

# Policy Development Committee Agenda

1/12/2021

7:30 A.M. ~ Gilford High School – Rm 131

## Policies to Review

EBCF – Pandemic/Epidemic Emergencies

KB – Parent Involvement in Education (Title I)

KA – School, Community and Home Relations

JEC – Manifest Educational Hardship

JECA – Change of School Assignment/Best Interest

**NHSBA Sample Policy EBCF. We do not have this policy.**

**9-16-2020 Policy Committee**

**10-5-2020 School Board – first reading**

**10-7-2020 Sent to GEA**

**11-2-2020 School Board – first reading**

**11-4-2020 Sent to GEA – Feedback & Policy Committee action highlighted in yellow.**

**12-7-2020 School Board – second reading**

**12-8-2020 Policy Committee to act on GEA feedback**

**1-12-2021 Policy Committee to act on further GEA feedback**

## **PANDEMIC/EPIDEMIC EMERGENCIES**

The Board recognizes that a pandemic/epidemic is a serious threat that stands to affect students, staff, and the community as a whole. The Board establishes this policy in the event the town/municipality and/or school district is affected by a pandemic or epidemic. At all times the health, safety and welfare of the students and staff shall be the first priority. The District shall follow the advice and recommendations in the State of New Hampshire's Influenza Pandemic Public Health Preparedness & Response Plan, as prepared by the Dept. of Health & Human Services.

### **Planning and Coordination**

Planning for a pandemic requires a multi-faceted effort, and school preparedness should include input from a team of individuals to address their specific areas of expertise.

The Superintendent shall designate one or more employees to serve as a liaison between the school district and local and State health officials. This designee is responsible for communicating with health officials to identify local hazards, determine what crisis plans exist in the school district and community, and to establish procedures to account for student well being and safety during such a crisis. The designee shall work with local health officials to coordinate their pandemic/epidemic plans with that of the school district. The Board encourages the designee to become a member of the Health Alert Network through the New Hampshire Department of Health & Human Services.

The principal and/or school nurse or other designee shall develop a curriculum component to health classes that is designed to teach students about preventing or limiting the spread of communicable diseases.

With fiscal concerns in mind, the district may purchase and store supplies necessary for an epidemic/pandemic response, including but not limited to disinfectant products, face masks, water, examination gloves, and other supplies as recommended by the school nurse.

The Superintendent shall develop procedures and plans for the transportation of students in the event students are released from school early.

### **Response**

In the event anyone within the school is discovered or suspected to have a communicable disease that may result in transmission to other students, faculty, or staff, that person shall be immediately isolated pending further medical examination. The New Hampshire Communicable Disease Control Section of the Department of Health and Human Services shall be notified immediately.

## **Infection Control**

Any student or staff member found to be infected with a communicable disease that may bear risk of transmission will be excluded from school until that individual's primary care physician or other medical personnel indicating that the individual does not bear the risk of transmitting the communicable disease provide medical clearance.

Students with excessive absences due to a communicable disease may be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, schoolwork the student can complete while absent.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through the Family and Medical Leave Act and/or accrued sick leave. If a staff member has still not received medical clearance to resume his/her work duties, absences in excess of a staff member's allotted leave will not affect the employees right to continued employment.

## **Continuance of Education**

The Superintendent will develop a plan of alternate means of educating students in the event of prolonged school closings and/or extended absences. Such a plan may include providing students with assignments virtually, via mail, local access cable television, or the school district's website.

**After consultation with GEA** and with the approval from the School Board, the Superintendent is authorized to amend the traditional class schedule and schedule of days. Such a plan may include extending the school day, having school days held on Saturdays, the use of previously scheduled vacation days, and/or extend the school year beyond the previously established end of school year.

GEA Feedback: *“We have concerns in the language in paragraph above. As written, this language does not acknowledge the constraints of the CBA, which would also need to be considered in any modifications to the traditional class schedule and schedule of days.”*

### **The Policy Committee added the language “After consultation with GEA”**

1-4-2021 – Additional feedback from GEA: Would prefer the language to say “in compliance with or in accordance with” rather than “After consultation with”

### **Legal References:**

*Influenza Pandemic Public Health Preparedness & Response Plan, New Hampshire Department of Health & Human Services, Updated March 2, 2006,  
[www.dhhs.nh.gov/DHHS/CDCS/LIBRARY/Policy-Guideline/dphs-influenza-plan.htm](http://www.dhhs.nh.gov/DHHS/CDCS/LIBRARY/Policy-Guideline/dphs-influenza-plan.htm)*

## **PARENT INVOLVEMENT IN EDUCATION**

The Gilford School Board recognizes the importance of having parents involved in the educational programs of their children. Since current research indicates that a home/school partnership and greater involvement of parents in the education of their children generally result in high achievement scores, improved student behavior, and reduced absenteeism, parents of students enrolled in the district's programs are encouraged to take an active role in the education of their children.

