

Readopt Ed 302, effective 3-15-06 (Document #8583), to read as follows:

PART Ed 302 DUTIES OF SCHOOL SUPERINTENDENTS

Ed 302.01 Executive Officer.

(a) The superintendent shall:

- (1) Serve as the executive officer of the local school district or districts within the school administrative unit (SAU);
- (2) Be responsible for the overall administrative and leadership services of the SAU; and
- (3) Perform the duties specified in the section.

(b) The superintendent shall be responsible for planning and managing the administrative and leadership services of the local school district or districts within the school administrative unit subject to statutory requirements, these rules, and the policies of the local districts

(c) The administrative and leadership services shall be defined and directed by the governing body employing the superintendent.

(d) Such local district services shall include but not be limited to the following areas:

- (1) Personnel;
- (2) Finance;
- (3) Communication/community relations;
- (4) Student service;
- (5) Maintenance/capital improvement;
- (6) Curriculum;
- (7) Instruction;
- (8) Assessment;
- (9) Short and long range planning;
- (10) Governance for student achievement;
- (11) Policy research;
- (12) Implementation, and review; and
- (13) Overall leadership on educational issues.

(e) The superintendent shall develop and maintain a system of public schools, staffed by certified educators, qualified professionals, and persons providing support services, subject to statutory requirements, these rules, and the policies of the local districts (s).

(f) The superintendent shall provide, develop and implement procedures to achieve educational objectives within the local school district or districts with the school administrative unit.

(g) The superintendent shall be directly responsible to the local school district or districts within the school administrative unit board.

(h) The superintendent may nominate for school administrative unit board appointment one or more assistants, including assistant superintendents, and business administrators. The superintendent may assign duties for the efficient management of the school administrative unit.

Ed 302.02 Substantive Duties. The superintendent shall in addition to those duties outlined in Ed 302.01:

(a) Nominate all certified staff and appoint other employees in accordance with state law, the rules of the state board and school board policies;

(b) Direct and supervise the work of all employees of the district or districts within the school administrative unit and shall have all powers necessary to make such direction effective, as outlined in RSA 194-C:4. While the superintendent has ultimate responsibility, he/she may delegate powers and duties to other personnel.

(c) Be responsible for the selection and purchase of textbooks and all other supplemental materials and supplies in accordance with the policies of the school board and the state board and see that the same are distributed to the school, accurately accounted for and economically used;

(d) Be responsible for developing and recommending to the school board or boards within the school administrative unit the annual budget for the support of the educational program and for the operation and maintenance of schools within the district or districts and the school administrative unit in accordance with school board policy;

(e) Be responsible for developing and maintaining an accounting system and financial reporting procedures for all funds in accordance with local school board policy, and local and state laws;

(f) Be responsible for the development of an educational plan including curriculum, instruction, and assessment programs for the district or districts and for recommending a program of studies suitable to the needs of the pupils and the community in accordance with local school board policies, state statutes and state board rules;

(g) Remove a teacher or other employee of the district in accordance with RSA 189:31;

(h) Recommend the dismissal of certified staff to the board, which has the authority to dismiss in accordance with RSA 189:13;

(i) Provide for temporary staff to fill vacancies and provide supplies immediately needed for the operation of the schools;

(j) Be responsible for maintaining records and filing reports as required by the state board of education and the local school boards;

(k) Admit pupils to the resident school district in accordance with the laws of the state and the rules of the state board and policies of the local board;

(l) Direct pupils to assigned classes and grades, consistent with local school board policies;

(m) Maintain a safe environment for pupils free of hazardous conditions;

(n) Be responsible for the evaluation of personnel and programs in accordance with local school board policies;

(o) Be responsible for implementation of state board rules, which apply in the area of the superintendents jurisdiction;

(p) Be responsible for developing and recommending to the school board or boards within the school administrative unit an annual maintenance program and long-term capital improvement plan;

(q) Be responsible for the implementation and recommendation to the school boards or boards within the school administrative unit a community relations and communications program; and

(r) Be responsible for the implementation and review of school district policies.

