CSD File: JEC

CANDIA SCHOOL DISTRICT
PROCEDURE FOR CONSIDERATION OF A MANIFEST EDUCATIONAL HARDSHIP REQUEST

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

The Board recognizes that in unusual and extraordinary circumstances, a parent, guardian or other person having custody ("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.

A. Procedure for Consideration of a Manifest Educational Hardship Request.

The following procedures will be utilized when a parent/guardian seeks a change of assignment within the District, or a waiver of assignment for his/her child 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 submit a written application to the Superintendent's office detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship. Through the application, the parent/guardian may request that the child:

   a. Attend another public school or public academy in the District; or

   b. Attend a public school or public academy in another school district.

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/she deems is necessary and appropriate to support the request.

5. In determining whether the current assignment of the student 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 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 child'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 child'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 child; and

c. Another public school or public academy, either within the district or in another district, can reasonably meet the child's educational needs.

8. 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.

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 parents or guardians via means producing third party proof of delivery (e.g., Certified, FedEx, UPS, etc.).

10. If a parent or guardian is aggrieved by the decision of the Board, he/she may appeal to the State Board of Education within thirty (30) days of receipt of the local board in accordance with the provisions of Ed 200.

B. Children with Disabilities.

Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

C. Tuition and Transportation.

If the child is assigned to attend school in another district ("receiving district"), tuition to be paid by the Candia School District to the receiving district shall be computed as provided in RSA 193:4. Some or all of the tuition may be waived by the Superintendent/board of the receiving district.

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 Admin. Rule, Section Ed 320, Manifest Educational Hardship
NH Code of Admin. Rule, Section Ed 200, Rules of Practice and Procedure

Adopted: December 13, 1999
Revised: October 6, 2011
Revised: March 7, 2019