopt with amendment and renumber Ed 306.18, effective 2-19-22 (Document #13356), as Ed 306.15 to read as follows:

Ed 306.15 School Year.

(a) Each school shall maintain a school calendar which provides for 180 days of instruction or the required number of instructional hours, which may result in fewer than 180 days.

(b) Each school district shall maintain a school year as provided below, which shall identify the total instructional hours offered and recognize that students advance upon achievement of competencies, not based on seat time, pursuant to Ed 306.21(j):

(1) At least 450 hours of instructional time in kindergarten;

(2) At least 945 hours of instructional time in elementary school grades 1-6; and

(3) At least 990 hours of instructional time in each year grades 7-12.

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

(d) Schools shall use additional hours to reschedule lost instructional time before requesting a waiver of the amount of instructional time under RSA 189:2.

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

(f) Remote learning conducted in accordance with Ed 306.18(c) shall count toward the required amount of instructional time.

(g) Advisory periods in middle and high schools shall be counted as instructional time.

(h) Lunch time, home room periods, passing time, and breaks shall not be counted toward the required amount of instructional time. Elementary schools may count recess as instructional time for pupils in kindergarten through grade 6.

Repeal Ed 306.19, effective 3-27-14 (Document #10556), to read as follows:

~~Ed 306.19 School Calendar. Each school shall maintain a school calendar.~~

Readopt with amendment and renumber Ed 306.20-Ed 306.21, effective 3-27-14 (Document #10556), as Ed 306.16-Ed 306.17 to read as follows:

Ed 306.16 CTE Programs.

(a) CTE programs, as defined in Ed 306.02(c), shall be available to meet specific educational, district, and graduation requirements, as outlined below:

(1) Every public high school shall be identified within a CTE region as established in accordance with RSA 188-E and Ed 1302 and be included in the regional agreement established pursuant to Ed 1304.02; and

(2) Every public high school shall make all students aware of programs available at the regional CTE center.

(b) Receiving districts shall make every effort to offer opportunities to every qualified student in the region who desires to participate in a program at the CTE center, in accordance with the formula for participation prescribed in the respective regional agreement.

(c) CTE cooperative agreements shall require sending and receiving school districts to coordinate calendars and schedules to maximize students access to CTE programming pursuant to Ed 1304.02.

(d) Every public high school student shall have access to programs at the regional CTE center subject to attainment of prerequisites and space availability within the program in a CTE center and sending school budget restrictions.

(e) Prerequisites shall be directly related to a student's ability to successfully complete the CTE program of core technical competencies vetted by business and industry and postsecondary institutions.

Ed 306.17 Alternative Course of Study.

(a) "Alternative course of study" means the delivery of a student's learning opportunities through personalization and differentiated methods designed to address the needs of individual students or groups of students that might be different from the learning opportunities used by the schools of the district for the student population.

(b) An alternative course of study may be housed in the same facility as a school or at a different location.

(c) An alternative course of study shall be:

(1) Designed to address the personalized and differentiated needs of students; and

(2) Approved by the local school board in a plan that:

a. States the goals of the course of study and curriculum to be provided;

b. Enables students to opt into the program at the request of the students' parent or guardian;

c. Specifies the procedures for assessing and implementing the course of study consistent with RSA 193-C:3, III;

d. Specifies when the course of study would be offered, which may be at a time other than during the regular school day;

e. Demonstrates how the alternative course of study will enable the participating students to achieve the same competencies outlined for all students and consistent with RSA 193-C:3; and

f. Details how ELOs, remote learning pursuant to Ed 306.18, and other learning opportunities will be incorporated as a learning option for all students.

(d) Alternative courses of study for students with disabilities shall meet the requirements of Ed 1119.

(e) Annually, a school administrative unit (SAU) that implements an alternative course of study shall report the program to the department.

(f) Each student participating in an alternative course of study shall participate in the state assessment exam, when applicable.

(g) Assignment of students to an alternative course of study shall be voluntary and require written approval from the parent or guardian.

(h) Staff assigned to an alternative course of study shall meet the same licensure requirements as staff assigned to schools in accordance with Ed 306.12.

(i) Students in an alternative course of study shall be provided student services equivalent to those provided in schools including, but not limited to:

(1) Food and nutrition services under Ed 306.10;

(2) Health services under Ed 306.11; and

(3) Counseling services.

(j) The school year for alternative courses of study shall meet the requirements of Ed 306.15.

