

# Bill as Introduced

HB 388 - AS AMENDED BY THE HOUSE

8Apr2021... 0923h

2021 SESSION

21-0517  
06/05

HOUSE BILL

**388**

AN ACT

relative to changing a pupil's school or assignment because of a manifest educational hardship.

SPONSORS:

Rep. Ladd, Graf. 4; Rep. Cordelli, Carr. 4; Rep. Pitre, Straf. 2; Rep. Boehm, Hills. 20; Rep. Shaw, Hills. 16

COMMITTEE:

Education

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ANALYSIS

This bill revises the procedures for a change of school or assignment because of manifest educational hardship.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to changing a pupil's school or assignment because of a manifest educational hardship.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 School Attendance; Change of School or Assignment; Best Interest of Student. Amend RSA  
2 193:3 to read as follows:

3 193:3 Change of School or Assignment; Best Interest of Student.

4 I.(a) The parent or guardian of a student may apply to the superintendent of the student's  
5 district of residence if the parent or guardian believes it would be in the best interest of the student  
6 to change the student's school or assignment.

7 (b) Upon such request, the superintendent shall schedule a meeting with the parent or  
8 guardian, to be held within 10 days of the request.

9 (c) Prior to or at such meeting, the parent or guardian shall make a specific request that  
10 the student be re-assigned by the school board to another public school, ~~[or]~~ public academy, *or an*  
11 *approved private school* within the district or to a public school, ~~[or]~~ public academy, *or an*  
12 *approved private school* in another district.

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

17 (e) In determining whether it is in the best interest of the student to change the  
18 student's school or assignment, the superintendent shall consider the student's academic, physical,  
19 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, the superintendent shall initiate:

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

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

25 (3) The student's transfer to a public school, ~~[or]~~ public academy, *or an approved*  
26 *private school* in another district.

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

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

4 (h) *If the student is reassigned as the result of a best interest determination to*  
 5 *an approved private school, the private school may charge tuition to the parent or may*  
 6 *enter into an agreement for payment of tuition with the school district in which the child*  
 7 *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, the parent or guardian may request a hearing with the  
 10 school board of residence to determine if the student is experiencing a manifest educational hardship  
 11 under paragraph II.

12 II.(a) "Manifest educational hardship" means that a student has a documented hardship in  
 13 his or her current educational placement; and that such hardship has a detrimental or negative  
 14 impact on the student's academic achievement or growth, physical safety, or social and emotional  
 15 well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits  
 16 the ability of the student to receive an education.

17 (b) The superintendent shall duly notify the school board that the parent or guardian  
 18 has requested a manifest educational hardship hearing, upon which the school board shall schedule  
 19 a hearing to be held no more than 15 days after the request has been received.

20 (c) At such hearing, the parent or guardian may present documents, witnesses, or other  
 21 relevant evidence supporting their belief that the student is experiencing a manifest educational  
 22 hardship. The superintendent may present such information as he or she may deem appropriate to  
 23 assist the school board in reaching its decision. The parties shall have the right to examine all  
 24 evidence and witnesses.

25 (d) Prior to or at such hearing, the parent or guardian shall make a specific request that  
 26 the student be re-assigned by the school board to another public school, ~~[or]~~ public academy, *or an*  
 27 *approved private school* within the district or to a public school, ~~[or]~~ public academy *or an*  
 28 *approved private school* in another district.

29 (e) The parent or guardian shall have the burden of establishing the presence of a  
 30 manifest educational hardship by clear and convincing evidence.

31 (f) If the school board finds that the student has a manifest educational hardship, the  
 32 school board shall grant the parent's or guardian's request to re-assign the student to another public  
 33 school, ~~[or]~~ public academy *or an approved private school* within the district or to a public school,  
 34 ~~[or]~~ public academy, *or an approved private school* in another district.

35 (g) If the school board finds that the parent or guardian has not met their burden of  
 36 proof, the parent or guardian may appeal the local school board decision to the state board of  
 37 education. If the state board of education chooses to accept the parent's or guardian's appeal, the

1 state board of education shall schedule hearing on the matter, pursuant to applicable department of  
2 education rules.

3 (h) If a student is assigned to attend *a public school or public academy* in another  
4 district because of a manifest educational hardship, the district in which the student resides shall  
5 pay tuition to the district to which the child is re-assigned. Such tuition shall be computed according  
6 to RSA 193:4. The school board of the district in which the student resides shall approve the tuition  
7 payment.

8 III. The state board of education may permit such child to withdraw from the school the  
9 student currently attends for such time as the state board deems necessary. Children with  
10 disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules  
11 adopted under RSA 186-C:16.

12 III-a.(a) A student reassigned under this section shall be counted in the average daily  
13 membership in residence of the student's resident school district. The student's resident district  
14 shall forward any tuition payment due to the district to which the student was reassigned.

15 (b) The superintendent of the student's resident school administrative unit shall notify  
16 the department of education within 30 days of any reassignment of students under this section.

17 (c) Nothing in this section shall alter or impair the right of a child with a disability, as  
18 defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA  
19 186-C:16.

20 (d) The total reassignments or transfers in any one school year shall not exceed one  
21 percent of the average daily membership in residence of a school district, or 5 percent of the average  
22 daily membership in residence of any single school, whichever is greater, unless the school board  
23 votes to exceed this limit.

24 (e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to  
25 manifest educational hardship. Each school board shall establish a policy, consistent with the state  
26 board's rules, which shall allow a school board, with the recommendation of the superintendent, to  
27 take appropriate action including assignment to another public school or public academy within the  
28 district or to a public school or public academy in another district.

29 (f) Students re-assigned under this section shall meet the admission requirements of the  
30 school to which the student is re-assigned.

31 IV.(a) Any person having custody of a child may apply to enroll that child in a public school  
32 or public academy outside the school district in which the person and child reside. If the non-  
33 resident school district or public academy agrees to enroll the child it may charge tuition to the  
34 parent or may enter into an agreement for payment of tuition with the school district in which the  
35 child resides.

