

## CHANGE OF SCHOOL OR ASSIGNMENT

In circumstances where the best interest of a pupil warrants a change of school or assignment, the superintendent is authorized to reassign a student from the public school to which he/she is assigned to another public school, or to approve a request from another superintendent to accept a transfer of a student from another school district, under the following conditions and procedures.

### CONDITIONS AND PROCEDURES FOR REASSIGNMENT

1. Parent or guardian makes request to the superintendent that the student be reassigned to another public school or public academy within the district or to a public school or public academy in another district.
2. Superintendent must schedule a meeting with the parent, to be held within 10 days of the request.
3. Parent or guardian may present documents, witnesses, or other relevant evidence supporting their request. The superintendent may also present information he or she feels is appropriate.
4. In determining best interests of the student, the superintendent must consider the student's academic, physical, personal, and social needs.

If the superintendent finds it is in the best interest of the student to change the student's school or assignment, the superintendent must initiate such change. Additionally:

Superintendents involved in the reassignment jointly establish a tuition rate for student, and the school board shall approve the payment of tuition.

Transportation is the responsibility of the parent or legal guardian.

If the superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent may request a hearing with the school board to determine if the student is experiencing a manifest educational hardship.

*Manifest educational hardship means that a student has a documented hardship in her or his current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so sever, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.*

Manifest Educational Hardship Hearing Procedures:

1. Superintendent must notify the school board that the parent or guardian has requested a manifest educational hardship hearing.
2. Hearing shall be held no more than 15 days after the request has been received.

3. Parent or guardian may present documents, witnesses, or other relevant evidence supporting their request.
4. The superintendent may also present information he or she feels is appropriate to assist the school board in reaching its decision.
5. The parties shall have the right to examine all evidence and witnesses.
6. The parent must make a specific request that the student be re-assigned by the school board to another public school or public academy within the district or to a public school or public academy in another district.
7. The parent or guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence.

If the school board finds that the student has a manifest educational hardship, the school board must grant the parent's or guardian's request.

The district must pay tuition to the district to which the child is re-assigned and as computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment.

If the school board finds that the parent has not met their burden of proof, the parent may appeal the local school board decision to the state board of education. If the state board chooses to accept the appeal, the state board of education shall schedule a hearing on the matter, pursuant to applicable NH Department of Education rules. Additionally:

The state board of education may permit the student to withdraw from the school the student currently attends for such time as the state board deems necessary.

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

A student reassigned under this shall be counted in the average daily membership of the student's resident school district. The student's resident district shall forward any tuition payment due to the district to which the student was reassigned.

The superintendent shall notify the Department of Education within 30 days of reassignment.

The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership of the district, or 5 percent of the average daily membership of any single school, whichever is greater, unless the school board votes to exceed this limit.

Legal Reference: NH RSA 193:3

(Adopted: 2/5/07, Revised: 9/8/08, Reaffirmed: 6/1/09)  
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