In an attempt to ensure that parents more fully participate in their child's educational programs, the Gilford School District supports the following activities:

- The district will provide timely information concerning their programs, including program plans, descriptions, and evaluations.
- The district will notify each child's parents, in a timely fashion, if a child has been selected to participate in special district programs and the criteria used in making the selection.
- Conferences between individual parents and teachers will be held on a regular and continuing basis.
- The parents of each child selected for services under the Federal legislation, Individuals with Disabilities in Education Act (IDEA), Guidance, or the federally funded Title I grant will be informed of the specific instructional objectives and progress for their child.
- Parents of children identified to participate in Title I programs will receive from the school principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed and a description of the services provided.
- The district will provide opportunities for the training/orientation of parents whose children are enrolled in the programs for the purpose of promoting the education of these children at home as well as in school.
- The district will solicit parents' suggestions in the planning, development, and operations of the districts' programs.
- The district will consult with parents about how the school can work with parents to achieve the school and program's objectives
- The district will provide consideration and when applicable, timely responses, to parents' suggestions.
- The district will sponsor annual open house and information activities for parents.
- The district will provide parents with a district and school report cards, which review the achievement of all students and specified subgroups of students.
- Upon request, the district will provide parents with teacher and/or paraprofessional qualifications.
- The district will notify parents if an unqualified person has taught their child for 4 consecutive weeks.

*Current GSD policy. Suggest replacing with NHSBA sample policy Title I Family and Community Engagement to comply with the Every Student Succeeds Act.  
12-8-2020 Policy Committee  
1-21-2021 Policy Committee*

**KB**  
**Page 1 of 2**

- The district will inform parents of the school's Adequate Yearly Progress along with a description of what AYP means and the current status of the school in terms of AYP.

**(Adopted: 7/17/95)**

**(Revised: 7/17/00)**

**(Revised: 8/15/05)**

Resources: National Standards for Parent/Family Involvement Programs  
Local Education Agency Plans P.L. 107. 110, NCLB Act of 2001, Title I  
Improving the Academic Achievement of the Disadvantaged, Sec 1118 Policy

*Current GSD policy. Suggest replacing with NHSBA sample policy Title I Family and Community Engagement to comply with the Every Student Succeeds Act.*

*12-8-2020 Policy Committee*

*1-21-2021 Policy Committee*

**KB**  
**Page 1 of 2**

*NHSBA sample policy. Suggest replacing current GSD policy Parent Involvement in Education with sample policy Title I Family and Community Engagement to comply with the Every Student Succeeds Act.*

*12-8-2020 Policy Committee*

*1-12-2021 Policy Committee*

## **KB - TITLE I FAMILY AND COMMUNITY ENGAGEMENT**

(Download policy)

*Category: Priority/Required by Law for all Title I Districts*

*This policy is required for school districts receiving Title I funds (e.g., Title IA, Focus/Priority, SIG.)*

The School Board endorses the family and community engagement goals of the Every Student Succeeds Act and encourages regular collaboration between family members, community members, and school leadership. The education of children is viewed as a cooperative effort among the parents, school and community, other family members involved in supporting the child's development and education.

Pursuant to federal law, the District will develop jointly with distribute to parents of children participating in the Title I program a written family and community engagement policy.

The goal of this policy is to:

- (1) Honor and recognize families' funds of knowledge,
- (2) Connect family engagement to student learning,
- (3) Create welcoming, inviting cultures, and
- (4) Develop the capacity of families to negotiate the roles of supporters, advocates, and collaborators.