Readopt Ed 303, effective 3-15-06 (Document #8583), to read as follows:

PART Ed 303 DUTIES OF SCHOOL BOARDS

Ed 303.01 Substantive Duties. Each school board shall:

(a) Adopt policies necessary and desirable to control and effectuate the recruitment, employment, evaluation and dismissal of teachers and other employees and may delegate authority to the superintendent of schools to carry out the provisions of such policies provided that no teacher shall be employed who is not certified or who has not been nominated by the superintendent of schools and elected by the school board;

(b) Adopt policies necessary and desirable to control and effectuate the purchase of equipment, supplies, or services and may delegate to the superintendent of schools the authority to make financial commitments in accordance with such policy;

(c) Provide, through documented planning and public meetings and quorum votes, accommodation for all pupils in approved schools or other facilities in accordance with state law;

(d) Provide required transportation of students consistent with these rules and provide that all school buildings and other learning environments be maintained in a manner consistent with standards of health and safety as required by these rules;

(e) Prepare an annual budget in accordance with RSA 32 and comply with all federal and state laws and rules;

(f) Hold meetings for the transaction of business at least once in 2 months and require the attendance of the superintendent or designee. The board shall cause a written record to be kept of each meeting in accordance with RSA 91-A;

(g) In consultation with the superintendent and in accordance with statutes and rules of the state board of education, determine the educational goals of the district, develop long-range plans and identify measurable and attainable short-term objectives. The school board shall require the implementation of educational programs designed to reflect the goals and objectives and, further, the school board shall review such programs and make public the results of such investigation;

(h) Exercise all powers and perform all duties vested in and imposed upon the school board by law or rules of the state board;

(i) Adopt a rule to ensure that there shall be no unlawful discrimination on the basis of sex, race, age, creed, color, marital status, national origin, or disability in educational programs or activities consistent with local standards which may be stricter in specific areas than the broader statewide standards;

(j) Establish a policy on sexual harassment, written in age appropriate language and published and available in written form to all those who must comply, which includes, at a minimum, the elements specified below:

- (1) A statement that sexual harassment is against the law and against school district policy;
- (2) A definition of sexual harassment with examples of actions that might constitute sexual harassment;
- (3) The names and roles of all persons involved in implementing the procedures;
- (4) A description of the process so all parties know what to expect, including time frames and deadlines for investigation and resolution of complaints;
- (5) A prohibition against retaliation toward anyone involved in a complaint;
- (6) A description of possible penalties including termination;
- (7) A requirement that a written factual report be produced regardless of the outcome of the investigation;
- (8) At least one level of appeal of the investigators recommendation; *and*
- (9) A clear statement that someone can bypass the internal process and proceed directly to the New Hampshire commission on human rights, with address and phone number, or office of civil rights, with address and phone number; and

(k) Annually evaluate the superintendent based on written criteria established by the school board (s)/SAU board.

(l) Adopt a teacher performance evaluation system, with the involvement of teachers and principals, for use in the school district, pursuant to RSA 189:1-a,III.

Readopt Ed 304, effective 3-15-06 (Document #8583), to read as follows:

PART Ed 304 DUTIES OF SCHOOL PRINCIPALS

Ed 304.01 Substantive Duties; School Principals and Associate Principals.

(a) The school principal shall promote the success of all students consistent with a vision for learning that is shared and supported by the community, school board, and superintendent of schools by:

- (1) Facilitating the development, articulation, implementation, and stewardship of best practices for pupils in elementary and secondary education;
- (2) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;
- (3) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;
- (4) Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources; and
- (5) Having the knowledge and skills to promote the success of all students by understanding the larger political, social, economic, legal, and cultural contexts.