36 (b) When a child is enrolled pursuant to subparagraph (a), the district in which the child  
37 is enrolled shall immediately notify the district in which the child resides of the name, date of birth,

1 address, and grade assignment of the child. This same notification shall be made at the beginning of  
2 each school year for which the child is enrolled.

3 (c) When a child is enrolled pursuant to subparagraph (a), the district in which the child  
4 resides shall retain all responsibility for the provision of special education and related services  
5 pursuant to RSA 186-C.

6 (d) The decision by a school district or a public academy to deny enrollment of a non-  
7 resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a  
8 disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the  
9 Rehabilitation Act of 1973, as amended. *If a parent or guardian believes the denial was based*  
10 *upon the child's disability, such parent may appeal the decision to the state board of*  
11 *education consistent with the provisions of RSA 21-N:11, III or file a complaint with the*  
12 *state commission for human rights under RSA 354-A:28. The decision of a parent to enroll*  
13 *a child in a chartered public school shall not be subject to the provisions of this section.*

14 (e) The decision of a parent to enroll a child in a charter school shall not be subject to the  
15 provisions of this section.

16 (f) Disputes related to the provision of special education services under this paragraph  
17 shall be governed by RSA 186-C.

18 V. A placement made by a child's special education team pursuant to that child's  
19 individualized education program shall not be deemed a change of school assignment for purposes of  
20 this section.

21 VI. If there is no public school for the child's grade in the resident district, the school board  
22 may assign the child to another public school in another school district or to any ~~[nonsectarian]~~  
23 private school that has been approved as a school tuition program by the school board. The school  
24 board may execute a contract with an approved ~~[nonsectarian]~~ private school to provide for the  
25 education of a child who resides in the school district, and may raise and appropriate money for the  
26 purposes of the contract, if the school district does not have a public school at the pupil's grade level  
27 and the school board decides it is in the best interest of the pupil.

28 VII. In this section, "approved as a school tuition program" means a school that has been  
29 approved and contracted by the school board to provide students with the opportunity to acquire an  
30 adequate education as defined in RSA 193-E:2. Upon approval by the school board, the school shall  
31 receive status as an approved school tuition program, shall be deemed in compliance with the  
32 provisions of RSA 193-E:3-b, I(a) and (b), and shall qualify as a school approved to provide the  
33 opportunity for an adequate education. The school shall be required to submit to the school board an  
34 annual student performance progress report in a format selected by the school board, which may  
35 include reporting of aggregate achievement data to protect student privacy, and that demonstrates  
36 that students are afforded educational opportunities that are substantially equal in quality to state

1 performance standards for determining an adequate education. A private school that receives  
2 tuition program students shall:

3 (a) Comply with statutes and regulations relating to agency approvals such as health,  
4 fire safety, and sanitation;

5 (b) Be a ~~[nonsectarian]~~ school ***approved and contracted by a local public school***  
6 ***board to provide students with the opportunity for an adequate education;***

7 (c) Be incorporated under the laws of New Hampshire or the United States; and

8 (d) Administer an annual assessment in reading and language arts, mathematics, and  
9 science as defined in RSA 193-C:6 to tuition program students. The assessment may be any  
10 nationally recognized standardized assessment used to measure student academic achievement,  
11 shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-  
12 C:6 for school tuition program students. The school's annual assessment results for tuition program  
13 students shall be submitted to the commissioner and school board. If the school enrolls 10 or more  
14 publicly-funded tuition program students and if the school's group assessment percentile score for  
15 tuition program students is less than the 40th percentile, the commissioner may require a site visit  
16 to determine if the school provides the opportunity for an adequate education in accordance with  
17 RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to  
18 demonstrate that it provides an opportunity for an adequate education, the school may be subject to  
19 revocation of tuition program status.

20 ***VIII. If the student is assigned to an approved private school under the manifest***  
21 ***educational hardship determination and the private school agrees to enroll the child, it***  
22 ***may charge tuition to the parent or may enter into an agreement for payment of tuition***  
23 ***with the school district in which the child resides.***

24 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 84  
HB 388 - FINAL VERSION

8Apr2021... 0923h  
4Jun2021... 1890EBA

2021 SESSION

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6 to change the student's school or assignment.

7 (b) Upon such request, the superintendent shall schedule a meeting with the parent or  
8 guardian, to be held within 10 days of the request.

9 (c) Prior to or at such meeting, the parent or guardian shall make a specific request that  
10 the student be re-assigned by the school board to another public school, ~~or~~ public academy, *or an*  
11 *approved private school* within the district or to a public school, ~~or~~ public academy, *or an*  
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13 (d) At such meeting, the parent or guardian may present documents, witnesses, or other  
14 relevant evidence supporting the parent's belief that it is in the best interest of the student to change  
15 the student's school or assignment. The superintendent may present such information as he or she  
16 deems appropriate.

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18 student's school or assignment, the superintendent shall consider the student's academic, physical,  
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CHAPTER 84  
HB 388 - FINAL VERSION  
- Page 2 -

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

5 (h) *If the student is reassigned as the result of a best interest determination to*  
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9 (i) If the superintendent does not find that it is in the best interest of the student to  
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36 (g) If the school board finds that the parent or guardian has not met their burden of  
37 proof, the parent or guardian may appeal the local school board decision to the state board of

CHAPTER 84  
HB 388 - FINAL VERSION  
- Page 3 -

1 education. If the state board of education chooses to accept the parent's or guardian's appeal, the  
2 state board of education shall schedule hearing on the matter, pursuant to applicable department of  
3 education rules.

4 (h) If a student is assigned to attend *a public school or public academy* in another  
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13 III-a.(a) A student reassigned under this section shall be counted in the average daily  
14 membership in residence of the student's resident school district. The student's resident district  
15 shall forward any tuition payment due to the district to which the student was reassigned.

16 (b) The superintendent of the student's resident school administrative unit shall notify  
17 the department of education within 30 days of any reassignment of students under this section.

