

Readopt with amendment Part Ed 320, eff 3-23-18 (Document #12498), and renumber as Ed 307 to read as follows:

PART Ed 307 MANIFEST EDUCATIONAL HARDSHIP

Ed 307.01 Change of School Assignment.

(a) “Approved as a school tuition program” means “approved as a school tuition program,” as defined in RSA 193:3, VII. The term also includes “approved private school.”

(b) Any person having custody of a child may apply to the school board of residence to change the child’s school assignment if the person having custody thinks that the child’s attendance at the assigned school will result in a manifest educational hardship to the child.

(c) A person having custody of said child may apply for a change of school assignment to:

- (1) Attend another public school, public academy, or an approved private school in the same district; or
- (2) Attend a public school, public academy, or an approved private school in another district.

(d) To establish a manifest educational hardship, as set forth in (g)(1)-(3), the person having custody shall demonstrate that attendance at the assigned school will have a detrimental effect on the child’s education. The person having custody may also demonstrate that another public school, public academy, or approved private school, either within the district or in another district, can reasonably meet the child’s educational needs.

(e) Each school board shall establish a written policy, which authorizes the school board to act, with the recommendation of the superintendent, on an application to change a child’s school assignment to another public school, public academy, or an approved private school within the district or to request a change of assignment to a public school, public academy, or an approved private school in another district when a manifest educational hardship has been demonstrated.

(f) Upon receipt of a request from a person having custody for a change of a child’s school assignment based on a claim of a manifest educational hardship, the school board shall order a hearing, pursuant to their local rules, within 30 days.

(g) The local school board shall issue a finding of manifest educational hardship if it determines that there is clear and convincing evidence that:

- (1) 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;
- (2) The attendance at the assigned school will impair the educational progress of the child; and

(3) Another public school, public academy, or an approved private school either within the district or in another district, can reasonably meet the child’s educational needs.

(h) If a school board determines that manifest educational hardship has been found, the school board shall issue a waiver of the school assignment and the child shall be reassigned to a public school, public academy, or an approved private school in the district or in another district, which can reasonably meet the child’s educational needs.

(i) If a person having custody is aggrieved by the decision of the school board, he or she may appeal to the state board in accordance with the provisions of Ed 200.

Appendix I

Rule	Specific Statute Rules Implement
Ed 307 (formerly Ed 320)	RSA 193:3