(b) The school principal shall evaluate and make recommendations to the superintendent concerning candidates for professional and nonprofessional positions within the school administrative unit in accordance with local school board policy, or as directed by the superintendent .

(c) The school principal shall assign, direct, and be responsible for the evaluation of all personnel employed in the school in accordance with local school board policy, administrative rules, and as directed by the superintendent.

(d) The school principal shall perform any duty assigned by the superintendent in accordance with local school board policy, state statutes, and rules of the state board of education.

(e) The school associate principal shall be responsible for assisting and supporting the school principal in promoting the success of all students as stated in the above duties.

Readopt Ed 311.01, effective 3-15-06 (Document #8583), to read as follows:

PART Ed 311 SCHOOL HEALTH SERVICES

Ed 311.01 School Immunization Program.

(a) A parent or legal guardian shall have a child immunized against certain diseases as determined in rules He-P 301.14, Immunization Requirements, adopted by the commissioner of the department of health and human services.

(b) A child shall be exempt from immunization in accordance with RSA 141-C:20-c.

(c) A child who is exempt from immunization in accordance with (b) shall not attend school during an outbreak of a communicable disease for which immunization is required under RSA 141-C:20-a.

(d) If a child is not immunized as in Ed 311.01(a), does not have a religious or medical exemption, or is unable to provide evidence of acceptable immunization for conditional enrollment, he/she shall not be admitted to school.

Readopt Ed 311.02, effective 5-16-08 (Document #9158), to read as follows:

Ed 311.02 Medication During School Day.

(a) For the purpose of this rule “school day” means any time during the day, afternoon, or evening when a child is attending school or other school related activity.

(b) Any pupil, who is required to take during the school day a medication prescribed by a licensed physician, advanced registered nurse practitioner, licensed physician's assistant or dentist, shall have a school nurse either assist the student to take the medication or administer the medication.

(c) This duty may also be undertaken by a RN or LPN under the direction of the school nurse.

(d) The school nurse may delegate the administration of medications, if appropriate to others pursuant to RSA 326-B Nurse Practice Act and Nur 404.

(e) Asthma inhalers and epinephrine auto injectors may be possessed by a student and self-administered in accordance with RSA 200:42 through RSA 200:47.

(f) If the school nurse is not available the building principal or designee may assist students in taking required medications by:

- (1) Making such medications available to the student as needed;
- (2) Observing the student as he/she takes or does not take his/her medication; and
- (3) Recording whether the student did or did not take his/her medication.

(g) Upon receiving a request from the parent, guardian, or physician relative to a particular student's need for medication during school hours, the school nurse may contact the parent, or guardian to discuss whether the student should remain at home, or whether the medication should be taken before, during, and/or after school. The nurse may also inquire about any other medical conditions requiring medications and any special side effects, contraindications and adverse reactions to be observed.

(h) Each local school board, with the advice of the school nurse(s) and school physician if available shall establish specific policy and procedures to give protection and controls to the matter of medications in schools.

(i) In order for prescription medications to be given at the school, the following shall occur:

(1) The school nurse shall ensure that a written statement from the licensed prescriber containing the following be in the student's health record:

- a. The student's name;
- b. The name and signature of the licensed prescriber and contact numbers;
- c. The name, route and dosage of medication;
- d. The frequency and time of medication administration or assistance;
- e. The date of the order; and
- f. A diagnosis, if not a violation of confidentiality;

(2) The school nurse shall ensure that there is written authorization by the parent and/or guardian which contains:

- a. The parent and/or guardian's printed name and signature;
- b. A list of all medications the student is currently receiving, if not a violation of confidentiality or contrary to the request of the parent, guardian or student that such medication be documented; and
- c. Approval to have the school nurse or designee administer the medication, the student to possess and self-administer and/or the principal or his designee assist the student with taking the medication; and

(3) The school nurse shall ensure the authorization or other accessible documentation contains:

- a. The parent and/or guardian's home and emergency phone number(s); and
- b. The names of persons to be notified in case of a medication emergency in addition to the parent or guardian and licensed prescriber.