The District will implement at least one annual meeting that is available to all families of students attending Title I schools and/or for families that include a student who receives Title I services (Targeted Schools). These meeting will provide parents and family members opportunities to participate in the design, development, operation and evaluation of the program for the next school year. Additional meetings may be held at the will of the Superintendent or school board. These meetings will be used to:

1. Involve parents in the joint development of the Title I program plan, the process of reviewing the implementation of the plan, and suggesting overall school improvements goals.
2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective family and community engagement activities to improve student academic achievement and school performance.
3. Build the schools' and parents' capacity for strong family and community engagement.
4. Coordinate and integrate Title I family and community engagement strategies with those of other educational programs.
5. Conduct, with the involvement of families, an annual evaluation of the content of the

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*NHSBA sample policy. Suggest replacing current GSD policy Parent Involvement in Education with sample policy Title I Family and Community Engagement to comply with the Every Student Succeeds Act.*

*12-8-2020 Policy Committee*

*1-12-2021 Policy Committee*

family engagement policy and its effectiveness in improving the academic quality of the schools served. This will include identifying barriers to greater participation by parents in activities authorized by law, particularly by parents who are economically disadvantaged, have disabilities, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. The district will use the findings of such evaluation to design strategies for more effective parental involvement and to revise, if necessary, the parental involvement policies.

6. Involve families in the activities of the schools served.

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings through payment of transportation, childcare costs, food for the event, and academic based supplies and activities during the event. In targeted assistance programs, the families of children identified to participate in Title I programs will receive from the school Principal and/or Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist in the education of their children at home.

**NHSBA Note:** Changes to this Sample Policy are required pursuant to the recent passage of the Every Student Succeeds Act (ESSA). ESSA contains various changes to Title I requirements and certain aspects of community and parental involvement. The changes made throughout this policy are intended to address those requirements. The changes made throughout this policy relative to Title I parental involvement are recommended by the New Hampshire Department of Education in collaboration with NHSBA.

**Legal References:**

*20 U.S.C. §6318, Title I - Parental Involvement*

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## SCHOOL, COMMUNITY, AND HOME RELATIONS

The School Board recognizes the importance of having a strong partnership between the school system and the parents of our students as well as the community at large. It is therefore the policy of the Board to define standards for involvement between the schools, the community and the parents of all students enrolled in District schools. The Superintendent is directed to implement these standards.

- District schools are a welcoming place, clearly accessible to parents and the community.
- Communication between home and school is regular, two-way, meaningful and inclusive of student progress and teachers' expectation.
- Parents are full partners in the educational decisions that affect children and families.
- Parents will be encouraged to visit their schools for beginning of the year events such as "Open House" and new student orientations. These events will be used to disseminate information on school policies, discipline procedures, assessment tools and school goals.
- Opportunities are provided to guide parents on ways to assist with homework, give feedback to teachers, and how parents can help their children improve skills and perform well on assessments.
- Parents are encouraged to attend school-sponsored parent workshops to learn about parenting skills, health, safety, nutrition, home environments that support education and other topics of child and adolescent development throughout the year.
- Reasonable efforts will be made to communicate with parents in their primary language or in the language in which they feel comfortable.
- For the purposes of this policy, the term "parent" refers to any adult who has legal custody of child/student.
- Students and parents will receive information regarding cultural, recreational, academic, health, social and other resources that serve families within the community.
- Partnerships will be developed with local organizations, local city and county governments, individuals to strengthen school programs, family practices and student learning.
- Student participation in community service will be encouraged.
- Business partnerships will also be developed to assist students in the successful transition to employment or further education.

### **Legal References:**

*NH Code of Administration Rules, Section Ed. 306.04(a)(11), Policy Development*  
*NH Code of Administration Rules, Section Ed. 306.04(k), Policy Development*

**(Adopted: 6/4/07)**  
**(Reaffirmed: 3/2/2020)**

**Gilford School District Policy**

## **KA - SCHOOL, FAMILY AND COMMUNITY PARTNERSHIPS**

(Download policy)

*Category: Priority/Require by Law*

The School Board recognizes the importance of having a strong partnership between the school system and the parents of our students as well as the community at large. It is therefore the policy of the Board to define standards for involvement between the schools, the community, and the parents of all students enrolled in District schools. The Superintendent is directed to implement these standards.

District schools are a welcoming place, clearly accessible to parents and the community. Communication between home and school is regular, two-way and meaningful. Parents are full partners in the educational decisions that affect children and families. Parents will be encouraged to visit their schools for beginning of the year events such as "Open House" and new student orientations. These events will be used to disseminate information on school policies, discipline procedures, assessment tools and school goals.