(k) Alternative courses of study which result in the awarding of a high school diploma shall meet the requirements of Ed 306.22(c).

(l) Alternative course of study which are supervised by the principal of a school shall be considered part of that school for reporting and assessment purposes, and for school approval under Ed 306.23.

(m) Alternative courses of study which are supervised by a district level administrator shall be considered a separate school of the district for reporting and assessment purposes, and for school approval under Ed 306.23.

Readopt with amendment and renumber Ed 306.22, effective 2-19-22 (Document #13356), as Ed 306.18 to read as follows:

Ed 306.18 Remote Learning.

(a) All students shall have access to full-year, full-day instruction, in-person as required in RSA 189:1 and RSA 189:24. Remote learning shall satisfy the requirement for in-person instruction when conducted in accordance with (c) below.

(b) Remote learning opportunities may include, but not be limited to, blended or hybrid online and in-person, completely online, video-based, internet-based courses of study, or any combination thereof.

(c) Remote learning shall satisfy the requirements of RSA 189:1 and RSA 189:24 under the following conditions:

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

(2) As an option for a parent or guardian making a request for remote learning; or

(3) As articulated in a parent-approved alternative course of study approved by the local school board pursuant to Ed 306.17(c).

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

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

(f) A parent or guardian may appeal a district determination that a student is not making educational progress pursuant to the district's educational assessments to the state board under Ed 200.

(g) A student shall remain in remote learning until the conclusion of the appeal in (f) above. If the state board upholds the district's conclusion that the student is not making educational progress pursuant to the district's educational assessments, the student shall immediately be disqualified from continued participation in the district's remote learning opportunity.

(h) School districts may cooperate to share delivery of remote learning opportunities.

Repeal Ed 306.23 and Ed 306.24, effective 3-27-14 (Document #10056), as follows:

~~Ed 306.23 Statistical Reports; Accountability.~~

~~(a) Each school district shall establish a local education accountability system in order to collect data needed for evaluation of the district's compliance with state and federal laws on school accountability. The department shall integrate its accountability system with local accountability systems so as to allow for comparison and analysis of such data.~~

~~(b) Each district shall file statistical reports with the department as required under RSA 189:28. A request from a district to the department for statistical data needed by a district for filing a statistical report shall be submitted to the department at least 60 days before the district's report is due.~~

~~(c) Each school district required under RSA 193-H:4 to create a local education improvement plan shall file such a plan with the department within 90 days of being found to be in need of improvement under RSA 193-H:3. The plan shall be aligned to meet state goals and student performance indicators.~~

~~Ed 306.24 Assessment.~~

~~(a) The local school board shall require that each school:~~

~~(1) Provides for the ongoing assessment of district and graduation competencies through the use of local assessments that are aligned with state and district content and performance standards as provided in (b) below;~~

~~(2) Participates in the state wide education improvement and assessment program as provided in (e) below;~~

~~(3) Participates in the New Hampshire performance assessments;~~

~~(4) When selected by the United States Department of Education, National Center for Education Statistics participates in the National Assessment of Education Progress (NAEP); and~~

~~(5) Supports student development of individual student digital portfolios.~~

~~(b) The following elements shall be used as evidence by the department in determining whether a school complies with the requirements of (a) above:~~

~~(1) The school has a process for the selection, use, and interpretation of local assessment instruments;~~

~~(2) The school supports the authentic assessment of student learning outcomes through multiple formative and summative assessment instruments, including, but not limited to:~~

~~a. Educator observation of project based learning, including off site learning projects;~~

~~b. Competency based or performance based assessments;~~

~~c. Educator observations of student performance; and~~

~~d. Project evaluation rubrics used to evaluate program proficiencies applied to integrated curriculum assignments, extended learning opportunities, career and technical education opportunities, and out of school learning environments;~~

~~(3) The school provides professional development for educators in the use of diagnostic tools to adjust instruction to meet personalized needs of students and to monitor progress; and~~

~~(4) The school has a systematic process for collecting and analyzing assessment data to:~~

~~a. Identify needs for improvement; and~~

~~b. Determine the effectiveness of educational programs in meeting student performance goals.~~

~~— (c) Each school shall maintain the following as evidence of participation in the state wide education improvement and assessment program established under RSA 193 C:~~

~~(1) Written guidelines for the inclusion of and accommodations for student participation, including, but not limited to, inclusion of and accommodations for:~~