(j) The school nurse shall develop a system of documenting and communicating significant observations relating to prescriptions, medication's adverse reactions, and other harmful effects, to the child's parent or guardian and/or licensed prescriber.

(k) The school nurse shall develop and implement procedures regarding receipt and safe storage of prescription medications.

(l) A parent, guardian or a parent/guardian-designated, responsible adult shall deliver all medication to be administered by school personnel to the school nurse or other responsible person designated by the school nurse as follows:

- (1) The prescription medication shall be in a pharmacy or manufacturer labeled container;
- (2) The school nurse or other responsible person receiving the prescription medication shall document the quantity of the prescription medication delivered; and
- (3) The medication may be delivered by other adult(s), provided, that the nurse is notified in advance by the parent or guardian of the delivery and the quantity of prescription medication being delivered to school is specified.

(m) All medications shall be stored in their original pharmacy or manufacturer labeled containers and in such manner as to render them safe and prevent loss of efficacy. A single dose of medication may be transferred from this container to a newly labeled container for the purposes of field trips or school sponsored activities.

(n) All medication to be administered by the school nurse shall be kept in a securely-locked cabinet which is kept locked except when opened to obtain medications. Medications requiring refrigeration shall be stored in a locked box in a refrigerator maintained at temperatures of 38 degrees to 42 degrees. Emergency medications may be secured in other locations readily accessible only to those with authorization.

(o) No more than a 30-school day supply of the prescription for a student shall be stored at the school.

(p) Non-prescription medication shall be given only with the written authorization of the parent and/or guardian and if this is in accordance with school policy.

Readopt Ed 311.03, effective 3-15-06 (Document #8583), to read as follows:

Ed 311.03 Physical Examination of Students. Schools shall accept documentation of a student's physical examination, provided:

- (a) The examination has been performed within the past year; or
- (b) If an examination has not been performed within the past year, the school shall accept documentation of an appointment for a physical examination with a licensed physician, advanced registered nurse practitioner or physician's assistant within a time determined by the school district for conditional enrollment.

Readopt Ed 316, effective 3-15-06 (Document #8583), to read as follows:

PART Ed 316 PROCEDURE TO MARK DRUG-FREE SCHOOL ZONES

Ed 316.01 Purpose. The purpose of these rules is to establish procedures whereby drug-free school zone signs are posted.

Ed 316.02 Definitions.

(a) "Approved school bus" means a school bus which meets all the criteria established in RSA 259:96 and complies with the provisions of Saf-C 1301.

(b) "Drug free school zone" means "drug free school zone" as defined in RSA 193-B:1, II.

(c) "Local police authority" means police officers having jurisdiction over drug enforcement and appointed by the governing body of the town or city.

(d) "School administrative Unit (SAU)" means "school administrative unit" as defined in RSA 186:11, I.

(e) "School" means "school" as defined in RSA 193-B:1, III.

(f) "School property" means "school property" as defined in RSA 193-B:1, IV.

(g) "School bus drug-free zone" means the interior of an approved school bus.

(h) "Temporary drug-free school zone" means an area which extends to 1,000 feet surrounding a facility which is not a school as defined in (e) above but which is used by a school for the duration of the school's instructional program.

Ed 316.03 Scope and Application. Each SAU shall, in consultation with local police authorities, establish the boundaries of each permanent drug-free school zone in conformity with RSA 193-B:3 and shall post such zone in accordance with these rules.

Ed 316.04 Map of Drug-Free School Zone.

(a) Each SAU, in consultation with local police authorities, shall prepare a map indicating the boundaries of each permanent drug-free school zone within the SAU.

(b) The drug-free school zone shall be measured beginning at the real property boundary of each school.

(c) In the absence of a legally definable established boundary or where a boundary is unclear, the SAU, for the purposes of this rule, shall establish the real property boundary to be 500 feet from the school building.

