

Adopt Ed 318.21 and Ed 318.22 to read as follows:

Ed 318.21 Maintenance and Preservation of Records for School Closures.

- (a) For the purposes of this section, “student records” shall include attendance records, in addition to the items in RSA 194-B:16-a, II.
- (b) Within 5 business days following the vote of the board of trustees authorizing the dissolution or closing of a chartered public school, or if the state board revokes a school’s charter and causes an involuntary closure of a chartered public school, the school shall provide:
- (1) Written notice of the impending closure to all parents or guardians of currently enrolled students;
 - (2) Information on other available educational options in the geographical area, including other chartered public schools, traditional public schools, and other educational pathways; and
 - (3) Parents with written instructions on how to notify the closing chartered public school of the educational pathway chosen for their student, no later than 10 business days after receiving the notice.
- (c) The closing chartered public school shall monitor parent’s responses and make reasonable efforts to obtain responses for all enrolled students.
- (d) Within 15 business days of the chartered public schools’ written notice to parents, the school shall transmit a copy of all parent responses received to the department, along with an enrollment count at the time the dissolution decision was made.
- (e) The closing chartered public school shall ensure compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g.
- (f) The chartered public school shall be responsible for ensuring student records are properly transferred at least 10 business days prior to closure in the following manner:
- (1) If no educational pathway has been indicated by the student’s family before the deadline set forth in (a)(3) above, records shall be mailed to the student’s district of residence;
 - (2) If a student’s family has indicated the student will be attending a school other than in the student’s resident district:
 - a. If attending a nonpublic school, records are mailed to the address of record for the nonpublic school;
 - b. If attending a chartered public school, records are mailed to the address of record for the chartered public school; or
 - c. If participating in a home education program or if the student participates in the Education Freedom Account (EFA) program and is being educated at home, records shall be mailed to the address of record for the student’s parent or guardian; or
 - (3) If a student has graduated, records shall be forwarded to the department.

(g) If the chartered public school cannot meet the requirements in (f) above, the school shall provide the department with documentation of which records, if any, have been distributed, and the status of each student's record.

(h) A chartered public school which has closed for any reason shall electronically transfer all student records to the department for preservation within 5 business days of its closure, notwithstanding the requirements in (f) above.

(i) The department may choose to waive the timeline in (h) above if:

- (1) The school submits a written request in the time frame allotted in (h) above that specifies a new time frame not to exceed an additional 30 days;
- (2) The school provides a written explanation regarding the delay of the records transfer and evidence of a plan outlining how and when the records will be transferred to the department; and
- (3) The school provides contact information of the individual(s) charged by the school's board of trustees with gathering and transferring student records to include the name, phone number, and valid email address.

(j) To ensure all records maintained by the department are consistent and uniformly accessible, schools shall meet the minimum requirements when electronically transferring records:

- (1) Each student file is in PDF format;
- (2) Each student file will follow the naming convention of:
 - a. Student last name;
 - b. Student first name; and
 - c. Last year enrolled; and
- (3) All files will be submitted in one of the following manners:
 - a. Using the standard file transfer protocol (FTP) provided by the department; or
 - b. Using a physical mechanism for files such as a thumb drive, external hard drive, or other physical media format ensuring uniform accessibility of files.

(k) Upon completion of the transfer of records, the school shall provide the department with a complete listing csv file of all student record transfers that includes the following data:

- (1) Where the student record was transferred;
- (2) The date the transfer occurred; and
- (3) Whether the record was transferred electronically, by mail, or by other means.

(l) Failure to comply with the requirements in this section shall result in a civil penalty assessed against the chartered public school in the amount of \$100 per day for each day the chartered public school remains out of compliance, beginning with the 5th business day following the applicable deadline.

(m) The department shall provide written notice of non-compliance to the chartered public school by mailing notice to the address on file with the New Hampshire Secretary of State as the “principal office address” for the chartered public school.

Ed 318.22 Requesting Records from a Closed School.

(a) Pursuant to RSA 194-B:16-a, the department shall act as custodian of records for all closed chartered public schools and furnish a true and correct copy of the individual’s record upon request.

(b) For the request of student or personnel records after the school has closed, the individual requesting the record shall submit the following by mail to the department:

- (1) A completed “Transcript and Education Verification Request” form, Month 2026;
- (2) A copy of a valid government-issued identification;
- (3) Proof of parental right as provided in (d) below, if necessary; and
- (4) A money order or cashier’s check in the amount of \$25 made payable to “Treasurer, State of NH.”

(c) The request of a student record for individuals under the age of 18 or under a legal guardianship arrangement shall be made by a parent as defined in RSA 193:1, III.

(d) Proof of parental rights shall be provided through one of the following:

- (1) The birth certificate of the individual for whom the records are being requested;
- (2) Documentation providing evidence of legal guardianship; or
- (3) Documentation of other court-ordered appointment.

(e) Information regarding the request of student or personnel records from closed chartered public schools shall be provided on the department website pursuant to RSA 194-B:16-a, III.

Appendix I

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