~~a. Students in major racial and ethnic groups;~~

~~b. Students with disabilities;~~

~~c. Economically disadvantaged students; and~~

~~d. Students with limited English proficiency;~~

~~(2) Procedures for test security and the accurate inclusion of student data; and~~

~~(3) Procedures by which assessment results are communicated to:~~

~~a. Parents;~~

~~b. Faculty; and~~

~~c. The community.~~

~~— (d) For programs at all K-12 levels, schools shall report the academic performance of all students on a regular basis by providing the following:~~

~~(1) A summary of individual student performance to parents at least 3 times each year; and~~

~~(2) The opportunity for parents to meet individually with each of their students' teachers about their students' performance at least once during each school year.~~

Readopt with amendment and renumber Ed 306.25, effective 3-27-14 (Document #10556), as Ed 306.19, to read as follows:

Ed 306.19 School Psychological Services.

(a) If a district employs a school psychologist as an optional service pursuant to RSA 189:49, IV, the standards in (b)-(e), in addition to the requirements below, shall apply:

- (1) Nothing in this section shall prevent a school district from contracting services with a qualified school psychologist;
- (2) All such psychological services must comply with federal Every Student Succeeds Act (ESSA) requirements, including informed written consent; and
- (3) All such services must comply with state and federal student privacy laws and rules, including parental notification and consent requirements.

(b) Employing school districts shall require that school psychological services are provided by certified school psychologists in a coordinated, organized fashion, and are deployed in a manner that results in the provision of a comprehensive continuum of services.

(c) School psychologists shall use assessment findings to diagnose educational and behavioral disorders and to facilitate educational treatment planning.

(d) Employing school districts shall ensure that an effective program of supervision and evaluation of school psychological services exists.

(e) School psychologists in cooperation with their employing districts or agencies shall be responsible for the overall development, implementation, and professional supervision of school psychological service programs.

(f) Employing school districts shall ensure that parental consent and student information are protected as required under applicable state and federal law.

Readopt with amendment and renumber Ed 306.26, effective 6-10-22 (Document #13394), as Ed 306.20 to read as follows:

Ed 306.20 Kindergarten Through Grade 8 School Curriculum.

(a) The local school board shall require that in each school there is an elementary school curriculum aligned to state academic standards that outlines competencies for the grades 1-8 and includes:

- (1) Procedures for identifying personalized learner needs and interests;
- (2) Methods and strategies for facilitating learning, including but not limited to personalization, individualization, and differentiation;
- (3) Techniques for the evaluation of student outcomes, including performance assessment of competencies; and
- (4) Opportunities for students to receive timely, personalized, and differentiated support based on their individual learning needs.

(b) The local school board shall adopt where applicable, for each school, a kindergarten curriculum in compliance with RSA 193-E:2-a, II-a that supports:

- (1) Unstructured time built into the school day for the discovery of, and methods and strategies for the fostering of, each child's individual talents, abilities, and needs;
 - (2) Child development and learning in all domains, including, but not limited to:
 - a. Physical;
 - b. Social;
 - c. Cognitive; and
 - d. Language;
 - (3) Child-directed experiences based on play-based learning that comprise:
 - a. Movement;
 - b. Creative expression;
 - c. Exploration;
 - d. Socialization; and
 - e. Music; and
 - (4) A reading curriculum that includes, but is not limited to, phonemic awareness, phonics, vocabulary, fluency, and comprehension.
- (c) The local school board shall distribute instructional time to allow each student to make progression towards competency proficiency in the following areas:
- (1) For the elementary grades 1-8, where no middle school has been established by vote of the local school board:
 - a. Arts education;
 - b. English language arts and reading;
 - c. Health education;
 - d. Physical education;
 - e. Digital literacy;
 - f. Mathematics;
 - g. Science;
 - h. Social studies;
 - i. Holocaust and genocide education, as applicable; and
 - j. An optional world language, if offered; and
 - (2) For middle school:
 - a. Arts education;

- b. English language arts and reading;
- c. Health education;
- d. Physical education;
- e. Family and consumer science;
- f. Digital literacy;
- g. Mathematics;
- h. Science;
- i. Social studies;
- j. Technology and engineering;
- k. Holocaust and genocide education; and
- l. An optional world language, if offered.

(d) If co-curricular programs are offered, they shall consist of those activities that are designed to supplement and enrich regular academic instruction, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. As outlined in Ed 306.21(g), achievement of competencies through co-curricular activities shall be counted towards graduation credit.

