

## Concord School District Policy #517

### Manifest Educational Hardship

The Superintendent will assign resident students to a public school within the District.

The School Board recognizes that in unusual and extraordinary circumstances, a parent/guardian may wish to request a change in the student's school assignment to another public school within the District or a public school in another district. When the parent/guardian believes that the assignment that has been made will result in a manifest educational hardship to the student, the Board will consider these requests, according to the procedure outlined below.

#### Procedure for consideration of a Manifest Educational Hardship request

The following procedures will be used when a parent/guardian seeks a change of assignment within the District, or a waiver of assignment from attending any school in the District based on an assertion that the current assignment constitutes a manifest educational hardship:

1. The parent/guardian will make a written request to the Superintendent's office, detailing the specific reasons why the parent/guardian believes that the current assignment constitutes a manifest educational hardship.
2. The Board will hold a hearing on the matter within thirty (30) days of receipt of the written request. 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. Prior to the hearing, the Superintendent shall provide the Board his/her recommendations regarding the parent/guardian's request. Such recommendations may be provided orally at the hearing, or in writing at or before the hearing, with a copy to the parent/guardian.
4. At the hearing, the parent/guardian may use whatever information he or she deems is necessary and appropriate to support the request. At a minimum, however, the parent/guardian must submit information demonstrating to the Board that the current assignment is detrimental or has a negative effect on the student's educational or personal development.
5. In determining whether the student's current school assignment constitutes a manifest educational hardship, and what the corresponding appropriate action should be, the Board will consider all information presented by the parent/guardian, the recommendations of the Superintendent, and any other information which the Board deems relevant and useful.
6. The Board may find that a manifest educational hardship exists provided that the parent/guardian demonstrates that attendance at the assigned school will have a detrimental effect on the child's education, and that another public school ~~or public academy, either~~ within the District ~~or in another district~~, can reasonably meet the student's educational needs.

7. The Board shall find that a manifest educational hardship exists if it determines that there is clear and convincing evidence that:
  - a. A compelling amount of a student's academic, physical, personal or social needs cannot be met by the assigned school or are not found within the student body of the assigned school;
  - b. The attendance at the assigned school will impair the educational progress of the student; and
  - c. Another public school or public academy, either within the District or in another district, can reasonably meet the student's educational needs.
8. The Board reserves the legal right to make a determination whether a given request constitutes a manifest educational hardship, and what the corresponding action should be, on a case by case basis.
9. The Board will render its decision in writing within fifteen (15) days after the Board meeting in which the parent/guardian addressed the Board, and will forward its written decision to the parent/guardian via US mail.
10. If a parent/guardian is aggrieved by the decision of the Board, he or she may appeal to the State Board of Education in accordance with the provisions of **Ed 200**.

**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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Corresponds to NHSBA Policy JEC. See also JCA