

Holderness School District Manifest Educational Hardship

The Board recognizes that, in unusual and extraordinary circumstances, parent(s) may request a change of assignment to another 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 requests according to the procedures outlined below.

PROCEDURE FOR CONSIDERATION OF A MANIFEST EDUCATIONAL HARDSHIP REQUEST

The following procedures will be utilized when a parent(s) or guardian(s) seeks a change of assignment based on an assertion that the current assignment constitutes a manifest educational hardship:

1. The parent(s) or guardian(s) shall make a written request, through the Superintendent's office, detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
2. The Board will schedule a time at a regular board meeting to hear the parent(s) or guardian(s) request. At such time, the parent(s) or guardian(s) may address the Board. The Board will hear the parent(s) or guardian(s).
3. When applying to the School Board for a change of school assignment based on manifest educational hardship, a parent(s) or guardian(s) shall demonstrate the detrimental or negative effect on the pupil if the pupil continues to attend the school to which he/she is assigned.
4. The parent(s) or guardian(s) of the pupil may use whatever information which they deem is appropriate to support their request.
5. In determining whether the current assignment of the pupil constitutes a manifest educational hardship, and what the corresponding appropriate action should be (which may include, but not be limited to, assignment of a public school in another district), the Board shall consider all information given it by the parent(s) or guardian(s), the recommendations of the Superintendent, and any other information which the Board deems relevant and useful.
6. The Board reserves the legal right to make a determination on whether a given request constitutes a manifest educational hardship, and what the corresponding action should be, on a case-by-case basis.
7. Parent(s) or guardian(s) must prove by clear and convincing evidence that:

(a) A substantial portion of the pupil's academic, physical, personal and social needs cannot be met by the assigned school or are not found within the student body of the assigned school; and

(b) The assigned school's failure to meet the pupil's needs will impair the educational progress of the pupil, and

(c) Another public school, either within the district or in another district, may reasonably meet the pupil's educational needs.

8. If parent(s) or guardian(s) is aggrieved by the decision of the School Board, he/she may appeal to the State Board in accordance with the provisions of ED 200.

1st Reading: January 11, 2012