(e) If a district chooses to offer ELOs in a middle school or a student requests an ELO and the district has the available resources, the ELOs shall:

- (1) Consist of activities designed to:
 - a. Allow a student to demonstrate achievement of competencies or supplement learning opportunities;
 - b. Promote the schools and individual students' educational goals and objectives;
- (2) Be governed by the ELO policy as outlined in Ed 306.04(b)(20)e.;
- (3) Incorporate student participation in selecting, organizing, and carrying out ELOs; and
- (4) Be available to all students.

Readopt with amendment and renumber Ed 306.27, effective 6-10-22 (Document #13394), as amended effective 1-15-21 (Document #13159), as Ed 306.21 and Ed 306.22 to read as follows:

Ed 306.21 High School Curriculum, Credits, and Co-curricular Programs.

(a) The local school board shall require that the curriculum content and learning opportunities developed for each high school outlines competencies.

(b) School districts shall develop course competencies, based on New Hampshire academic standards where applicable, for all courses of study. School districts may use state model course competencies to develop minimum course competencies.

(c) The required curriculum content shall comply with the following:

- (1) The program of studies shall include those learning opportunities in which students demonstrate achievement of competencies as outlined in table 306-1;
 - (2) Learning opportunities, including ELOs, shall be planned for the achievement of competencies leading to high school graduation;
 - (3) The learning opportunities shall include:
 - a. Procedures for identifying learner needs and interests;
 - b. Methods and strategies for facilitating learning, including but not limited to personalization, individualization, and differentiation;
 - c. Techniques for the evaluation of student outcomes, including performance assessment of competencies; and
 - d. Opportunities for students to receive timely, personalized, and differentiated support based on their individual learning needs;
 - (4) ELOs shall:
 - a. Be governed by a policy adopted by the local school board as outlined in Ed 306.04(b)(20)e.
 - b. Incorporate student participation in selecting, organizing, and carrying out extended learning activities; and
 - c. Be available to all students; and
 - (5) “Co-curricular program” means an opportunity for students to participate in activities designed to meet their needs and interests, including activities that:
 - a. Supplement, enrich, and make regular academic courses accessible;
 - b. Provide opportunities for social development;
 - c. Encourage participation in the arts, athletics, and other cooperative groups;
 - d. Encourage service to school and community; and
 - e. Earn credit leading to graduation through achievement of competencies.
- (d) Each local high school shall provide reasonable accommodations for cocurricular activities as appropriate in order to allow for full access and participation by students with disabilities.
- (e) The local school board shall require high school students to demonstrate proficiency of competencies in the following:
- (1) Arts education;
 - (2) Business education;
 - (3) CTE;
 - (4) English language arts and reading;

- (5) Family and consumer science;
- (6) Health education;
- (7) Physical education;
- (8) Digital literacy;
- (9) Mathematics;
- (10) Computer science;
- (11) Logic and rhetoric;
- (12) Science;
- (13) Social studies;
- (14) Technology and engineering;
- (15) World languages;
- (16) Holocaust and genocide education;
- (17) ELOs; and
- (18) Personal finance and financial literacy.

(f) Each high school shall offer maximum student learning opportunities, in and out of the classroom, while at the same time specifying a basic number of courses that each high school shall offer.

(g) Students shall be awarded credit leading to graduation by demonstration of proficiency of competencies by completion of:

- (1) A competency-based assessment that supports a collection of a defensible body of evidence in how students demonstrate proficiency of competencies;
- (2) An assessment approved by the local school district for a particular course; or
- (3) An assessment approved by the department if the local school district has not developed an assessment.

(h) The local school board shall require that graduation be based on demonstrated proficiency of competencies through the accumulation of credits outlined in table 306-1 and certified by the school principal or designee.

(i) Each high school shall ensure that learning opportunities support student's achievement of competencies.

(j) Credits shall be awarded for achievement of competencies. Credits shall not be awarded on time spent achieving these competencies.

(k) Students may achieve competencies and be awarded credit through student demonstration of a defensible collection of work or other assessment evidence at a proficient level gained through prior learning opportunities.

(l) The items in (e) above shall not limit opportunities to develop learning opportunities that meet the needs of each student.

(m) The programs of studies in (e) above may be offered and coordinated individually or through interdisciplinary studies.

(n) Competency in a subject area may be earned through interdisciplinary learning.

