

## **Part V – Updated/Revised Rules by the DOE: Home Education and Remote Instruction**

The NH State Board of Education updated several rules the 2020-2021 school year, with two rules potentially impacting local school boards specifically: “Distance Education/Remote Instruction” (ED 306.18 and ED 306.22) and “Home Education” (ED 315).

### **Distance Education – Ed 306.18(a)(7) & Ed 306.22**

In response to many of the lessons learned during pandemic schooling, the definition of Distance Education was updated to include any instructional mode that is not in-person, including hybrid instructional models. The update to the rule also allows for cooperation between districts to provide delivery of distance education, if warranted, and allows districts to offer multiple instructional models, at any time, not just during times of emergency. In addition, the local school board shall be responsible for the approval, coordination, and supervision of distance education courses offered by their local district.

A copy of the Distance Education rule can be found here:

<https://nhsba.org/wp-content/uploads/2021/07/Remote-Instruction.pdf>

NOTE: The State Board is scheduled to consider further revisions to 306.18 and 306.22 at its August 2021 meeting. Accordingly, NHSBA will not issue any update to sample IHBG until the new proposals are acted upon one way or another. If a board/district has any questions regarding application of the current rule to developing circumstances associated with Covid-19, it should direct those to the Department of Education.

# N.H. Code Admin. R. Ed 306.18

## Section Ed 306.18 - School Year

- (a) Pursuant to RSA 189:1 and RSA 189:24, each school district shall maintain a school year as provided below:
- (1) The school district shall maintain in each elementary school, a school year of at least 945 hours of instructional time and in each kindergarten at least 450 hours of instructional time;
  - (2) The school district shall maintain in each middle and high school, a school year of at least 990 hours of instructional time. Districts shall provide at least 990 hours of instructional time for grades 7 and 8 in elementary schools that include grades 7, or 8, or both;
  - (3) The instructional school day of an individual student shall not exceed 5.75 hours of instructional time in elementary schools and 6 hours of instructional time in middle and high schools;
  - (4) The school shall have in its school year an additional 60 hours in duration to provide for instructional time lost due to inclement weather or unexpected circumstances, staff development, and parent-teacher conferences. At least 30 of the 60 additional hours shall be available for rescheduling hours lost due to inclement weather or other emergencies. Schools shall use these additional hours to reschedule lost instructional time before requesting a waiver of the amount of instructional time under RSA 189:2, unless extraordinary circumstances exist that would place an unreasonable burden on the school or students such as, but not limited to, substantial building damage;
  - (5) A school may have a shortened day when an emergency condition exists which might adversely affect the health and safety of students, provided that the number of hours of instructional time originally planned for the day shall be credited to the number of hours of instructional time in the school year, if:
    - a. On that day, the school would normally have had at least 5.25 hours of instructional time; and
    - b. The school remained open for at least 3.5 hours of instructional time;
  - (6) There shall be no requirement to reschedule instructional time for kindergarten if morning or afternoon kindergarten sessions are cancelled due to delayed opening or early release for students in grade 1 or higher; and
  - (7) A school district may submit a plan to the commissioner that will allow schools to conduct instruction remotely for up to 5 days per year when the school has been closed due to inclement weather or other emergency. The plan shall include procedures for participation by all students. Academic work shall be equivalent in effort and rigor to

typical classroom work. There shall be an assessment of all student work for the day. At least 80 percent of students shall participate for the day to count as a school day.

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

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

*N.H. Code Admin. R. Ed 306.18*

Amended by Volume XXXIV Number 16, Filed April 17, 2014, Proposed by #10556, Effective 3/27/2014, Expires 3/27/2024.

Amended by Volume XXXIX Number 28, Filed July 11, 2019, Proposed by #12814, Effective 6/15/2019, Expires 6/15/2029.

*The amended version of this section by New Hampshire Register Volume 40, Number 15, eff. 3/12/2020 is not yet available.*

## N.H. Code Admin. R. Ed 306.22

### Section Ed 306.22 - Distance Education

- (a)** In this section, "distance education" means correspondence, video-based, internet-based, and online courses.
- (b)** If a district chooses to offer distance education, the provisions of (c) - (f) below shall apply.
- (c)** The local school board shall be responsible for:
- (1)** The approval, coordination, and supervision of distance education courses offered for instructional purposes or high school credit, or both, in the district; and
  - (2)** Identifying district and graduation competencies to be achieved and demonstrated through the distance education opportunity and acknowledging student achievement of these competencies.
- (d)** School districts may cooperate to share delivery of distance education courses.
- (e)** The local school board shall adopt policies relative to all distance education courses offered by the school district to require that:
- (1)** The courses comply with all federal and state statutes pertaining to student privacy and to public broadcasting of audio and video;
  - (2)** Courses require students to meet similar district and graduation competencies as required by the school for students enrolled in similar courses offered by the school;
  - (3)** Only students approved by the school principal or designee shall be eligible to receive acknowledgement of achievement for distance education courses; and
  - (4)** Students earning acknowledgement of achievement for distance education courses shall participate in all assessments required by the statewide education improvement and assessment program.
- (f)** The local school board shall adopt policies relative to all distance education courses offered by the school district relative to:
- (1)** The number of students an educator might be required to supervise;
  - (2)** Monitoring of student progress, grading of assignments, and testing;
  - (3)** Security of individual student records, provided that no individual student records obtained through participation in distance education courses shall be used for any purposes other than those that support the instruction of the individual student; and
  - (4)** Gathering and disseminating of district-level aggregated data obtained through participation in distance education courses.

*N.H. Code Admin. R. Ed 306.22*

Adopted by Volume XXXIV Number 16, Filed April 17, 2014, Proposed by #10556,  
Effective 3/27/2014, Expires 3/27/2024.

*The amended version of this section by New Hampshire Register Volume 35, Number 27, eff. 6/29/2015 is not yet available.*

*The amended version of this section by New Hampshire Register Volume 36, Number 06, eff. 1/8/2016 is not yet available.*

