



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

Rulemaking Notice Form

Notice Number: 2026-136

Rule Number: Ed 318.21 & Ed 318.22

1. **Agency:** Board of Education
Agency Address: Board of Education
c/o Department of Education
25 Hall St.
Concord, NH 03301
2. **RSA Authority:** RSA 194-B:16-a, VII; RSA 194-B:18
3. **Federal Authority:**
4. **Action(s):** Adoption
5. **Short Title:** Maintenance, Preservation, and Requests of Closed Charter School Records
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 Board of Education proposes to adopt Ed 318.21 and Ed 318.22, relative to the maintenance and preservation of charter school records in the event of closure and the request of records from a closed charter school.

Ed 318.21 outlines the responsibilities of the board of trustees and the chartered public school regarding the school records once the decision to close has been made, including notification to parents and students, and the timeline and method in which records are transferred.

Ed 318.22 outlines the responsibility of the department as the custodian of records for closed charter schools, and the procedure for requesting copies of records from the department for a closed charter school.

These rules are implementing RSA 194-B:16-a for the first time (2025, Chapter 289 SB 752).

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

Chartered public schools, students who are attending or have attended a chartered public school going through closure, parents requesting any records on behalf of their children, and any educational organizations receiving student records from the closing schools as listed in Ed 318.21(f)(2).

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

Rule	Statute Being Implemented
Ed 318.21	RSA 194-B:16-a
Ed 318.22	RSA 194-B:16-a

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

Name: Julie Shea	Title: Administrative Rules Coordinator
Address: Department of Education 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, August 20, 2026

☐ Fax
☒ Email julie.r.shea@doe.nh.gov
☐ Other

9. **Public hearing scheduled for:**

Date: Thursday, August 13, 2026

Time: 12:30 PM

Place: Department of Education Event Center, 2nd Floor
25 Hall St.
Concord, NH 03301

Electronic Access, if applicable: N/A

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

FIS #: 26:115, dated: Wednesday, July 1, 2026

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

Not applicable, as these are new 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):

The proposed rules establish the responsibilities of charter schools and Department of Education for notifying families, transferring, maintaining, and providing access to student records after a charter school closes. Included in this proposal is a \$100 per day noncompliance civil penalty on charter schools as well as a \$25 records request fee. To the extent a charter school was not in compliance, or a state citizen requested records, these rules could result in increased costs. Any revenue collected by the Department would be credited to the Closed Charter Schools Fund under RSA 194-B:16-a, VIII, administered by the Department.

A. To State general or State special funds:

See #3 above. No impact on state general funds.

B. To State citizens and political subdivisions:

See #3 above. No impact on political subdivisions.

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.