18 (c) Nothing in this section shall alter or impair the right of a child with a disability, as  
19 defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA  
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21 (d) The total reassignments or transfers in any one school year shall not exceed one  
22 percent of the average daily membership in residence of a school district, or 5 percent of the average  
23 daily membership in residence of any single school, whichever is greater, unless the school board  
24 votes to exceed this limit.

25 (e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to  
26 manifest educational hardship. Each school board shall establish a policy, consistent with the state  
27 board's rules, which shall allow a school board, with the recommendation of the superintendent, to  
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35 parent or may enter into an agreement for payment of tuition with the school district in which the  
36 child resides.

CHAPTER 84  
HB 388 - FINAL VERSION

- Page 4 -

1 (b) When a child is enrolled pursuant to subparagraph (a), the district in which the child  
2 is enrolled shall immediately notify the district in which the child resides of the name, date of birth,  
3 address, and grade assignment of the child. This same notification shall be made at the beginning of  
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5 (c) When a child is enrolled pursuant to subparagraph (a), the district in which the child  
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20 V. A placement made by a child's special education team pursuant to that child's  
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22 this section.

23 VI. If there is no public school for the child's grade in the resident district, the school board  
24 may assign the child to another public school in another school district or to any ~~[nonsectarian]~~  
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30 VII. In this section, "approved as a school tuition program" means a school that has been  
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2 performance standards for determining an adequate education. A private school that receives  
3 tuition program students shall:

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14 students shall be submitted to the commissioner and school board. If the school enrolls 10 or more  
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16 tuition program students is less than the 40th percentile, the commissioner may require a site visit  
17 to determine if the school provides the opportunity for an adequate education in accordance with  
18 RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to  
19 demonstrate that it provides an opportunity for an adequate education, the school may be subject to  
20 revocation of tuition program status.

21 ***VIII. If the student is assigned to an approved private school under the manifest***  
22 ***educational hardship determination and the private school agrees to enroll the child, it***  
23 ***may charge tuition to the parent or may enter into an agreement for payment of tuition***  
24 ***with the school district in which the child resides.***

25 84:2 Contingency. If HB 282 of the 2021 regular legislative session becomes law, RSA 193:3, VI  
26 and VII as inserted by section 1 of this act shall not take effect.

84:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 18, 2021  
Effective Date: August 17, 2021

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Education**

Sen Ruth Ward, Chair  
Sen Erin Hennessey, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Jay Kahn, Member  
Sen Suzanne Prentiss, Member

Date: April 21, 2021

**HEARINGS**

Tuesday

04/27/2021

(Day)

(Date)

Education

REMOTE 000

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	<b>HB 282</b>	relative to a private school that is approved as a tuition program.
9:15 a.m.	<b>HB 388</b>	relative to changing a pupil's school or assignment because of a manifest educational hardship.
9:30 a.m.	<b>HB 319</b>	requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.
9:45 a.m.	<b>HB 321</b>	requiring school districts to submit an annual report concerning gifted and talented students.
10:00 a.m.	<b>HB 464</b>	relative to the commission to study school funding.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92735479815>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: +13017158592,,92735479815# or +13126266799,,92735479815#
4. Webinar ID: 927 3547 9815
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call 603-271-6931..

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

##### **HB 282**

Rep. Ladd  
Rep. Osborne  
Rep. Stapleton

Rep. McGuire  
Rep. Baldasaro  
Sen. Reagan

Rep. Cordelli  
Rep. Allard  
Sen. Ward

Rep. Boehm  
Rep. Hill  
Sen. Hennessey

##### **HB 388**

Rep. Ladd  
Rep. Shaw

Rep. Cordelli

Rep. Pitre

Rep. Boehm

##### **HB 319**

Rep. Moffett  
Rep. Shaw

Rep. Pearl  
Rep. Hobson

Rep. Lang  
Sen. Giuda

Rep. Rouillard

##### **HB 321**

Rep. Moffett  
Rep. Pitre

Rep. Pearl  
Rep. Hobson

Rep. Lang  
Sen. Giuda

Rep. Shaw  
Sen. D'Allesandro

##### **HB 464**

Rep. Cordelli  
Rep. Osborne

Rep. Ladd  
Rep. Baldasaro

Rep. Boehm  
Rep. Rouillard

Rep. Weyler  
Sen. Ward

Ava Hawkes 271-4151

Ruth Ward  
Chairman



# Senate Education Committee

*Ava Hawkes 271-4151*

**HB 388**, relative to changing a pupil's school or assignment because of a manifest educational hardship.

**Hearing Date:** April 27, 2021

**Time Opened:** 9:51 a.m.

**Time Closed:** 10:26 a.m.

**Members of the Committee Present:** Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

**Members of the Committee Absent :** None

**Bill Analysis:** This bill revises the procedures for a change of school or assignment because of manifest educational hardship.

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**Sponsors:**

Rep. Ladd

Rep. Cordelli

Rep. Pitre

Rep. Boehm

Rep. Shaw

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**Who supports the bill:** Representative Glenn Cordelli, Representative Rick Ladd, Representative Deborah Hobson, Shannon Bouchard, Katherine Shea, Moira Ryan, Ann Marie Banfield, Elliot Axelman, Nicholas Thomas, Alexandra Mennella, Sarah Scott

**Who opposes the bill:** 82 people signed up in opposition to this bill. Full sign-in sheet available upon request.

**Who is neutral on the bill:** None.

**Summary of testimony presented:**

**Representative Rick Ladd – Grafton, District 4**

- Representative Ladd introduced HB 388.
- He is a retired school teacher and administrator.
- This bill does address part of the topics covered in HB 282.
- All of his children have gone to an independent school, not religious.
- This bill provides parents another option to have their child transferred to a private school, religious or non-religious.
- He is okay with the words “sectarian or nonsectarian.”
- Transfers occur when a child is having difficulties for whatever reason.