(d) The drug-free school zone shall extend to 1,000 feet from the real property boundary.

(e) Each school board within the SAU shall approve a map developed in accordance with (a) through (d) above for each school within its district.

(f) Each SAU shall, in accordance with RSA 193-B:3, publish and make available copies of such map indicating the boundaries of the drug-free school zone.

(g) Such maps shall be posted, pursuant to RSA 193-B:3, in a prominent place in the district or municipal court of jurisdiction, the local police department, and in each school within the SAU.

Ed 316.05 Specifications for and Posting of Signs.

(a) The department of education shall provide for the manufacture of 3 signs per school and steel post for each sign used to mark each permanent drug-free school zone. Each SAU shall be responsible for posting and maintaining 2 signs per permanent drug-free school zone and one sign to be used to post a temporary drug-free school zone. If an SAU requires replacement signs, such signs shall be available from the department of education. If an SAU acquires additional signs, such signs shall be manufactured and posted in accordance with Ed 316.

(b) Such signs shall be posted at the main entrance to the school grounds and at the main entrance to the school building. The local police authority and the school principal and/or superintendent of the SAU shall determine where the sign at the main entrance to the school grounds shall be posted and shall post each sign in accordance with the US Department of Transportation Federal Highway Administration, Manual on Uniform Traffic Control Devices Part 7-Traffic Controls for School Areas 2009 Edition PDF version dated May 2012 at www.mutcd.fhwa.dot.gov/kno_2009r1r2.htm, as referenced in Appendix II.

(c) Each school bus shall have installed in and on an interior surface at the front of the bus, forward of the passenger seating area, a drug-free school zone sign. The department of education shall provide for the manufacture of one sign for each school bus in operation. If an SAU acquires additional busses, signs shall be provided by the department and posted in accordance with this rule.

(d) The school principal or designee shall be responsible for placing one sign at the temporary drug-free zone location and for assuring that a temporary drug-free school zone sign shall be affixed, fastened, or attached to the exterior of the facility being utilized. If the temporary drug-free zone does not include a building the sign shall be attached to a temporary post placed at the entrance to the facility. Such sign shall be posted for at least 1/2 hour before, during, and 1/2 hour after the facility is used as a temporary drug-free school zone. Posting of the drug-free school zone sign at a temporary school zone shall be subject to permission by the owner if the facility is privately owned.

Readopt Ed 900, effective 3-15-06 (Document #8582), to read as follows:

DROPOUT PREVENTION AND DROPOUT RECOVERY PROGRAM

PART Ed 901 PURPOSE

Ed 901.01 Purpose. The purpose of Ed 900 is to implement the provisions of RSA 189:59-63 relative to the department's responsibility for administering the dropout prevention and dropout recovery program in order to assist pupils in successfully completing high school.

PART Ed 902 DEFINITIONS

Ed 902.01 "Applicant" means a community-based organization, school district, or private organization that applies for funding under Ed 906 in order to provide the program services listed in Ed 903.02 as a program participant, or to receive those services.

Ed 902.02 "Department" means the New Hampshire department of education.

Ed 902.03 “Council” means dropout prevention and dropout recovery oversight council established in RSA 189:60.

Ed 902.04 “Graduation rate” means “graduation rate” as defined in RSA 189:59,I(k), namely, the number of seniors who receive a diploma from a high school divided by the number of students enrolled in this program at such high school.

Ed 902.05 “Program” means the dropout prevention and dropout recovery program in Ed 903 that is administered by the department.

Ed 902.06 “Program participant” means a program that is certified by the department under Ed 904.02 as being eligible to receive program funds.

Ed 902.07 “Return to school rate” means “return to school rate” as defined in RSA 189:59,I,(k), namely, the percentage of students in grades 9-11 enrolled in the program who return to the school for the next school year.

