

Amendment to SB 97-FN

1 Amend RSA 193:3, I(c)-(j) as inserted by section 1 of the bill by replacing it with the following:

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3 (c) Prior to or at such meeting, the parent or guardian shall make a specific request that
4 the student be re-assigned by the school board to another public school, public academy, or an
5 approved private school within the district or to a public school, public academy, or an approved
6 private school in another district. ***If such request is made to reassign the student to another
7 public school, public academy, or approved private school within the school district, the
8 superintendent shall approve the request unless it fails to meet the requirements under
9 this section.***

10 (d) At such meeting, the parent or guardian may present documents, witnesses, or other
11 relevant evidence supporting the parent's belief that it is in the best interest of the student to change
12 the student's school or assignment. The superintendent may present such information as he or she
13 deems appropriate.

14 (e) ***In determining whether to authorize a request to transfer to another school
15 within the district, the superintendent shall consider only whether the specifically
16 requested school has the ability to accommodate the student based on existing school
17 capacity.*** In determining whether it is in the best interest of the student to change the student's
18 school or assignment ***to a school outside the district***, the superintendent shall consider the
19 student's academic, physical, personal, or social needs.

20 (f) If the superintendent finds it is in the best of the interest of the student to change the
21 student's school or assignment ***to a school outside the district, or finds the requested school in
22 district has the ability to accommodate the student***, the superintendent shall initiate:

23 (1) A change of assignment within the student's current assigned school;

24 (2) The student's transfer to another public school or public academy within the
25 district of residence; or

26 (3) The student's transfer to a public school, public academy, or an approved private
27 school in another district.

28 (g) If a student is reassigned [~~as a result of a best interest determination~~] to a public
29 school or public academy ***outside the district of residence***, the superintendents or administrators
30 involved in the reassignment shall jointly establish a tuition rate for such student. Some or all of
31 the tuition may be waived by the superintendent of the receiving district for good cause shown or

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1 pursuant to school board policy of the receiving district. The school board of the student's district of
2 residence shall approve the payment of tuition upon the superintendent's finding that *it* is in the
3 best interest of the student to be reassigned. Transportation shall be the responsibility of the parent
4 or legal guardian.

5 (h) If the student is reassigned as the result of a best interest determination to an
6 approved private school, the private school may charge tuition to the parent or may enter into an
7 agreement for payment of tuition with the school district in which the child resides.

8 (i) If the superintendent does not find that it is in the best interest of the student to
9 change the student's school or assignment *to a school outside the district, or finds that the*
10 *requested school in district is unable to accommodate the student*, the parent or guardian
11 may request a hearing with the school board of residence to determine if the student is experiencing
12 a manifest educational hardship under paragraph II.

13 (j) The school board of each school district shall adopt a policy addressing instances in
14 which there are more requests to transfer to a school than there is ability to accommodate students
15 based on ~~[teacher to student ratio and]~~ existing school capacity pursuant to subparagraph (e).