- Reassignment can be a result of bullying or physical, social, and personal issues.
- The first step is already in law based on the superintendent entering another agreement with a school.
- For example, the agreement with Plymouth and Haverhill.
- If a decision can't be taken care of, then we go beyond into manifestation education hardship. This is when there are severe, pervasive or consistent happenings to a child.
- This process can be appealed to the local school board where they decide if reassignment would be the best resolve.
- He has personally gone through that process with his grandchild. They transferred them to a private school and now they are succeeding at UMaine.
- If a student is reassigned, an approved private school may charge tuition to the school district in which the child resides.
- Another change in this bill is regarding manifest education hardship hearings. In the past, some hearings have been approved and some have not.
- If a parent or guardian believes the denial was based on their child's disability, they can appeal through the State Board of Education and file a complaint to the Human Rights Commission. This is new language.
- This is an important and needed bill.
- We must stop with concerns about sending dollars to religious schools and get to the bottom line.
- Either protect public education bureaucracy or best interest of children.
- Throughout the COVID-19 pandemic, you can't find a private or religious school with openings because they are all full.
- Homeschooling enrollment has also doubled.
- Parents have wanted in-person instruction during the COVID-19 pandemic.
- Senator Kahn asked Representative Ladd about why the bill is not more definitive when discussing the charge of the tuition to a cooperating school to the school district versus the parent. He found this tough to understand.
  - Representative Ladd said he believes that, in many cases, the tuition has been waived.
  - Superintendents recognize that it is best to have child in the best setting for them.
  - In terms of tuition being waived, the program in this bill allows parents to work with the school district.
  - In some cases, tuition may be charged to the parent if it is in fact a good option or placement for the child.
  - This bill works to address the concern of sending school districts declining to pay for such tuitioning.

**Representative Glenn Cordelli – Carroll, District 4**

- Supports this bill.

- Even when a manifest education hardship change is approved, it is still a difficult process following approval.
- He has been working with a family who has been granted a change by their school district due to bullying. The parent went to two neighboring school districts and their child was denied admittance to both school districts.
- It's a lie that public schools have to accept all public-school students. They have the ability to deny admittance to a child that has been granted manifest education hardship.
- This bill opens another door for families.
- As for tuition payment, existing law has this language for sending districts to work out tuition agreement or for parents to pay.
- In this bill, they took existing language and applied it towards an approved private school.
- Senator Prentiss asked Representative Cordelli about neighboring school districts denying manifest hardship cases.
  - Representative Cordelli said current statute requires approval by that public school district for acceptance of a student who has been granted manifest education hardship.

### **Moira Ryan**

- Supports this bill.
- As an advocate, she has worked with Shannon Bouchard in the past to help her child.
- Getting a manifest education hardship change approved is extremely difficult. It is like winning the lottery.
- In Ms. Bouchard's case, she won the lottery by getting her child's manifest education hardship change approved.
- However, her neighboring school districts, Raymond and Sanborn, wouldn't admit her child.
- They went through every possible means to be heard.
- The child was unable to get alternate placement; she won the lottery but didn't get the prize.
- Senator Prentiss thanked Ms. Ryan for bringing that practical example, i.e. winning the lottery, to the committee's attention.
- Speaking for a second time following Mr. Christina's testimony, Ms. Ryan stated that the chances are low of getting admittance to a school prior to a manifest education hardship decision.
- The chances of winning your manifest education hardship are very slim in the first place.
- In Ms. Bouchard's case, acceptance to an alternate school was rescinded after the fact, even though she agreed to participate in remote learning.

- A lot of manifest education hardship cases are not reaching the state board of education because they are so difficult to win that parents give up. It does not mean issue doesn't exist.
- Children are not pawns to be traded between schools. Best interest of child should be priority.
- Senator Prentiss said that is what concerns her. If the process was followed, raked through, and then acceptance to a school was rescinded, where exactly is the stop point.

### **Shannon Bouchard**

- Supports this bill.
- Plans to submit written testimony.
- She has been fighting for her child since August 2020.
- Both schools who denied her daughter are 10 minutes from her house.
- The school's denials were based on the COVID-19 pandemic, even though she offered to accept remote instruction.
- Schools can give any reason for denial.

### **Barrett Christina – Executive Director, NH School Boards Association**

- Opposed to the bill.
- He could talk about this issue for hours.
- They wrote the current version of the manifest education hardship statute found in RSA 193:33.
- The current version of the law is not even one year old.
- Last year, HB 1322 which ran into the COVID-pandemic and was later inserted in an omnibus bill, HB 1158.
- Unclear what has changed in the last twelve months since last year's unanimous vote, by House Education, on the statute at hand.
- The history of manifest education hardship and the current changes starts with HB 1492 in 2018. Representative Ladd was the prime sponsor.
  - At the time, Representative Ladd said, "this is not meant to be a school choice bill, but options for child who is having a difficult time finding the best place for the child within the public school system."
- NHSBA questions why changes are necessary other than to continue the role of privatization in NH.
- On page 2, lines 4-7 of the bill, if a student is reassigned, the private school may charge tuition to the parent or new agreement with school district where the child resides. No need to put this into law since a parent can simply enroll their child into the private school that they will be paying for themselves.
- On page 5, lines 20-23, the same notion is referenced. The parent is still free to enroll their child in a private school and exercise choice.

- If a child is denied enrollment based on a child's disability, both public and private schools should not be allowed to discriminate on the basis of a disability.
- If a private school is willing to accept local money, not state money, they shouldn't be able to discriminate either.
- Senator Kahn asked Mr. Christina about the instance brought up in previous testimony regarding Sanborn/Raymond manifest education hardship placement denial. He asked if this is something driven by the COVID-19 pandemic or should this parent go back and try again as in-person learning has resumed.
  - Mr. Christina said he can't speak specifically to this situation.
  - There is nothing in law that requires parent to obtain consent or allowance to another school before they file their manifest education hardship.
  - Often times parents will file for manifest education hardship and seek admission to a neighboring school district or want to attend neighboring school district.
  - This is something that should be done on front end.
  - The parent ideally would be able to identify what school will take child beforehand.
  - If the parent wanted to pursue manifest education hardship again, seek admission beforehand, then see where process takes them.
- Senator Kahn asked Mr. Christina if parent does not take this placement initiative, the process is that the superintendent takes roll on to identify options for child.
  - Mr. Christina said under the best interest standards, the superintendent will speak with neighboring districts to identify placement.
  - One irony about the changes proposed in this bill, and ones of the past, is that the purpose of NHSBA working closely with the legislature was to clarify the process for parents. To make the process of filing, going to the department, providing documentation, etc. a lot cleaner. He thinks NHSBA did that.
  - Prior to manifest educational hardship being used as a backdoor approach to access private education, attorneys representing the parents and attorneys representing the school districts would call one another and try to work out reasonable solutions.
  - In the past, manifest education hardship requests were handled more informally between parents and superintendents.
  - A child in one district might want to go to another district next door, there could be an exchange between superintendents of students, resulting in a wash for tuition purposes and no hearings process.
  - There are not a lot of manifest education hardships that reach the state board every year.

