Readopt with amendment Ed 321.36, effective 8-13-26 (Document #14669, EMERGENCY), to read as follows:

Ed 321.36 Confidentiality of Building Aid Applications.

(a) At the request of the department, an applicant may designate specific~~any~~ portions of the application to be considered confidential when they fall within one of the following categories~~because~~:

(1) Release of the information and conditions that are the basis for the request for funds would put the safety or security of the building, staff, or students at risk; or

(2) The information or information that the applicant considers confidential based on safety and security concerns would be considered exempt from disclosure under RSA 91-A.

(b) Portions the applicant may designate as confidential pursuant to (a) above include:

(1) Security conditions listed in the building aid application submitted in accordance with Ed 321.15(a) and (h);

(2) The school security assessment required in Ed 321.15(g);

(3) Details related to safety and security in Ed 321.12(a)(8) for the needs assessment; and

(4) Any additional details that the applicant determines to be related to the preparation for and carrying out of emergency functions pursuant to RSA 91-A:5, VI.

(c) Only the redacted version of the application shall be released to the public under RSA 91-A in response to a request made to the department, the state board, or the building authority.

(d) The department shall provide the school building authority with both the redacted and unredacted versions of the application for the verification of project ranking, to review with the items submitted in Ed 321.16(i).

(e) When the school building authority submits the descending rank order to the state board pursuant to Ed 321.16(k), the department or the school building authority shall provide the state board with both the redacted and unredacted versions of the application provided to the school building authority under (d) above. Only the redacted versions will be posted by the state board as part of the state board meeting materials.

(f) The unredacted copy of the application shall not be made public by the department, the building authority, or the state board. The department, the building authority, and the state board shall ensure the confidentiality of all information contained in the unredacted version of the application.

(g) Should the state board or the school building authority choose to deliberate the project ranking, the meeting shall enter nonpublic session pursuant to RSA 91-A:3, II(i) if any matters related to the preparation for and carrying out of emergency functions are discussed, or any matter reflected in the redacted version of the application will be discussed. Minutes of any nonpublic session may be sealed consistent with RSA 91-A:3, III.

Appendix I

Rule	Statute
Ed 321.36	RSA 91-A:3, II(i) and III; RSA 91-A:5, VI; RSA 198:15-c, II(a)