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: 2026-185

Rule Number: Ed 1019.03, Ed 1019.11

1. **Agency:** Board of Education
   Agency Address: c/o Department of Education
   25 Hall St.
   Concord, NH 03301

2. **RSA Authority:** RSA 186-B:11-a

3. **Federal Authority:** 34 CFR 395.4

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

5. **Short Title:** Set-Aside Funds from Vending Machine Income

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 is proposing to readopt with amendment Ed 1019.03 and Ed 1019.11, regarding the definitions for the New Hampshire Business Enterprise Program and the setting aside of funds for licensed blind vendors participating in the program, including the following amendments:

   - Revision Ed 1019.03(c) to match the statutory definition;
   - Deleting Ed 1019.03(g); and
   - Raising the set-aside amount in Ed 1019.11 from $1,700 to $2,800 and clarifying the language in the rule to more accurately delineate how the set-aside funds are calculated.

   _ Does this rule implement a state statute for the first time?

   This proposal does not implement a state statute for the first time.

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

The Randolph-Sheppard vending stand operators who collectively manage the set-aside funds.

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

Rule	**Statute**
Ed 1019.03	RSA 186-B:10; RSA 186-B:11-a
Ed 1019.11	34 CFR 395.8; 34 CFR 395.9; RSA 186-B:14

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: (603) 931-9133
	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, November 19, 2026

_ **Fax**
X **Email** julie.r.shea@doe.nh.gov
_ **Other**

9. **Public hearing scheduled for:**
Date: Thursday, November 12, 2026
Time: 12:00 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 #: 26:163, dated: Wednesday, September 2, 2026

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

When compared to the existing rules, the proposed rules will decrease restricted state revenue and costs to certain state citizens by less than $1,000 per year.

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 increase the minimum monthly net proceeds threshold used to calculate the Business Enterprise Program set-aside assessment from $1,700 to $2,800. This change would allow licensed managers to retain a greater share of their monthly net proceeds and would reduce set-aside assessment revenue received by the program (restricted account administered by the Department of Education). Based on FY 2026 program activity, the Department estimates the annual impact of this change will be less than $1,000 on the set-aside account, which is not expected to impact program operations.

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.