Opportunities are provided to guide parents on ways to assist with homework, give feedback to teachers, and how parents can help their children improve skills and perform well on assessments.

Parents are encouraged to attend school-sponsored parent workshops to learn about parenting skills, health, safety, nutrition, home environments that support education and other topics of child and adolescent development throughout the year. Reasonable efforts will be made to communicate with parents in their primary language or in the language in which they feel comfortable. For the purposes of this policy, the term "parent" refers to any adult - mother, father, older sibling, aunt, uncle, grandparent, guardian, mentor - who plays a significant role in the care of a student or students enrolled in District Schools. Students and parents will receive information regarding cultural, recreational, academic, health, social and other resources that serve families within the community.

The support of area businesses, agencies and faith-based organizations will be sought through financial, goods and services, and volunteer contributions. Partnerships will be developed with local organizations, local city and county governments, and talented individuals to strengthen school programs, family practices and student learning. Student participation in community service will be encouraged. Business partnerships will also be developed to assist students in the successful transition to employment or further education.

### **Legal References:**

*Ed 306.04(a)(11), Community Partnerships*

*Ed 306.04(k), Community Partnerships*

## **MANIFEST EDUCATIONAL HARDSHIP**

The Superintendent or designee shall assign resident pupils of the Gilford School District to a public school outside the district.

The Gilford School Board recognizes that in unusual and extraordinary circumstances, parent(s) or guardian(s) may wish to request a change of assignment to a public school in another district. When the parent(s) or guardian(s) believe that the assignment which has been made will result in a manifest educational hardship to the pupil, the board will consider these results in a manner consistent with RSA 193:3.

### **Legal References:**

*RSA 193:3, Change of School or Assignment; Manifest Educational Hardship  
NH Code of Administrative Rules, Section Ed 320, Manifest Educational  
Hardship  
NH Code of Administrative Rules, Section Ed 200, Rules of Practice and  
Procedure*

**(Approved: 4/21/03)**

**(Revised: 8/20/2012)**

## **CHANGE OF SCHOOL ASSIGNMENT POLICY**

### **Reassignment of Resident Students**

The Superintendent has discretion to reassign a student from the public school to which the student is currently assigned to another public school in New Hampshire under RSA 193:3 III, only if all the following conditions are met:

- The student's parent or legal guardian petitions the Superintendent for a change of school assignment or consents to the Superintendent's recommendation for such a change; and
- The Superintendent determines that such a change would be in the student's best interest as defined below; and
- The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of the school district, or exceed five percent of the average daily membership in residence of any single school, whichever is greater.

The parent or legal guardian has the burden of demonstrating that the reassignment is in the student's best interest. "Best interest" does not mean that a parent has the right to select whichever public school the parent prefers or that a student has the right to attend a school that the parent or student believes is better suited to allow the student to reach his/her full potential. Rather, best interest means that the student's education will be adversely affected if the student continues to attend the public school to which the student is assigned. The adverse effect must arise from:

- Problems the student has in accessing the assigned school; or
- The physical or mental condition of the student; or
- The availability at the school to which a reassignment is sought of academic courses which the student has an obvious educational need to access in order to benefit from education. General conditions or circumstances that affect or could affect numerous children attending the assigned school do not meet this requirement. For example, the availability of extra-curricular activities/athletics or certain advanced placement courses in other schools cannot be the basis of a change of school assignment.

### **Appeal**

If the parent or legal guardian disagrees with the Superintendent's decision, the parent or legal guardian can file a request for a change of school assignment to the local school board under RSA 193:3 I, and policy JEC on the basis of manifest educational hardship. The superintendent shall notify the New Hampshire Department of Education within 30

days of any reassignment of a resident student.

### **Requests to Assign Students from Other Public School Districts (Non-Resident Students)**

The Superintendent has discretion to approve a request from another Superintendent to accept a transfer of a student from another school district if:

- The conditions as stated above (Reassignment of Resident Students) are met;
- Space is available within the school; and,
- The student meets the school's admission requirements.

The Superintendent is not required to accept the findings of the sending district's superintendent concerning a student's best interest, and will make an independent decision on the reassignment request. The Superintendent's decision is final.

Any student accepted under this section will be permitted to attend our schools for only so long as that student abides by the reasonable rules of the school, failing which the student's right to attend our schools will be terminated.

