



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

EXHIBIT P to Emergency Order #29

N.H. Department of Education, August 13, 2020

Pursuant to Emergency Order #29, which authorizes temporary modification of executive branch deadlines and other requirements, issued pursuant to Section 18 of Executive Order 2020-04 as modified and extended by Emergency Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, and 2020-16, the following is hereby ordered:

1. Ed 306.18(a)(7) is hereby modified to read as follows:

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:

~~(7) A school district may submit a plan to the commissioner that will allow schools to conduct "distance education," as that term is defined in Ed 306.22. instruction remotely for up to 5 days per year when the school has been closed due to inclement weather or other emergency. The district shall create a plan that 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.~~

2. Ed 306.22 is hereby modified to read as follows:

Ed 306.22 Distance Education.

(a) In this section, "distance education" means correspondence, video-based, internet-based, and online courses, *or remote instruction. The term distance education also includes hybrid instructional models that utilize elements of distance education and traditional instruction in any combination.*

(b) *School districts may offer students the multiple instructional options, including traditional classroom, distance education, or hybrid instruction models. For distance education and hybrid instruction models, the provisions of (c) - (f) below shall apply.*

(c) The local school board shall be responsible for *the approval, coordination, and supervision of distance education courses offered by the school district.*

- ~~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 shall 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; **and**

~~(3) Only students approved by the school principal or designee shall be eligible to receive acknowledgement of achievement for distance education courses; and~~

~~(43) Require~~ students to earning acknowledgement of achievement for distance education courses shall to 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.~~

3. Ed 401.03(e) is hereby modified to read as follows:

Ed 401.03 School Year.

(e) A school may *conduct "distance education" as that term is defined in Ed 405.03.* submit a plan to the commissioner that will allow the school 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 school shall create a plan that 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.~~

4. Ed 405.03 is hereby adopted to read as follows:

Ed 405.03 Distance Education.

(a) In this section, "distance education" means correspondence, video-based, internet-based, and online courses, or remote instruction. The term distance education also includes hybrid instructional models that utilize elements of distance education and traditional instruction in any combination.

(b) Nonpublic schools may offer students the multiple instructional options, including traditional classroom, distance education, or hybrid instruction models.

5. The provisions of this Exhibit P to Emergency Order #29 shall remain in effect for the duration of the State of Emergency declared in Executive Order 2020-04.

Given under my hand and seal at the Executive Chambers in Concord, this 13 day of August, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.



GOVERNOR OF NEW HAMPSHIRE