(o) Students shall engage with and apply English language arts, and mathematics competencies during every year they are enrolled in high school even if all required competencies for English language arts, and mathematics have been demonstrated. Such engagement may occur through integration of these competencies in learning opportunities focused on content areas other than English language arts, or mathematics. Nothing contained in this section shall preclude a school or district from offering learning opportunities in addition to the minimum outlined in this chapter.

(p) There shall be a minimum of 20 credits for a regular high school diploma, unless the local school board has set a requirement of more than 20 credits for a regular high school diploma, in which case the local credit requirement shall apply. The local school board shall require that each high school offers courses or learning opportunities as specified in (e) above.

(q) The following shall apply relative to the required program of studies:

(1) The local school board shall verify in writing to the commissioner that each high school offers a total of at least 43 courses across the required program areas as outlined in (5) below when the school seeks approval or renewal of approval under Ed 306.23;

(2) Each high school may use any relevant title to identify a particular course of study;

(3) Local school boards may propose innovative ways to meet or exceed the requirements in (5) below, pursuant to Ed 306.24;

(4) Local school boards shall ensure that courses necessary to meet the requirements for achievement of competencies as defined in (5) below are offered to district students enrolled in high school at no additional cost to the students and does not preclude offering learning opportunities outside of the district resources;

(5) Courses in the following program areas shall be offered by each high school:

- a. Arts education;
- b. Business education;
- c. Family and consumer science;
- d. Digital literacy;
- e. Personal finance;
- f. World languages;
- g. Health education;
- h. Technology education;
- i. English;

- j. Mathematics;
- k. Science;
- l. Logic and rhetoric;
- m. Social studies; and
- n. Computer science;

(6) Course requirements under (5) above may be met through school identified and sanctioned remote learning under Ed 306.18 subject to the following:

- a. Students shall be provided learning opportunities that enable them to demonstrate achievement of competencies in courses required for graduation;
- b. Students shall not be required to take these courses to demonstrate achievement of competencies leading to graduation . Duplicate, equivalent, or additional courses in those learning opportunity areas may be offered through remote learning, ELOs, or other alternative courses of study;
- c. Remote learning opportunities or other alternative courses or programs to be counted toward the courses required in (5) above shall be identified in the school's program of studies;
- d. The school shall provide, where necessary, all equipment, software, and internet connectivity necessary to participate in remote learning or alternative courses of study or learning opportunities that are to be counted toward the courses required in (5) above;
- e. In the cases where the school has determined that there is no other way to provide a required course, the costs of registration shall be borne by the school district for courses or alternative courses of study to be counted toward the courses required in (5) above; and
- f. At least one staff member shall be identified and available to assist students having difficulty with remote learning and other alternative courses of study;

(7) Courses offered at regional CTE centers and available to all high school students may be counted toward the courses required in (5) above to be offered at each host or sending high school in the region and be identified in the school's program of studies;

(8) Students demonstrating achievement of competencies acquired through CTE courses shall be awarded credit leading to graduation

(9) Nothing in this section shall prevent a high school from offering classroom learning opportunities, remote learning, independent study programs, CTE courses, or ELOs in addition to the courses required in (5) above, and schools shall not be required to pay for student registration or similar fees for additional courses or programs; and

(10) Nothing in this section shall prevent a student from demonstrating achievement of competencies through classroom learning opportunities, CTE courses, remote learning, independent study, or ELOs to meet the graduation requirements of Ed 306.22(g) consistent with local district policies.

(a) The local school board of each high school shall award a regular high school diploma to those students who demonstrate achievement of competencies as encompassed in at least 20 credits included in table 306-1.

(b) Each student, as a prerequisite to receiving a high school diploma from a public school, shall fulfill the requirements of RSA 193:26-a, relative to the Free Application for Federal Student Aid (FAFSA). A model waiver shall be made available to school districts by the state board.

(c) The local school board of each high school shall award a regular high school diploma to all students, with and without disabilities, who have achieved and demonstrated their local high school's competencies aligned to graduation requirements.

(d) The local school board of a district which does not operate a high school may award a high school diploma if the following are met:

(1) The district has contracted with a public academy, as defined in RSA 193:23, II, to be the high school for the district, as authorized by RSA 194:2; and

(2) Students have attended a school other than the public academy.

