

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 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, 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