- Over his 15+ year tenure, he has only heard of approximately 15 cases through the state board appeals process.
- This is not an overarching problem facing schools.

amh

Date Hearing Report completed: April 30, 2021

# Speakers

# Senate Remote Testify

## Education Committee Testify List for Bill HB388 on 2021-04-27

Support: 11 Oppose: 82 Neutral: 0 Total to Testify: 5

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Christina, Barrett M.	Not Given	Not Given	A Lobbyist	New Hampshire School Boards Association	Oppose	Yes
Cordelli, Glenn	Not Given	603.515.0008	An Elected Official	Myself	Support	Yes
Ladd, Rick	rick.ladd@leg.state.nh.us	603 989 3268	An Elected Official	Rep Grafton 4, Haverhill	Support	Yes
Bouchard, Shannon	Not Given	Not Given	A Member of the Public	Myself	Support	Yes
Jones, Andrew	Not Given	Not Given	A Member of the Public	Myself	Oppose	Yes
Devore, Gary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Shea, Katherine	klynshea4618@gmail.com	603.361.3534	A Member of the Public	Myself	Support	No
King, Walter	Not Given	603.978.9775	A Member of the Public	Myself	Oppose	No
Doherty, David	ddoherty0845@gmail.com	16038480055	A Member of the Public	Myself	Oppose	No
Ryan, Moira	army51kilo@hotmail.com	Not Given	A Member of the Public	Myself	Support	No
Dahme, Patricia	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Blanchard, Sandra	sandyblanchard3@gmail.com	603.724.3768	A Member of the Public	Myself	Oppose	No
Covert, Susan	scovert@comcast.net	603.746.4486	A Member of the Public	Myself	Oppose	No
Damon, Claudia	cordsdamon@gmail.com	603-226-4561	A Member of the Public	Myself	Oppose	No
Reed, Barbara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Field, Bryan	brysciguy@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Spencer, Louise	lpskentsstreet@gmail.com	603.491.1795	A Member of the Public	Myself	Oppose	No
Brennan, Nancy	burningnan14@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Nardino, Marie	mdnardino@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Koch, Helmut	helmut.koch.2001@gmail.com	603.491.3306	A Member of the Public	Myself	Oppose	No
Radzelovage, William	radbill@earthlink.net	Not Given	A Member of the Public	Myself	Oppose	No
Zimmer, Julie	juliecorkzim@gmail.com	319-560-9964	A Member of the Public	Myself	Oppose	No
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Oppose	No
Waterman, Raymond	prwaterman@aol.com	16034243692	A Member of the Public	Myself	Oppose	No
Waterman, Patricia	prwaterman@aol.com	16033450644	A Member of the Public	Myself	Oppose	No
Falk, Cheri	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Retzew, Annie	abrettew@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Zaenglein, Barbara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Zaenglein, Eric	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Kiefner, Robert	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Oppose	No
Banfield, Ann Marie	Banfieldannmarie@gmail.com	603-714-5814	A Member of the Public	Myself	Support	No
Frew, Jerry	jerry@nh saa.org	Not Given	A Lobbyist	NHSAA	Oppose	No
Laker-Phelps, Gail	lpsart@tds.net	603.798.5394	A Member of the Public	Myself	Oppose	No
Pinneo, Sarah	spinneo@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Oppose	No
Straiton, Marie	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Satterfield, Peter	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Phillips, Jennifer	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Baird, Cathryn	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Gordon, Margaret	Megordon98@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Hodsdon, Alan	Alan.hodsdon@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Gordon, Laurie	Lmgord23@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Lieberman, Sheryl	saml54@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No



