STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-28

Rule Number: Ed 507.40

1. **Agency:** Board of Education
   25 Hall St.
   Concord, NH 03301

2. **RSA Authority:** RSA 21-N:9, II(s); RSA 186:8, IV-V; RSA 186-C:16, VIII

3. **Federal Authority:** 34 CFR 300.156(c)

4. **Action(s):** Readopt w/Amendment

5. **Short Title:** Special Education Teacher Licensure

6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

   The State Board of Education is proposing to readopt with amendment Ed 507.40, Special Education Teacher. These rules outline the education requirements and required competencies and knowledge needed for an individual to qualify for initial licensure to teach K-12 special education in NH.

   The proposed revisions include:

   - Using measurable terms for candidates to more easily understand how to demonstrate competencies;
   - Explicit references to federal and state requirements in (b)(1)e., (b)(2)a., and (d)(1);
   - Outlines more clearly portions of the special education process the applicant must understand in (b)(2);
   - Reorganizes the order of sections, moving the language and topic of (b)(5) up to (b)(2) to include assessments as part of the special education process, moves the topic of learning differences from (b)(3) to (b)(4) and moves the topic of development of learners to (b)(3) from various sections, and adds content related to learning and social environments in (b)(5);

- Adds more specific language regarding instructional practices in (b)(6);
- Removes section (b)(8) as professional practice requirements are part of Ed 505.03; and
- Updates the renumbered (b)(8) to more accurately reflect a candidate's role in collaborative efforts.

6. **(b) Brief description of the groups affected:**

Groups affected include school districts and school administrative units (SAUs), senior educational officials responsible for staffing, individuals who are seeking special education teacher licensure, individuals who seek to renew special education licensure, PEPP programs related to special education, students enrolled in related PEPP programs, and any facilities that meet the applicability requirements as stated in 34 CFR 300.2 and utilize funding under the Individuals with Disabilities Education Act (IDEA), as amended.

6. **(c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule	State or Federal Statute or Regulation
Ed 507.40	34 CFR 300.156; RSA 186:8, V; RSA 186-C:1; RSA 186-C:16, VIII

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Julie Shea	**Title:** Administrative Rules Coordinator
Address: 25 Hall St. Concord, NH 03301	**Phone Number:** (603) 931-9133
	FAX Number:
	Email: Julie.R.Shea@doe.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Thursday, March 19, 2026

_ **Fax**
X **Email**
_ **Other**

9. **Public hearing scheduled for:**
Date: Thursday, March 12, 2026
Time: 12:30 PM
Place: Department of Education Events Center
25 Hall St. Concord, NH 03301

Electronic Access, if applicable: N/A

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

FIS #: 26:009, dated: 2026-01-26

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost between the proposed rules and the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. **Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

This proposal does not mandate any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivisions, and therefore does not violate Part I, Article 28-a of the New Hampshire Constitution.