

**Dover School District
FY2018 Budget Questions
January 27, 2017**

Q1. Can you offer any additional information on the 21 percent transportation budget increase?

A1. The First Student contract was the lowest bid we received. The 21% increase is due in part to the replacement of busses over the next two years, as the busses are old and have rather high mileage. The other influence on the increase is the increase in labor costs for First Student in terms of wages and benefits for drivers and other employees.

Q2. What is the nature of School Approval Standards (recommended vs. required)?

A2. Please see the law below that pertains to all rules as provided by Virginia Barry, Commissioner of Education. PART Ed.306-01-Ed 306-48 are the Minimum Standards for Public School Approval required by law. The word "shall" indicates that the rule must be followed. For example, Ed 306.17 minimum standards is clear on class size and required for school approval. As we stated yesterday if a district does not meet the standard, a plan of correction must be submitted to the Board of Education. The plan is then reviewed periodically by the board to ensure the rule is met.

541-A:22 Validity of Rules. –

I. No agency rule is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

II. Rules shall be valid and binding on persons they affect, and shall have the force of law unless they have expired or have been amended or revised or unless a court of competent jurisdiction determines otherwise. Except as provided by RSA 541-A:13, VI, rules shall be prima facie evidence of the proper interpretation of the matter that they refer to.

III. An agency shall not by rule:

(a) Provide for penalties or fines unless specifically authorized by statute.

(b) Require licensing, as defined in RSA 541-A:1, IX, unless authorized by a law which uses one of the specific terms listed in RSA 541-A:1, VIII.

(c) Require fees unless specifically authorized by a statute enforced or administered by an agency. Specific authorization shall not include the designation of agency fee income in the operating budget when no other statutory authorization exists.

(d) Provide for non-consensual inspections of private property, unless the statute enforced or administered by the agency specifically grants inspection authority.

(e) Delegate its rulemaking authority to anyone other than the agency named in the statute delegating authority.

(f) Adopt rules under another agency's authority.

(g) Expand or limit a statutory definition affecting the scope of who may practice a profession.

(h) Require a submission of a social security number unless mandated by state or federal law.

IV. No agency shall grant waivers of, or variances from, any provisions of its rules without either amending the rules, or providing by rule for a waiver or variance procedure. The duration of the waiver or variance may be temporary if the rule so provides.

Source. 1994, 412:1. 2003, 309:2, eff. July 1, 2004. 2015, 234:8, eff. Sept. 11, 2015.