Parker, Sharon	parker20@juno.com	603.863.7348	A Member of the Public	Myself	Oppose	No	^
Ellermann, Maureen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Hobson, Deb	deborahhobson@gmail.com	603-968-5417	An Elected Official	Myself	Support	No	^
Eisner, Mary	nhdem@msn.com	16034323192	A Member of the Public	Myself	Oppose	No	^
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	Not Given	An Elected Official	Hillsborough County 30	Oppose	No	^
Tanner, Linda	reptanner@gmail.com	603.763.4471	An Elected Official	Myself	Oppose	No	^
Contois, James	jcontois48@gmail.com	603.504.8379	An Elected Official	Myself	Oppose	No	^
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Oppose	No	^
Snow, Ken	ken.snow@leg.state.nh.us	Not Given	An Elected Official	Myself	Oppose	No	^
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Oppose	No	^
Hubert, Kathy	Kathyhubert@icloud.com	603.306.9130	A Member of the Public	Myself	Oppose	No	^
Telerski, Laura	Laura.Telerski@Leg.State.NH.US	603.320.3957	An Elected Official	Hillsborough 35	Oppose	No	^
Axelman, Elliot	alu.axelman@gmail.com	732.674.2355	A Member of the Public	Myself	Support	No	^
Culliton, Penny	pculliton@comcast.net	603.878.4361	A Member of the Public	Myself	Oppose	No	^
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Oppose	No	^
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Oppose	No	^
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Oppose	No	^
Gilman, Representative Julie	julie.gilman@leg.state.nh.us	Not Given	An Elected Official	Exeter	Oppose	No	^
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	Not Given	A Member of the Public	Myself	Support	No	^
Hawkins, Christine	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Oppose	No	^
Tucker, Katherine	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Booras, Hon. Efstathia	efstathiab73@gmail.com	603.930.3220	An Elected Official	Constituents	Oppose	No	^
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Oppose	No	^
Holden, Russell	rholden@sunapeeschools.org	603.763.4627	A Member of the Public	Myself	Oppose	No	^
Heath, Mary	Not Given	Not Given	An Elected Official	hills 14	Oppose	No	^
Baxley, Honorable Mo	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Lonano, James	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Bartlett, Rep Christy	christydbartlett@gmail.com	603.717.8151	An Elected Official	Merrimack 19	Oppose	No	^
Smith, Suzanne	zanne719@gmail.com	603.715.0086	An Elected Official	Myself	Oppose	No	^
Bixby, Peter	peter.bixby@leg.state.nh.us	16037495659	An Elected Official	Myself	Oppose	No	^
Chase, Wendy	Not Given	Not Given	An Elected Official	Myself	Oppose	No	^
Graham, Nancy	nancygraham806@gmail.com	425.765.6921	A Member of the Public	Myself	Oppose	No	^
Schapiro, Joe	joe.schapiro@leg.state.nh.us	603.852.5039	An Elected Official	Cheshire 16, Keene	Oppose	No	^
McBeath, Rebecca	NHStateHouse@gmail.com	Not Given	An Elected Official	Myself	Oppose	No	^
Smiley, Julie	Smilesjusa@yahoo.com	508.918.6353	A Member of the Public	Myself	Oppose	No	^
Torpey, Jeanne	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Lincoln, Mary	mary.lincoln52@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	^
Anderson, Robert	rgand43@gmail.com	914.261.4304	A Member of the Public	Myself	Oppose	No	^
Willing, Maura	Maura.Willing@Comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	^
Kirkland, Kimberly	kimberly@reiskirkland.com	Not Given	A Member of the Public	Myself	Oppose	No	^
Perencevich, Ruth	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Vincent, Laura	lvlauravincents5@gmail.com	603.783.4849	An Elected Official	Myself	Oppose	No	^
Richman, Susan	susan7richman@gmail.com	603.343.6314	A Member of the Public	Myself	Oppose	No	^
Hayes, Randy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	^
Mennella, Alexandra	am88@fastmail.com	646.610.9858	A Member of the Public	Myself	Support	No	^
Scott, Sarah	sscott@afphq.org	(603) 315-27	A Lobbyist	Americans for Prosperity New Hampshire	Support	No	^
Lewandowski, Jean	jlewando@hotmail.com	Not Given	A Member of the Public	Myself	Oppose	No	^

# Testimony

## Ava Hawkes

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**From:** Shannon Boo <bouchardshannon92@gmail.com>  
**Sent:** Tuesday, April 27, 2021 10:18 AM  
**To:** Ava Hawkes  
**Subject:** HB388

To whom it may concern:

My daughter was harassed repeatedly over school. After winning the manifest educational hearing in August I was excited that my daughter would have a chance to get a new start in a new public school. I have now been working since the end of August to try and obtain a new district for her to attend. The problem in this, no school will accept her at this time we have found a district to accept her but it is a hour and a half round trip from my home. the Manifest Educational Hardship law does not protect my child in what is in the best interest of the child. I was foolishly thinking if I had the hearing in my favor that we would be all set to start fresh. Since the hearing in August I have read the manifest education law over and over and over and it tells of no way that any Public school has to accept a hardship case. The superintendent of the school district can deny enrollment for any reason they want. This leaves the parent and child possibly having to remain at the district where the bullying/harassment occurred. My daughter and my family have had extreme anxiety at not finding a new school. The MEH as written does not allow her to choose a new Public school because you are at the mercy of the receiving schools superintendent. They are told to look at the best interest of the pupil. No one is looking out for the best interest of my daughter. This is not alright. This is unfair and we owe these children who have already received so much trauma in their district to not have to worry about who will allow them to enroll. These students awarded the MEH did nothing wrong yet without schools made to allow them in they are getting punished again. They already have to leave the district that the bully's caused them hardship with. My daughter does have friends she will be leaving behind she is getting punished as well as we are because of the fact she had been harassed. I am responsible for transportation yet the two closest districts won't let her attend. Not only did I give up free transportation yet now I have to drive farther to find a school willing to accept her. The cost of time and fuel all on us though nothing in the MEH law is protecting us. I am not getting the promise that this law is intended to help with. This is Extremely damaging to my own relationship with my daughter, I have never ever broken a promise to her. I can't find her a school . I worked really hard putting together my evidence to prove a hardship. I told my daughter if it was awarded she would never have to deal with going back to that school. I promised her. I thought if I did everything right the law would protect us. My daughter would finally have the education that is promised with a free appropriate public education. My daughter would be able to not become physically ill thinking of going into class. I have had to obtain a lawyer just to be granted a hearing in front of the school board as our superintendent at the time denied saying the MEH was not intended for special needs students. He also said his answer was final. We were granted the hearing in August and I was finally allowed to go in front of the board and prove her educational hardship. I honestly thought finally getting the hearing, the law would help me protect my child. The law has failed us again. The receiving superintendent also has said no to taking a hardship case and also not allowing us to go before

their school board. The way the law is written she is able to do this as the receiving district must accept and the superintendent decision is final. The MEH bill has not allowed me to protect my daughter. Here we are half way through the school year and my daughter is still learning remotely at the same district everyone agreed is a hardship. The lack of support for families after winning the MEH is huge. The law was supposed to allow for a school change. I have reached out repeatedly to my home district for any support they can give me in securing a school for a hardship transfer. They leave it up to a parent to figure this out. The law does not make the school where the hardship occurred be responsible in helping secure another placement. The law as it is written does not help parents help their children. I do not believe anyone had those intentions when it was passed. My daughter is still in the district that caused her so much hardship. I am still coming up against the fact no one can help me not even the state board of education. The law as written gives parents the false impression that if they find their child to have a hardship because of the harassment of their child with their home district that there are supports in place to help. These supports have failed us. I hope that everyone can see this and support making this be what it was intended. It was intended to help parents and their children. That is not what I have found with the MEH law at all.

