

Manifest Educational Hardship

The Board recognizes that, in unusual and extraordinary circumstances, parent(s) may request a change of assignment to or from another public school in another district. When the parent(s) or guardian(s) believe that the assignment which has been made will result in a manifest educational hardship to the pupil, the Board will consider these requests according to the procedures outlined below.

**PROCEDURE FOR CONSIDERATION OF
A MANIFEST EDUCATIONAL HARDSHIP REQUEST**

The following procedures will be utilized when a parent(s) or guardian(s) seeks a change of assignment based on an assertion that the current assignment constitutes a manifest educational hardship:

1. The parent(s) or guardian(s) shall make a written request, through the Superintendent's office, detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
2. The Board will schedule a time at the next regular board meeting to hear the parents(s) or guardian(s) request, provided the written request of the parent(s) or guardian(s) was received ten (10) days prior to the scheduled board meeting. If received after the ten (10) day period, the request will be heard at the next regular board meeting. The Board will hear the matter in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
3. The parent(s) or guardian(s) of the pupil may use whatever information which they deem is appropriate to support their request. At a minimum, however, the parent(s) or guardian(s) must submit information demonstrating to the School Board that the current assignment is detrimental or has a negative effect on the pupil.
4. In determining whether the current assignment of the pupil constitutes a manifest educational hardship, and what the corresponding appropriate action should be (which may include, but not be limited to, assignment to a public school in another district), the Board shall consider all information given it by the parent(s) or guardian(s), the recommendations of the Superintendent, and any other information which the Board deems relevant and useful.
5. The Board reserves the legal right to make a determination on whether a given request constitutes a manifest educational hardship, and what the corresponding action should be, on a case-by-case basis.

Variables to be considered when making a determination of hardship shall include things such as the student's educational needs, emotional and social well-being, safety, and accessibility. Specifically, the Board will consider:

- Whether the student has a particular educational need that cannot be substantially met by the assigned school;
- Whether the student's particular educational need is one that is not commonly found within the student body of the assigned school;

- Whether the inability of the assigned school to meet the student’s educational need will significantly impair the student’s educational growth;
 - Whether there is a significant safety concern that impacts the student’s educational growth;
 - Whether there is a public school reasonably available in another school district that can meet the student’s specific educational, emotional or social needs.
6. The Board will render its decision in writing within fifteen (15) days after the Board meeting in which the parent(s) or guardian(s) addressed the Board, and will forward its written decision to the parents or guardians via US mail.
7. If a parent or guardian is aggrieved by the decision of the Board, he/she may appeal to the State Board of Education in accordance with the provisions of Ed 200.

Tuition and Transportation

The Superintendents involved in the reassignments of schools under this policy shall jointly establish a tuition rate for each student. Tuition payments shall be the responsibility of the pupil’s resident school district. Some or all of the tuition may be waived by the Superintendent of the receiving district for good cause shown or pursuant to other board policy, if applicable.

The cost of transportation shall be the responsibility of the parent/guardian.

Legal References:

RSA 193:3, Change of School or Assignment: Manifest Educational Hardship.
NH Code of Administrative Rules, Section Ed 320, Manifest Educational Hardship.
NH Code of Administrative Rules, Section Ed 200, Rules of Practice and Procedure.

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