### **General Requirements for Resident and Non-Resident Students**

- The parent or legal guardian of any student reassigned or accepted under this policy shall sign an acknowledgement that he/she has received a copy of this policy, understands it and agrees to be bound by its terms.
- All reassignments shall be limited to the current school year.
- The parent or legal guardian is responsible for the student's transportation.
- The Superintendents involved in the reassignment of a student shall jointly establish a tuition rate for each such student. Some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown or pursuant to school board policy of the receiving district.
- Notwithstanding anything else to the contrary contained herein, the educational placement of disabled students shall be determined in accordance with the IDEA, RSA 186-C and Section 504. Any student reassigned under this policy whom the receiving district suspects has a disability will be referred to the student's district of residence for evaluation and possible identification.
- When a reassignment exceeds the percentage limitations set forth above, the school board must approve the reassignment.

### **Legal References:**

*Current GSD Policy. NHSBA suggests withdrawing this policy and replacing with sample policy JCA as per the changes in HB1558 and RSA 193:3 I-IIIa.  
1-12-2021 Policy Committee*

**JECA  
Page 3 of 3**

*RSA 193:3, III, Change of School Assignment  
RSA 193:3, I, II, Manifest Educational Hardship  
RSA 193:14-a, Change of School Assignment; Duties of State Board of Education*

**(Approved: 4/21/03)  
(Reaffirmed: 8/20/2012)**

**CHANGE OF CLASS OR SCHOOL ASSIGNMENT  
BEST INTERESTS AND MANIFEST HARDSHIP**

*Category: Priority/Required by Law*

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**ADOPTION/REVISION NOTES –**

*All text between the highlighted lines “~ ~ ~ ~” above and below, and all highlights within the policy should be removed prior to adoption.*

- (a) In 2020, the State amended RSA 193:3, I-III regarding “best interest” and “manifest educational hardship” reassignments to be a sequential process. This policy merges the subject matter of previous sample JEC (manifest educational hardship) with JCA to reflect the new statutory relationship between those two reassignment provisions. NHSBA is withdrawing sample JEC with the release of this revised sample JCA. Most of this policy specifically tracks language in the amended version of RSA 193:3. If a district wishes to modify miscellaneous provisions, it should review the statute carefully, and or consult with private counsel and/or NHSBA Policy Services.*
- (b) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (c) {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency. {##} indicates internal section/paragraph references, which may change if a district uses different enumeration than this sample.*
- (d) Highlighted footnotes should be removed before final approval of the policy.*
- (e) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district’s ordinary assignment policies and procedures, might not be in that student’s best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as “reassignment”) in the student’s class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

**A. Best Interest Re-Assignment – Determination by Superintendent.**

**New Hampshire School Boards Association Sample Policy JCA. NHSBA Suggests replacing current GSD policies JCA and JEC with this sample policy as a result of HB 1558 and RSA 193:3, I-IIIa  
1-12-2021 Policy Committee**

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to a another class within the school, [*if applicable*] to another public school within the District], or to another public school or public academy in another district.

The authorization granted Superintendent to make reassignments under this policy applies only after application is made by the parent or guardian of the student or with the parents consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office, or emailed to the Superintendent at the email address provided on the District's website for the then current Superintendent.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent or guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent or guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, [*if applicable*]to another public school or public academy within the district/or to a public school or public academy in another district.
- d. At the reassignment meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the superintendent shall consider the student's academic, physical, personal, or social needs.

2. Finding Reassignment is or is not in Best Interest.

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).

**New Hampshire School Boards Association Sample Policy JCA. NHSBA Suggests replacing current GSD policies JCA and JEC with this sample policy as a result of HB 1558 and RSA 193:3, I-IIIa  
1-12-2021 Policy Committee**

- b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:
    - i. A change of assignment within the student's current assigned school;
    - ii. The student's transfer to another public school or public academy within the district of residence; or
    - iii. The student's transfer to a public school or public academy in another district.
  - c. 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 or guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.
3. Tuition Determination. If a student is to be reassigned to another as a result of a best interest determination, the Superintendent shall work with the Superintendent of the receiving district to establish a tuition rate for such student. Pursuant to RSA 193:3, I (g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.
- The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.
4. Transportation: Transportation for a student reassigned to schools in another district under this section A (best interest) shall be the responsibility of the parent or legal guardian.
  5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy ~~{\*\*}JFAB~~ or as computed under the formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).<sup>[delete footnote]</sup>
  6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.

