ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED STUDENTS

Category: Priority/Required by Law

Related Policies: IHBG, IK, JG & JJA
Related Forms: JJJ-R, JJA-R

All pupils or school aged children residing in the District consistent with RSA 193:12, whether they participate in a home education program under RSA 193-A, participate in the New Hampshire education freedom account (EFA) program, or are attending public chartered school or nonpublic schools, (referred to collectively as "nonenrolled resident students"), shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance with RSA 193:1-c.

A. Equal Access to District Courses and Programs.

All non-enrolled district students will have the same access as do enrolled students to the District's courses and programs and shall not be subject to any policies, procedures, or standards with respect to participation in the District's courses or programs that are more restrictive than those governing the District's enrolled students except as stated in the following paragraph. Non-enrolled district students, however, must meet the same eligibility criteria as the District's enrolled students as described in paragraph B below.

Consistent with RSA 193-F:2, IX, parents of students accessing District programs and activities under this policy and whose home education program was terminated by virtue of the student's entering the EFA program, are required to notify the District that the student is now an EFA program student rather than one who is in a home education program under RSA 193:A

The District allows non-enrolled district students to participate on an equal basis in courses and programs offered by the District provided they meet the eligibility requirements for participation (e.g., deadlines for registration, academic progress/performance, parental permission, third party (e.g., NHIAA) requirements, physical exams/health requirements, etc).

In the event that a course or program has reached capacity, selection between enrolled students and non-enrolled district students must be made using the same criteria, such as registration deadlines, registration dates, audition/tryout, seniority by grade, etc. If, after applying such criteria the course/program remains overenrolled, the determination should be made by randomly.

If a student or their parent/guardian believes that they have not been given equal opportunity for participation in District programs, then they may appeal as outlined in Board policy JJA-R

B. Participation in Curricular Courses.

In order to participate in the District's curricular courses, non-enrolled district students must meet the eligibility criteria that applies to students enrolled in the District. The building Principal will provide eligibility criteria to parents or guardians of non-enrolled district students upon request.

Parents/guardians shall submit requests for participation in District courses in writing to the building Principal consistent with Board procedures JJJ-R. The building Principal will verify that the eligibility standards are the same as those that apply to students enrolled in the District.

The Principal will determine if a non-enrolled district student has satisfied eligibility criteria and prerequisites in the same manner as s/he would:

1. for determining whether a course satisfies requirements for awarding credits (Board

policy IK) ; and

2. for assigning to classes or grade levels and for students transferring from other schools.(Board Policy JG for grades K-8)

In making the determination, the Principal should consider course descriptions, syllabi, and/or any other relevant information offered by the parent/guardian of the student.

Requests for related services including, but not limited to, physical therapy, occupational therapy, speech therapy, counseling, psychological, guidance, and/or special education services shall be referred to the Special Education Director. If a dispute arises between the parent/guardian and the District as to the student's right to these services, the Special Education Director shall inform the Superintendent, who shall consult the District's attorney for a legal opinion.

C. Use of School Texts and Library Materials.

Non-enrolled district students will be permitted to use the school library, borrow school texts and borrow library materials under the same conditions and rules as students enrolled in the District.

D. Participation in Activities and Co/extra-curricular Programs.

Requests by non-enrolled district students for participation in District co-curricular/extra-curricular activities or programs ("activities") shall be made in writing by the parent/guardian to the building Principal. The building Principal shall ensure that there is equal treatment and opportunity for non-enrolled district students relative to their participation in District activities.

In order to participate in District activities, non-enrolled district students must:

1. Meet the eligibility criteria for participation in the activity that apply to students enrolled in the school district, with the exception of school attendance;

2. Meet any tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school District (see Board policy JJA); and

3. Comply with all policies, rules and regulations or their equivalent of the governing organization of the activity.(see Board policy JJA)

Non-enrolled district students participating in District co-curricular and extra-curricular activities are subject to the same fees charged enrolled students for the activity.

E. Appeals.

Any student/parent/guardian who believes that the District's policies/regulations or the State's laws/regulations pertaining to a non-enrolled district student's access to a course or program have not been appropriately or fairly interpreted may appeal as follows:

If the original decision being appealed was made by the Principal, then the "Principal" as used in steps 1-4 shall refer to the "Superintendent", and the Superintendent's decision shall be final. Step 5 shall not apply.

1. Submit a letter to the building Principal stating the nature of the concern and requesting a hearing.

2. Within five (5) school days the Principal will convene a meeting with him/herself, the student and/or parents, the coach/advisor, and a teacher(s).

3. The student/parent will be given an opportunity to explain why they believe the student should be eligible for participation. Additionally, the student/parent may present

information, documents or other material in support of their position. The Principal shall prepare minutes of the meeting.The Principal will consider all information available and will make a final decision within three (3) school days following the meeting. The Principal will notify and inform the student/parents of his/her decision in writing via email. When time is of the essence, the Principal should first convey the basic conclusion as soon as practicable via telephone or email.

4. The student/parent/guardian may within 3 days of the Principal's email of the decision submit a written request for further review by the Superintendent. The written request should describe why the Principal's decision should not be upheld. The Superintendent may decide without further information to uphold the Principal's decision, or may determine a further meeting is necessary. In either event, the Superintendent's decision will be final. If the parent/guardians do not request a review by the Superintendent, then the Principal's decision will be final as of the fourth day after the Principal's written decision was transmitted to the parents/guardians.

F. <u>Administrative Regulations or Procedures</u>.

The Superintendent or designee may adopt such administrative regulations or procedures as s/he deems appropriate in order to implement this policy.

<u>Legal References</u>:

RSA 189-B:4 Parental Rights
RSA 193:1 Duty of Parents: Compulsory Attendance by Pupil
RSA 193:1-c, Access to Public School Programs by Nonpublic…Students.
RSA 193-A:6, (Home Education), Records; Evaluation

Legal References Disclaimer*: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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