



**State of New Hampshire
State Board of Education
Concord, New Hampshire**

In the Matter of: SAU 54

Docket No. SB-FY-21-05-016

NOTICE OF HEARING TO SHOW CAUSE

A. The NH State Board of Education (the "Board") received information from the NH Department of Education ("NHDOE") that SAU 54 ("Respondent") requires home-educated students enrolled in the band program participate remotely while district students are permitted to participate in person.

B. Pursuant to RSA 193:1-c, I, "home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides." In addition, RSA 193:1-c requires any local school board policy "regulating participation in curricular courses and cocurricular programs . . . not be more restrictive for non-public, public chartered school, or home educated pupils than the policy governing the school district's resident pupils."

C. Pursuant to RSA 541-A: 31 and the Board's "powers of management, supervision, and direction over all public schools in this state" set forth in RSA 186:5, the Board voted to commence an adjudicative proceeding and issue a Notice of Hearing to Show Cause to allow the Respondent an opportunity to demonstrate to the Board its compliance with RSA 193:1-c.

THEREFORE, IT IS ORDERED, pursuant to RSA 541-A:31 and RSA 186:5, that a Show Cause hearing, at which the burden of proof is on the Respondent, is scheduled to take place in front of Hearing Officer Peter Foley, Esq., on Thursday, June 3, 2021, at 10 a.m. and will be held remotely via Zoom; and

IT IS FURTHER ORDERED that the purpose of the show cause hearing shall be for Respondent to show cause to the Board that the district is in compliance with RSA 193:1-c; and

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, said counsel shall file a notice of appearance at the earliest date possible; and

IT IS FURTHER ORDERED that if Respondent fails to appear at the time and place specified above the Board will hold no further hearing in this matter; and

IT IS FURTHER ORDERED that the hearing shall be conducted in accordance with NH Admin. Rule Ed 200, et seq., except as explicitly modified herein; and

IT IS FURTHER ORDERED that any proposed documents intended to become part of the record of this show cause proceeding pursuant to NH Admin. Rule Ed 209.06 shall be provided to the Hearing Officer five (5) days prior to the date of the hearing. The names and credentials of any proposed witnesses to speak in support of any documentation to be provided at the show cause hearing shall be provided to the Hearing Officer five (5) days prior to the date of the show cause hearing; and

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Hearing Officer.

IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Stephen Berwick, 101 Pleasant Street, Concord, New Hampshire 03301, (603) 271-2299, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing to Show Cause shall be served upon Respondent by certified mail.

BY ORDER OF THE BOARD

Dated: May 13, 2021