**B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.**

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<sup>1</sup> RSA 193:3, I(g) includes the language: "Some or all of the tuition may be waived by the Superintendent for good cause shown or pursuant to school board policy of the receiving district." The language suggests that the two standards (good cause shown or policy) are not exclusive.

**New Hampshire School Boards Association Sample Policy JCA. NHSBA Suggests replacing current GSD policies JCA and JEC with this sample policy as a result of HB 1558 and RSA 193:3, I-IIIa  
1-12-2021 Policy Committee**

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her 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 severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. Procedure for Determination of Manifest Educational Hardship.
  - a. Within thirty (30) days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph {##}A.2.C, above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
  - b. The Superintendent shall duly notify the school board that the parent or guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days<sup>2</sup>delete footnote] after the request has been received by the Superintendent. The Board shall provide at least two full days notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
  - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student [*if applicable*] attend another public school or public academy in the District, or] attend a public school or public academy in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
  - d. At such hearing, the parent or guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure that the means for the Board to establish an adequate record of the hearing.

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<sup>2</sup> The 2020 amendments to RSA 193:3, II require that the hearing be held within 15 days of the request by the parent. This supersedes the 30 day requirement of NH DOE Ed. 320.01 (e).

**New Hampshire School Boards Association Sample Policy JCA. NHSBA Suggests replacing current GSD policies JCA and JEC with this sample policy as a result of HB 1558 and RSA 193:3, I-IIIa  
1-12-2021 Policy Committee**

- e. The parent or guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.<sup>3</sup>
  - f. The Board will render its decision in writing within seven (7) days after the hearing, and will forward its written decision to the parents or guardians via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed. 320(c)-(e).
3. Finding of Manifest Educational Hardship. If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to re-assign the student to *[if applicable]* another public school or public academy in the District, or] to another public school or public academy within the district or to a public school or public academy in another district.
  4. Finding that Manifest Educational Hardship has not Established – Appeal to the New Hampshire State Board of Education. If the School Board finds that the parent or guardian has not met their burden of proof, the parent or guardian may appeal the local Board decision to the New Hampshire State Board of Education (“SBOE”), within thirty (30) days of receipt of the Board’s written decision in accordance with NH Dept. of Ed. Rule Ed. 204.01 (g). SBOE.
  5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship. If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend school in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is re-assigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.
  6. Transportation: Transportation for a student reassigned to schools in another district under this section B (manifest educational hardship) shall be the responsibility of the District unless otherwise ordered by the SBOE.
- C. Admission Requirements.** Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned.
- D. Statutory Reassignment Limit.** The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence

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<sup>3</sup> The clear and convincing standard differs from the “preponderance of the evidence” standard which only requires that evidence indicates that the contention is more likely than not.

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1-12-2021 Policy Committee**

of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.

- E. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation.** Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.
- F. Notice to the Department of Education.** The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.
- G. Special Education Placements.** A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

**Legal References:**

*Ed RSA 193:3, III, Change of School Assignment*

*RSA 193:14-a, Change of School Assignment; Duties of State Board of Education*

*N.H. Dept. of Education Administrative Rule Ed. 320 [Pending revision]*

***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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**NHSBA history:** Revised – Nov. 2020, Sept. 2018, Sept. 2016 (JCA only), Sept. 2015 (JCA only); Sept. 2011, Sept. 2008, July 1998.

**NHSBA revision notes, November 2020,** the old version of policy JCA concerned only reassignments based on the best interest standard, while manifest educational hardship reassignments were addressed in sample JEC. Each of the former policies reflected different processes described in RSA 193:3, I-III. 2020 legislative changes to 193:3, I-III-a (see 2020 Laws 38:22, chaptered version of 2020 HB1558, including amended HB1328) made best interest and manifest hardship processes sequential, rather than separate. Accordingly, NHSBA has merged the two processes into one policy. It is possible/likely that at some point in the next couple of years, the NH DOE will amend Rule Ed 320 to reflect the 2020 legislative changes, and such rule revisions may require additional policy revisions.

w/p-update/2020-U3 Fall/JCA - Reassignment Best Interests & Manifest Hardship 2020-U3 (f)

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