(e) The awarding of different types of diplomas shall be governed by the following:

(1) A school shall award a regular diploma for achievement and demonstration of the competencies that meet graduation requirements;

(2) A school may award a special diploma that recognizes academic achievement;

(3) Competencies achieved in adult education, including but not limited to night school, may be used to earn a regular diploma; and

(4) Students may earn certificates of completion or equivalency diplomas, but these shall not be equal to a regular high school diploma.

(f) The 20 credits required for graduation shall be distributed as specified in table 306-1. Attainment of 20 credits required for graduation that are based on the New Hampshire academic standards shall ensure that students meet the graduation requirements outlined in (g) below.

(g) Graduation requirements shall:

(1) Encompass a complete body of interrelated student accomplishment and be considered as a whole, not as discrete silos; and

(2) Align with appropriate high school academic content standards and require students to demonstrate their ability to apply and transfer their learning in the following areas:

a. In the arts, the ability to demonstrate competency in:

1. Creating, presenting, and performing artistic works; and

2. Responding and connecting to artistic works;

b. In digital literacy, the ability to use diverse technology tools and media to demonstrate competency in:

1. Building new knowledge by inquiring, thinking critically, identifying, and solving problems;

2. Communicating clearly and creatively;
 3. Working effectively with others in ways that are safe, legal, and ethical; and
 4. Locating and critically assessing digital content to construct knowledge, produce creative artifacts, and make meaningful learning experiences for themselves and others;
- c. In English, the ability to demonstrate competency in:
1. Listening and speaking thoughtfully and purposefully to understand others and convey meaning;
 2. Comprehending, analyzing, and critiquing a variety of literary and informational texts;
 3. Creating written explanations, narratives, and logical arguments that effectively convey ideas, analyses, and critiques encompassing broad topics suitable for a variety of audiences; and
 4. Correctly using the conventions of standard English such as grammar, punctuation, spelling, capitalization, and word usage in all written work;
- d. In mathematics, the ability to demonstrate competency in:
1. Understanding number systems and number sense, including computation concepts, strategies, and procedures;
 2. Understanding numerical and graphical representations of data and the underlying logical and relational statements represented by those data;
 3. Understanding geometric relationships and representations and underlying mathematical principles; and
 4. Reasoning mathematically in the development of argument and logic;
- e. In science, the ability to demonstrate competency in:
1. Understanding foundational principles of physical and life sciences;
 2. Designing and carrying out investigations to explore biological, chemical, and physical phenomena;
 3. Analyzing and interpreting data to engage in argument from evidence; and
 4. Recognizing, interpreting, modeling, and explaining evidence such as pattern, scale, proportion and quantity, cause and effect, and other cross-cutting concepts related to observable and non-observable phenomena;
- f. In social studies, which includes US and NH history, government and civics, economics, and world history, the ability to demonstrate competency in:
1. Understanding the history of the United States through multiple perspectives, including founding principles and the on-going struggle to realize those principles;

2. Understanding the governance and functioning of local, state, and federal government in a constitutional republic through multiple perspectives;
 3. Understanding processes of civic engagement in a democratic society, including tolerance and well-mannered engagement across differences of perspective, philosophy, culture, race, and heritage;
 4. Understanding important events marking world history and how those events have shaped cultural, political, and other aspects of civilization through multiple perspectives;
 5. Recognizing local, state, national, and global geography, and understanding how geography has influenced humanity through multiple perspectives;
 6. Understanding economic systems and their effect on individuals and society;
 7. Effective planning and management of personal financial resources; and
 8. Researching, inquiring, analyzing, and explaining historical, civic, government, geographic, and economic developments including interaction and interdependence through multiple perspectives;
- g. In health and physical education, the ability to demonstrate competency in:
1. Researching and comprehending concepts related to health promotion and disease prevention; and
 2. Setting goals, advocating for, and pursuing positive health outcomes for oneself and others;
- h. In logic and rhetoric, the ability to demonstrate proficiency in:
1. Reasoning skill in analyzing problems and developing solutions;
 2. Understand the principle of cause and effect;
 3. Develop critical thinking skills to better identify fact from unverified information; and
 4. The skill of speaking and writing as a means of communication or persuasion;
- h. In open electives, an opportunity to demonstrate competency in:
1. Pursuing areas of personal interest that instill a passion for lifelong learning; and
 2. Making connections between education and career paths; and
- i. In all programs and courses, the ability to demonstrate competency in:
1. Communicating effectively using multiple modalities, interpreting information using multiple senses, and demonstrating ownership of the work;
 2. Thinking originally and independently, taking risks, considering alternate perspectives, and incorporating diverse resources;

3. Contributing respectfully, listening and sharing resources and ideas, accepting and fulfilling roles, and exercising flexibility and a willingness to compromise in both an academic and a career setting; and
4. Persevering in completing complex, challenging tasks, using self-reflection to influence work and goals, and engaging stakeholders to gain support.