Sincerely,  
Shannon Bouchard  
(Mom)

## **Ava Hawkes**

---

**From:** Glenn Cordelli  
**Sent:** Tuesday, April 27, 2021 10:28 AM  
**To:** Ava Hawkes  
**Subject:** HB388 · public school denials

For committee information:

In relation to public school denial of enrollment in current law:

1. HB388 page 4 (d) current law and the "stop point" and also where we added the appeal process
2. Open Enrollment Schools - 194-D:2 Establishment; Parental Choice; Admission

I disagree strongly with the argument raised by NHSBA that there should be a time period required before a statute can be changed.

## Ava Hawkes

---

**From:** Barrett Christina <bchristina@nhsba.org>  
**Sent:** Wednesday, April 28, 2021 10:02 AM  
**To:** Ruth Ward; Erin Hennessey; Denise Ricciardi; Suzanne Prentiss; Jay Kahn  
**Cc:** Ava Hawkes; Becky Forrestall  
**Subject:** HB 388

Dear Honorable Members of the Committee –

Please accept this email as additional comments from the New Hampshire School Boards Association opposing HB 388.

First, as NHSBA stated during Tuesday’s hearing, the provisions in RSA 193:3 relative to “best interest” and “manifest educational hardship” have been before the Legislature for four years in a row.

In 2018, Rep. Ladd introduced HB 1492. A primary purpose of HB 1492 was to amend the best interest and manifest educational hardship provisions to clarify the process for parents – to make it easier for parents to navigate through the statute, appeals to local school board, and appeals to the State Board of Education. Another primary purpose was to develop a definition of “manifest educational hardship” to provide clarity to parents and consistency through the public education system across New Hampshire.

What’s important to note, with respect to HB 388, is that when Rep. Ladd introduced HB 1492, he stated “This is not meant to be a school choice bill. It’s meant to be a bill that provides options for a child who is having a difficult time and trying to find the best fit for that child within the public school system.”

The full hearing on HB 1492 can be viewed here:

<https://www.youtube.com/watch?v=3fLjEJowKUC&t=502s>

Rep. Ladd’s remarks about “within the public school system” are at the 8:00 mark. NHSBA’s testimony begins at 31:00.

HB 1492 was ultimately moved to Interim Study.

In the interim, NHSBA worked with various legislators to develop another bill – HB 489 (2019). Though HB 489 passed House Education and the full House, Senate Education found HB 489 Inexpedient to Legislate when some inconsistencies were found within the bill.

In 2020, NHSBA again worked with Rep. Ladd and Rep. Luneau on HB 1328. HB 1328 was unanimously adopted by House Education and passed the full House via voice vote. Unfortunately, due to COVID, HB 1328 was laid on the table by the Senate. However, HB 1328 was inserted in HB 1558 (an omnibus bill). The provisions of HB 1558 relative to best interest and manifest educational hardship became law on September 27, 2020.

Now, a mere seven months later, HB 388 seeks to undo what was a bipartisan bill that numerous legislators worked on for three years. Further, HB 388 is contrary to Rep. Ladd’s statements in 2018 with respect to HB 1492.

NHSBA asks what has changed in the last seven months that warrant such a divergent re-write of a bill that met no objection last session?

Policy aspects aside, to which NHSBA opposes, HB 388 has other deficiencies that don’t make sense.

For example, Page 2, Lines 4-7 state that if a "student is reassigned as a result of a best interest determination to an approved private school, the private school may charge tuition to the parent or may enter into an agreement for payment of tuition with the school district in which the child resides."

Similar language is found on Page 5, Lines 20-23 with respect to a manifest educational hardship finding.

If the private school is going to charge the parent tuition, then there is no need for the parent and school district to go through the best interest or manifest education hardship process. The parent can choose to enroll the student in the private school. Carving out this provision relative to tuition is unnecessary when the parent already has the choice to enroll the student in that private school.

This, of course, presumes that the private would be willing to accept the child. Nothing in state law and nothing in HB 388 obligates a private school to accept any student.

Which brings us to Page 4, Lines 9-13. This provision prohibits a public school from denying admission to a student with disabilities if that student seeks reassignment under the best interest or manifest educational hardship interest standards. Curiously, as the bill is written, this prohibition only applies to public schools. It does not apply to private schools or charter schools.

It seems odd, discriminatory and contrary to the best interests of children with disabilities that HB 388 seeks to expand public school privatization while implicitly allowing private schools to discriminate. NHSBA believes such a policy is flawed.

Thank you for your attention to this matter. Please contact me at any time if NHSBA can be of assistance.

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**Barrett M. Christina**

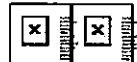
Executive Director

**NH School Boards Association**

P: (603) 228-2061 x307F: (603) 228-2351

A: 25 Triangle Park Drive, Suite 101, Concord, NH 03301

W: [nhsba.org](http://nhsba.org)E: [bchristina@nhsba.org](mailto:bchristina@nhsba.org)



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## Ava Hawkes

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**From:** Barbara D. Reed <bdreed74@gmail.com>  
**Sent:** Monday, May 10, 2021 3:26 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** HB 282; HB 388

I am a NH resident and voter for the past 50 years. I am opposed to the Ought To Pass for both of these bills. The education of our children is essential to New Hampshire's future. Regarding HB 282, the removal of the term "nonsectarian" could mean that a student could be forced to attend an "approved school" even if out of the local school district and would imply both private and religious schools are an acceptable placement for those students, whether or not the parent(s)/guardian's wish that placement. The economic implications for the local school district could be very high, as private and religious schools are usually higher than public schools and the sending district would have to pay for the tuition, books and other expenses for the receiving school, thereby likely increasing the property tax burden for the sending town. In regard to HB 388, it also will force the parent(s)/guardian pay for the transportation, regardless of the financial impact for that family, no matter how far away that receiving school is. In the bill is this statement: "Manifest educational hardship" means that a student has a documented physical, mental, or emotional condition brought on by his or her current educational placement and that such condition has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such condition must be severe, pervasive, or persistent so as to interfere with or limit the ability of the student to receive an education." (quote from the bill) In my opinion, it could allow discrimination against that child with the Manifest educational hardship by forcing him/her to attend that alternate school, rather than being able to receive his education locally. Barbara D. Reed North Swanzey NH 03431-4513