PART Ed 903 PROGRAM ADMINISTRATION AND SERVICES

Ed 903.01 Program Administration. The department shall administer the dropout prevention and dropout recovery program. The program shall utilize program participants that are community-based organizations, school districts, and private organizations that can provide the program services listed in Ed 903.02.

Ed 903.02 Program Services. Pursuant to RSA 189:59, I, program participants shall:

- (a) Provide and coordinate services designed to assist pupils in the successful completion of high school;
- (b) Encourage individual, corporate, and state support and involvement to promote employment opportunities for New Hampshire's students;
- (c) Render assistance in ensuring student placement in quality jobs with ample career opportunities;
- (d) Encourage students to pursue postsecondary education by assisting in securing appropriate part-time work to accompany that education;
- (e) Encourage lifelong learning by introducing students to the importance of skills training and demonstrating how learning is relevant to skills necessary in the workplace;
- (f) Provide tutoring, study skills training, and instruction leading to successful completion of secondary school, including dropout prevention strategies through a school-site mentor;
- (g) Provide alternative secondary school services with high academic standards;

(h) Deliver pre-employment and work maturity skill training, paid and unpaid work, work-based learning experiences that teach all aspects of industry-specific and general workplace competencies, including internships, job shadowing, and school sponsored workplace mentoring;

(i) Provide opportunities which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours, including linking youth and adult mentoring, as appropriate;

(j) Provide support services and transitional links that assist students in the elimination of barriers; and

(k) Establish an 85 percent graduation rate and a 90 percent return to school rate for pupils most likely to drop out as performance goals for program participants.

PART Ed 904 PROGRAM PARTICIPANTS

Ed 904.01 Services. Program participants shall provide the services listed in Ed 903.02.

Ed 904.02 Certifying Program Participants.

(a) Program participants shall be eligible to receive funding under Ed 906 in order to provide services after they are certified by the department under Ed 904.02(b).

(b) To be certified by the department, program participants shall:

(1) Have programs that focus on youth development strategies including experience working with youth at risk, including but not limited to youth with disabilities, poverty, parenting, adjudicated and/or foster care;

(2) Have a minimum of 3 years and preferably 10 or more years at the state and national levels in providing dropout prevention and dropout recovery programming to at-risk youth;

(3) Have experience in program delivery in both rural and city high schools in New Hampshire;

(4) Be existing operations with a board of directors;

(5) Have accountability and performance measures with supporting data that can be documented;

(6) Have received state or national recognition for dropout prevention or dropout recovery;

(7) Have the ability to provide multiple sources of funds for the purposes of expansion and efficiency of service delivery;

(8) Opportunities for students to participate in a national career development association; and

(9) Provide nationally normed outcomes in the following areas:

a. Basic academic competencies;

- b. Career development;
 - c. Job attainment;
 - d. Leadership and self development;
 - e. Personal skills; and
 - f. Job survival competencies; and
- (10) Have a connection with an established tracking and reporting system.

Ed 904.03 Reporting.

(a) On or before September 15 of each year, each program participant that receives funding under Ed 906 shall provide a report to the department that tracks their compliance with program goals and that reports performance outcomes by explaining their success in providing the services listed in Ed 903.02 for the school year just completed.

(b) The department shall determine whether the program participant complied with program goals and successfully provided services, and shall report the results to the council no later than October 1 of each year.

PART Ed 905 DROPOUT PREVENTION AND DROPOUT RECOVERY OVERSIGHT
COUNCIL

Ed 905.01 Membership. The council established in RSA 189:60 shall consist of the following members:

- (a) One member from the house of representatives, appointed by the speaker of the house;
- (b) One member from the senate, appointed by the president of the senate;
- (c) The commissioner of the department, or designee;
- (d) The commissioner of the community-technical college system, or designee; and
- (e) Three members of the public, qualified by education or experience, in dropout prevention and dropout reduction, appointed by the governor and council.

