

## 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:**

*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)**