Table 306-1 Required Courses of Study and Credits for High School Graduation

Required Courses of Study	Credit(s)
Arts education	½ credit
Digital literacy	½ credit
English	4 credits
Mathematics	3 credits, including algebraic concepts and at least ½ credit in statistics or data analysis
Physical sciences	1 credit
Biological sciences	1 credit
NH history	½ credit
Logic and Rhetoric	½ credit
Civics and Civility	½ credit
History, government and constitution of US and NH	1 credit
Economics	½ credit
Financial literacy	½ credit
World history, global studies, or geography	1 credit
Health education	½ credit
Physical education	1 credit
Open electives, to include an option for career connected learning	4 credits
Totals	20 credits

(h) In each high school, the minimum yearly course load for a student shall be at least the equivalent of 3 credits, except that this requirement may be modified for:

- (1) Students with an individualized education program (IEP) that has been developed in accordance with Ed 1109;
- (2) Students for whom early graduation has been approved as provided in Ed 306.04(b)(19); or
- (3) Those individuals in special or unusual circumstances as provided by local school board policy.

(i) The principal shall evaluate the transcripts of students who transfer into a secondary school from another educational program, or state, to determine previous educational experiences toward meeting competencies.

Readopt with amendment and renumber Ed 306.28, effective 3-27-14 (Document #10556) and amended effective 8-9-19 (Document #12845), as Ed 306.23 to read as follows:

Ed 306.23 Approval Process.

- (a) Pursuant to RSA 186:8, II, and RSA 21-N:6, V, the department shall administer Ed 306.
- (b) The following school approval categories shall apply to the administration of Ed 306:
 - (1) Approved for a 5-year period provided that a school meets and continues to meet all requirements of Ed 306;
 - (2) Conditionally approved; and
 - (3) Unapproved
- (c) A school which does not meet all of the applicable requirements of Ed 306 shall be designated as conditionally approved, provided that:
 - (1) All identified deficiencies and a timetable for their correction shall be incorporated into the approval designation; and
 - (2) The department shall work with the school officials and the local school board toward correcting all deficiencies.
- (d) A conditionally approved school which fails to meet the requirements of an approved school within 3 consecutive school years shall be designated as unapproved unless approved for delay in full compliance under Ed 306.25.
- (e) One year prior to the expiration of a school's approval, the chairperson of the local school board and the superintendent of the respective district shall provide documentation of compliance with all applicable standards.
- (f) By October 1, the superintendent of schools shall electronically certify that the schools in the SAU meet all requirements of Ed 306 through the online Education Statistics System (ESS) school approval checklist; and at <https://my.doe.nh.gov/myNHDOE/Login/Login.aspx>.
- (g) Pursuant to Ed 306.07, all facilities operated by the school district for K-12 educational purposes shall be approved to operate or conditionally approved to operate in accordance with Ed 320.
- (h) A school not meeting the requirements of (g) above shall be designated as unapproved.
- (i) If compliance with any other requirement of Ed 306 is in question, the school board chairperson and superintendent shall provide the commissioner with an alternative approval proposal as provided in Ed 306.24. If approved, the alternative approval proposal shall be made publicly available by the school district.
- (j) The department shall designate qualified professionals to visit schools to conduct school monitoring visits to verify that a school complies with Ed 306.
- (k) Each year the department shall provide an approval designation, as identified in (b) above, for each public school and public academy with an expiring approval status.
- (l) The department shall notify in writing the chairperson of the local school board and the superintendent of each school's final approval designation.
- (m) If the school board disagrees with the approval designation, the district may appeal the approval designation to the state board.

- (n) An appeal to the state board shall be filed within 30 days after delivery of the approval designation.
- (o) The appeal shall be filed, in writing, by giving notice to the chair of the state board.
- (p) The district shall provide all evidence rebutting the approval designation with the appeal. Evidence presented to the state board shall be limited to evidence available to the department at the time of the department's monitoring of the district pursuant to (j) above.
- (q) The state board shall hear the district's appeal at the next regularly scheduled state board meeting.
- (r) Should the district wish to present oral argument to the state board, they shall file a separate request for oral argument at the time of the appeal. If the district requests oral argument, the department may provide oral argument.
- (s) It shall be the responsibility of the superintendent to notify the department of any change in conditions which affects a school's compliance with these rules.