Ed 905.02 Term of Office and Compensation.

(a) The term of office for council members listed in Ed 905.01(a)-(d) shall be coterminous with the term of office which qualifies that member to serve on the council. Two members of the public shall serve a 2-year term of office and the third public member shall serve a 3-year term of office. Members shall serve until a successor is appointed and confirmed. Vacancies shall be filled in the same manner as the original appointment and shall only be for the unexpired term.

(b) The council shall elect a member to serve as chairperson of the council. The chairperson shall serve a 2-year term.

(c) Members of the council shall serve without compensation, except that legislative members shall receive mileage at the legislative rate while attending to the duties of the council.

Ed 905.03 Meetings. The council shall meet at least quarterly and may meet more frequently at the call of the chairperson.

Ed 905.04 Responsibilities of the Council.

(a) The council shall receive staff support from the department in order to carry out its responsibilities.

(b) The council shall:

- (1) Maintain programmatic and fiscal oversight of the program requirements as set forth in Ed 900;
- (2) Develop and establish funding opportunities at the federal, state, and local levels for each program participant;
- (3) Review each program participant's performance outcomes and suggest strategies for improvement where appropriate;
- (4) Apply for, receive, and expend any funds from federal, state, or non-state sources, including grants and matching funds which may be available;
- (5) Accept private donations and gifts from any source; and
- (6) Annually submit a report to the speaker of the house of representatives, the president of the senate, the commissioner of the department, the governor, and the state board of education on the status of the program including:
 - a. Details regarding an overall assessment of the effectiveness of the program;
 - b. The utilization of available funds in the program;
 - c. Dropout rates of participating high schools and other program participants;
 - d. Graduation rates of participating high schools;
 - e. The percent of participating students pursuing postsecondary education; and
 - f. The percent of participating students securing employment in the year following graduation.

PART Ed 906 FUNDING FOR THE PROGRAM AND APPLICATION PROCESS

Ed 906.01 Source of Funding.

(a) The department shall fund applicants based on the school year calendar. The amount of funds available for each applicant shall be based upon the sum appropriated by the legislature for the program in each biennium.

(b) The council shall recommend which applicants shall be funded for each school year. The council shall send their recommendations for funding community-based organizations and private organizations to the governor and council for final approval of the contract.

(c) School districts that the council recommends for funding shall be funded through the department's grant contract system and final approval shall not be required by the governor and council.

(d) The council shall recommend that successful applicants be granted no more than \$350,000 for a school year. The department shall release funds to applicants' requests for proposals that meet the requirements of Ed 906.04 and that are approved by the council in Ed 907.

Ed 906.02 Eligibility for Funding.

(a) All applicants shall be eligible to apply for funding as program participants, and to apply to receive services from a program participant.

(b) High schools with the highest dropout rates in the state shall have priority to receive services from a program participant.

(c) Dropout rates shall be based on the most recent department statistics for the year in which funding is requested.

Ed 906.03 Matching Funds Required.

(a) Each applicant that applies for funding shall contribute not less than 10 percent in matching funds for the estimated program services costs.

(b) A school district shall be eligible to receive services from a program participant by a favorable vote of its legislative body authorizing the expenditure of not less than 10 percent of estimated program costs for such school district as specified in RSA 189:61.

Ed 906.04 Requests for Proposals.

(a) The department shall develop a request for proposals (RFP) as specified in Ed 906.05, on a biennial basis. The RFP shall be used to fund applicants to provide and receive the services listed in Ed 903.02.

(b) The department shall release the RFP no later than 60 days after the program receives legislative funding. The council shall approve the RFP before it is released. Notice of the RFP shall be published in a statewide newspaper of general circulation in the legal notices section for 3 days.

(c) Proposals by applicants in response to the RFP shall be received by the department no later than 60 days after the notice is published. The department shall forward all proposals it receives by the deadline to the council.

