

**JEC - MANIFEST EDUCATIONAL HARDSHIP**

Resident students of the District shall be assigned to a public school within the District by the Superintendent, or designee.

The Board recognizes that in unusual and extraordinary circumstances, parent(s) or guardian(s) may wish to request a change of assignment to another public school within the District, or a 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 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 utilized where a parent(s) or guardian(s) 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(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. Any such written request shall be made by the parent(s) or guardian(s) within fifteen (15) calendar days of the assignment made by the Superintendent or designee.
2. The Board will schedule a time at a regular board meeting held within thirty (30) days of receipt of the written request of the parent(s) or guardian(s) to hear the parent(s) or guardian(s) request. At such time, the parent(s) or guardian(s) may address the Board. The Board will hear the parent(s) or guardian(s) request in non-public session, subject to the right of the parent(s) or guardian(s) to have the matter heard in public session under RSA 91-A:3 II. (c).
3. The parent(s) or guardian(s) of the student may use whatever information which they deem is appropriate to support their request. At a minimum, however, the parent(s) or guardians(s) must submit information demonstrating to the School Board that the current assignment is detrimental or has a negative effect on the student.
4. In determining whether the current assignment of the student 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.
6. The Board will render its decision in writing within fifteen working (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 registered 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.

**Legal Reference:**

*RSA 91-A:3 II. (c), Non-Public Sessions*

*RSA 193:3, Change of School or Assignment; Manifest Educational Hardship or Best Interest; Excusing Attendance*

*RSA 193:14-a, Change of School Assignment; Duties of Board of Education*

*NH Code of Administrative Rules, Section Ed. 320, Manifest Educational Hardship*

*NH Code of Administrative Rules, Section Ed. 200, Practice & Procedure*

<sup>1</sup>*Lisbon Regional School District v. Landaff School District, 114 NH 674 (1974)*

**ADOPTED: May 22, 2008**

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<sup>1</sup>*NH Supreme Court case opinions prior to 1995 are not available through the state website. For more information about this case, please contact the NHSBA Attorney.*