STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES

STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Interim Rulemaking Notice Form and Cover Sheet

Proposed Interim Rule Number: 2026-23 INT

Rule Number: Ed 1200

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 126-U:8, I
3. **Federal Authority:**
4. **Action(s):** Adoption
5. **Filing Date:** 2026-10-20
6. **Short Title:** Restraint and Seclusion in Schools
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. **Summary explaining the effect of the rule and, if the rules are being proposed to implement a state statute for the first time, identification of the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a):**

   These rules outline the processes concerning:

   - The department's review of schools' record-keeping regarding the use of restraint and seclusion;
   - The filing of complaints with the department regarding a violation of RSA 126-U; and
   - The department's review of filed complaints and the investigative procedures should it be determined an investigation is needed.

9. **Listing of people, enterprises, and government agencies affected by the rule:**

   Schools operated by school districts and staff, chartered public schools and staff, public academies and staff, nonpublic schools and staff, private or public providers of any component of a child's individualized education program and staff, students, and parents.

10. **Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule	Statute Implemented
Ed 1201.01	RSA 126-U:8, I
Ed 1201.01(a)	RSA 126-U:1, I
Ed 1201.01(c)	RSA 126-U:1, IV
Ed 1201.01(e)	RSA 126-U:1, V
Ed 1201.01(f)	RSA 126-U:1, V-a
Ed 1201.01(g)	RSA 126-U:1, VI
Ed 1202.01	RSA 126-U:2; RSA 126-U:14
Ed 1202.02(a)	RSA 126-U:7, I
Ed 1202.02(b)	RSA 126-U:7, II
Ed 1202.02(c)	RSA 126-U:7, II; RSA 126-U:10, II
Ed 1202.02(d)	RSA 126-U:8, I(b)(5)
Ed 1202.02(e)	RSA 126-U:8, I(a)
Ed 1202.03(a)	RSA 126-U:8, I(a)
Ed 1202.03(b)	RSA 126-U:8, I(b)
Ed 1202.03(c)	RSA 126-U:7, II; RSA 126-U:8, I(a)

Ed 1203.01	RSA 126-U:8, I(b)
Ed 1203.02	RSA 126-U:8, I(b)
Ed 1203.03	RSA 126-U:8, I(b); RSA 161-F:51, II; RSA 169-C:29

11. **Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.**

    No

12. **Summary of the effect upon the state if the rule were not adopted:**

    Ed 1200 expired on January 8, 2026.

    RSA 126-U:8, I requires the state board of education to have rules for the department's regular review of school restraint and seclusion records and for handling complaints about improper restraint and seclusion in schools. Currently there are no rules in place to do that, and under RSA 541-A:22, the expired rules cannot be utilized for enforcement.

    Without the interim rule, the department has no enforceable process to review school records under RSA 126-U:8, I(a), or to take in and investigate complaints the way RSA 126-U:8, I(b)(1)-(5) requires. Schools still have their statutory duties under RSA 126-U:2, RSA 126-U:7, RSA 126-U:10, II, and RSA 126-U:14, but no rules telling them what their written policies must include, what records to keep for the department, or how to report a serious injury or death. The lack of rules precludes the department from using investigators from outside the school district and ordering remedial measures, which results in kids being at risk of the effects of restraint and seclusion. The interim rule puts these protections for children back in place.

13. **Proposed date of review by the Joint Legislative Committee on Administrative Rules:** 2026-11-19

    FIS #: N/A**, dated:**

    PLEASE SIGN THE FOLLOWING:

    I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

    Date: 2026-10-08 **Name:** Drew Cline **Title:** Chair, State Board of Education

    **('Adopting authority' is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)*

COVER SHEET FOR PROPOSED INTERIM RULE

Proposed Interim Rule Number _____ Rule Number **Ed 1200**

1. Agency Name & Address: **Board of Education** **c/o Department of Education** **25 Hall St.** **Concord, NH 03301**	2. RSA Authority: **RSA 126-U:8** 3. Federal Authority: _____ 4. Type of Action: Adoption **X** Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment _____

5. Short Title: **Restraint and Seclusion in Schools**

6. Contact person for copies and questions:

Name: **Julie Shea** Title: **Administrative Rules Coordinator**
Address: **Department of Education** Phone #: **603-931-9133**
25 Hall St.
Concord, NH 03301

**PLEASE ATTACH THE FOLLOWING, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

7. An explanation of why the interim rule is necessary, including documentary evidence to prove that the agency is acting in accordance with RSA 541-A:19, I, and is not adopting an interim rule solely to avoid the time periods imposed in RSA 541-A. If the rules are being proposed to implement a state statute for the first time, identify the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a).
8. A description of the people, enterprises, and government agencies affected by the rule.
9. Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.
10. The fiscal impact statement prepared by the Legislative Budget Assistant, if required by RSA 541-A:19, II. See Section 3.2 of Chapter 3 of the Drafting and Procedure Manual for Administrative Rules.

**PLEASE SUBMIT ONE COPY OF THIS COVER SHEET and all attachments along with one copy of the interim rule to the Office of Legislative Services, Administrative Rules. The rule must include an appendix containing the same information about statutes or federal regulations as in Item 10 of Appendix II-J.

**PLEASE SIGN THE FOLLOWING:

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: **10/8/2026** Signature: Andrew Cline

Name: **Andrew Cline**

Title: **Chair, State Board of Education**

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)