Ed 906.05 Proposal Requirements. The RFP proposal shall contain:

- (a) An executive summary;
- (b) A needs section, if applicable, that details the applicant's dropout rate in cumulative numbers and percentages for the past 3 years;
- (c) A dropout prevention and dropout recovery design section in which the applicant describes how their proposed program meets and will deliver or meets or delivers the program services listed in Ed 903.02;
- (d) An operational capacity section in which the applicant describes:
 - (1) The applicant's organizational experience delivering the program services listed in Ed 903.02;
 - (2) Staff job descriptions and resumes of proposed members;
 - (3) Facilities; and
 - (4) Operational details on the number of hours of operation and the days of services;
- (e) An outcomes section in which the applicant describes prior performance outcomes for their program, and how they will use their funding from the RFP to achieve performance goals of an 85 percent graduation rate and a 90 percent return to school rate, as provided in Ed 903.02(k); and
- (f) A budget section in which the applicant provides:
 - (1) A narrative description of line item expenditures; and
 - (2) The source of not less than 10 percent of estimated program services costs in matching funds and a narrative description of the related line items.

PART Ed 907 REVIEW PROCESS FOR PROPOSALS

Ed 907.01 Council Review of Proposals.

- (a) Council members or their designees shall review each applicant's proposal to receive funding as a program participant, or to receive services from a program participant. The council shall recommend funding a proposal as a contract with the department. Contracts shall require approval by the governor and council, except as provided in Ed 906.01(c).
- (b) The council shall decide whether to recommend funding a proposal as a contract no later than 30 days after the date on which the department must receive proposals in response to the RFP under Ed 906.04(c).
- (c) For community-based organizations and for private organizations, the duration of a contract shall be from the date of governor and council approval through the last calendar day of the school year.

(d) For school districts, the duration of a contract shall be from the date the council recommends funding the proposal through the last calendar day of the school year.

Ed 907.02 Criteria for Reviewing Proposals.

(a) The council shall review all written proposals that are received by the deadline in Ed 906.04.

(b) The council shall contact an applicant for further information or clarification, or both if necessary.

(c) The council shall review proposals to determine the extent to which they provide the information required in Ed 906.05 that demonstrates the following:

(1) Need based on dropout rates;

(2) A design for dropout prevention and dropout recovery;

(3) Operational capacity to deliver program services;

(4) Prior performance outcomes and plans for achieving performance goals; and

(5) A budget section with a narrative description of line item expenditures and the source of matching funds.

(d) Each of the elements in Ed 907.02(c) shall be worth a maximum of 20 points.

Ed 907.03 Method of Award. The council shall decide whether to recommend funding a proposal as a contract by calculating the aggregate score of all the criteria listed in Ed 907.02(c) for each proposal received with funding for the highest scores.

APPENDIX

Rule	State or Federal Statute or Federal Regulation Implemented
Ed 302	RSA 186:8, II
Ed 303	RSA 21-N:9, II(b); RSA 186:8, II
Ed 304	RSA 186:8, II
Ed 311.01	RSA 200:26 - 200:47
Ed 311.02	RSA 200:27
Ed 311.03	RSA 200:26 - 200:47
Ed 316	RSA 193-B
Ed 901.01	RSA 189:59
Ed 902.01- 902.03	RSA 189:59
Ed 902.04- 902.07	RSA 189:62 and RSA 189:63
Ed 903	RSA 189:59
Ed 904	RSA 189:59
Ed 905	RSA 189:60
Ed 906	RSA 189:59
Ed 907	RSA 189:60

Add by inserting the following row in the current Appendix II for Ed 300.

Appendix II

Rule	Title	Obtain at
Ed 316.05(b)	Specifications for and Posting of Signs	Go to www.mutcd.fhwa.dot.gov/kno_2009r1r2.htm US Department of Transportation Federal Highway on Administration Manual on Uniform Traffic Control Devices (MUTCD) Available online in pdf file only