Readopt and renumber with amendment Ed 306.29 and Ed 306.30, effective 3-27-14 (Document #10556) as Ed 306.24 and Ed 306.25 to read as follows:

Ed 306.24 Alternative Approval.

(a) In order to meet the provisions of these rules and encourage innovation to achieve high standards for students, a local school board may request approval of an alternative method of compliance with the relevant rule or rules.

(b) To apply for alternative approval, the local school board shall submit a written request to the commissioner that includes:

- (1) The name(s) of school(s), district, or both;
- (2) The SAU number;
- (3) The contact person and telephone number;
- (4) The grades covered by the request;
- (5) The number of students affected;
- (6) Identification of the rule(s) for which the alternative plan is being submitted;
- (7) The local school board chairperson's signature;
- (8) A clear and concise written justification of the request; and
- (9) A plan which describes:
 - a. The alternative and consists of a statement of intent;
 - b. Method of implementation;
 - c. Evaluation procedures;
 - d. Timetable for development and implementation; and
 - e. An explanation of how the alternative is consistent with the statement(s) of philosophy, goals, and objectives adopted pursuant to Ed 306.05.

(c) The commissioner shall grant approval of the alternative for that period of time consistent with the school(s) approval designation, issued pursuant to Ed 306.23, if the request meets the following criteria:

- (1) The information provided is thorough and complete;
- (2) The school district has demonstrated that it is able to implement the alternative; and
- (3) The alternative is educationally sound and is consistent with the intent of the rule(s).

(d) The commissioner shall notify the local school board chairperson and the superintendent in writing of the decision.

(e) If the commissioner denies the request, the chairperson of the local school board or designee may appeal the decision and request a state board hearing.

(f) The appeal shall be filed, in writing, with the state board.

(g) The state board shall hear the district's appeal at the next regularly scheduled state board meeting.

(h) Should the district wish to present oral argument to the state board, the district shall file a separate request for oral argument at the time of the appeal. If the district requests oral argument, the department may provide oral argument.

Ed 306.25 Delay in Full Compliance.

(a) Notwithstanding any other provision of these rules and in accordance with the provisions of RSA 194:23-b, the state board shall approve, for a period of one year, a school, although it does not fully meet the requirements for an approved school, as established in these rules, if any of the conditions listed in (d)(1)-(5) below justify delay in full compliance.

(b) A request for delay in full compliance shall be submitted in writing by the chairperson of the local school board to the commissioner.

(c) Each request shall specify the standard(s) to be delayed and provide written evidence to justify delay in full compliance, including the reason(s) for the request and a local plan and timetable for bringing the school, district, or both into full compliance.

(d) Upon review of the request, the state board shall grant a delay in full compliance and approve the school for a period of one year if any of the following conditions exists at a level that has a significant or material impact:

- (1) Reduction in local tax base;
- (2) Closing of a major industry;
- (3) Sudden influx of school-age population;
- (4) Emergency beyond the control of the school district, such as a fire or natural disaster; or
- (5) The district has made progress toward meeting the standards, but more time is required to implement the district's plan for corrective action.

(e) The commissioner shall notify the local school board chairperson and the superintendent of the state board's decision.

(f) If the state board denies the request, the chairperson of the local school board or designee may request a reconsideration of the state board's decision, filed in writing with the office of legislation and hearings within 20 days of receipt of the decision.

(g) The office of legislation and hearings shall schedule a reconsideration in accordance with timelines and procedures established in Ed 213.

Appendix I

Rule	State or Federal Statute or Federal Regulation Rule Implements
Ed 306.01	RSA 189:1-a, II; RSA 189:24; RSA 189:25; RSA 193-E:2-a, I-III; RSA 194:23
Ed 306.02(b)	RSA 193-H:1, II
Ed 306.02(d)-(f)	RSA 193-H:1-a
Ed 306.02(g)	RSA 193-E:2-a, II
Ed. 306.02 (i)	RSA 21-N:2
Ed 306.02 (j)	RSA 189:1-a, II
Ed 306.02(k)	RSA 189:39
Ed 306.02(l)	RSA 193-H:1-a, III
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