## Ava Hawkes

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**From:** Shannon Boo <bouchardshannon92@gmail.com>  
**Sent:** Friday, April 30, 2021 12:28 PM  
**To:** Ava Hawkes  
**Subject:** HB388  
**Attachments:** Bouchard Timberlane Letter.pdf; HB MEH Hearing Decision 08 28 2020.pdf

Senators:

As suggested after my testimony on HB388, I am submitting further details on what we have experienced and my support for HB388. It is so important that you understand why I support this bill so adamantly. It will make the law actually protect the best interest of the student. It would protect parent interest and outline for parents and the child, what they will be able to do once awarded the MEH.

My daughter was harassed and bullied repeatedly in school due to her disabilities. All I wanted was for my child to be able to access her public education and have her needs met in order to obtain an education at a school where she didn't have to endure the daily taunting and harassment. It has been relentless. I thought I found a way for her out of this with manifest education hardship (MEH).

My daughter's depression and her anxiety now require that she be assessed for possible PTSD. She had started self-harming by cutting. I only learned about this two weeks before the MEH hearing. There is just so many things put in place to protect the schools. I was told by my own district's previous Superintendent, Dr Earl Metzler, that I couldn't have a MEH at our school. He stated that his decision on having a hearing was due to the fact she did not qualify as she had a disability. I had to obtain counsel from the disability rights center just to obtain a hearing in front of my local school board. After this I finally got to have the hearing and I won our case. I thought the hard part was over. As I have found out there is no concrete written directions for the parents who are granted the approval of a MEH. I could not find any support and information indicating what my rights are in protecting my daughter.

After winning the manifest educational hearing in August, I was excited that my daughter would have a chance to get a new start in a new public school. I worked for months to try and obtain a new district for her to attend. The manifest educational hardship law does not protect my child regarding what is in the best interest of the child. I was foolishly thinking if I had the hearing in my favor that we would be all set to start fresh. I reached out repeatedly to my home district for any support they could give me in securing a school for a hardship transfer. They leave it up to a parent to figure this out.

I had thought that Sanborn would enroll my daughter. The high school principal assured me that Sanborn had plenty of room for another student. He did warn if I wasn't awarded the MEH tuition to a Public School I would have to pay \$15,000 or so he thought. When we won the manifest hardship decision, I called and spoke with the Superintendent at Sanborn, Dr Thomas Ambrose. He was sorry about my situation, but would deny enrollment due to COVID. Upon hearing this, I

called the high school principal back I was so upset. He responded that he made no promise to me that the superintendent would enroll my daughter.

I next thought that the Raymond school district was set to accept my daughter.

Raymond High School spoke with my current district's superintendent. The Raymond Superintendent, Dr Tina McCoy, even spoke to me and asked if I would be willing to stay full remote until all regular district students were able to return in person. Raymond requested and sent for all my daughter's school records. I then received a denial letter very shortly thereafter. The letter from Raymond stated they were going to deny enrollment due to COVID.

I don't know how to get a public school to enroll my daughter or what my next step should be. Who decides on a fair price for tuition? I'm just a mom trying to protect my suicidal daughter from the bullying. I wanted to get my daughter away from the school where she was facing this harassment, causing my family the hardship. No one wants to watch their child struggle. I have been stressed for her entire school career because I have been made to fear the law as my child has many illnesses and the school, instead of trying to find out why my daughter was missing school, simply states the laws on truancy to me. My child and I are still suffering with anxiety over wondering if the drive to the only school that will accept her will be too much on me as a mom because I have driving distance difficulties due to my multiple sclerosis. Will she miss school now that the only school to accept is the farthest school from my residence? I have no choice. I will not make her stay in our district. I will let her become another bullying statistic or another story on suicide because of bullying. It will be a struggle and my husband who is the only one trying to support our family will possibly miss work due to my not being able to drive her to school some days. My daughter and I have suffered with this mental anguish, the stress, the anxiety of this whole incident. All I wanted was my child to be able to access her public education and have her needs met at a school where she didn't have to endure the daily taunting and harassment.

I am happy to report my daughter has started remote with Pinkerton Academy. They have been very supportive in getting the transfer to go through now that the IEP is agreed upon. Even though it is going to cause some hardship with the transportation. Hannah was relieved just knowing a school had finally accepted her. This child has been through so much and how awful for her to think she has something wrong with her that no other school would want her as a member of their student body. Hannah has been happy looking through the Pinkerton CTE courses and dreaming of studying animal science when she reaches the age of being able to start vocational training at Pinkerton. If I can ever do anything to support any family or child going through this please do not hesitate to reach out. I never want this to happen to another family.

Attachments: MEH decision and Raymond denial

# Raymond School District

SAU 33, 43 Harriman Hill Road, Raymond, New Hampshire 03077  
Tel. 603-895-4299 Fax. 603-895-0147 [www.sau33.com](http://www.sau33.com)

Tina H. McCoy, Ed.D., Superintendent of Schools  
Michael Whaland, Ed.D., Curriculum Director  
Michael J. Hatfield, MEd., CAGS, Student Services Director  
Jessica Caron, Director of Student Behavioral Health  
Karen Stuart, Director of Human Resources



Marjorie Whitmore, Business Administrator  
Todd Ledoux, Safety & Facilities Director  
Kevin Federico, Technology Director  
Judith DiNatale, School Nutrition Services Director  
Patrick Arsenault, Youth Program Director

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January 20, 2021

Shannon Bouchard  
240 Fremont Road  
Sandown, NH 03873

Dear Ms. Bouchard,

Thank you for corresponding with the Raymond School District to request a topic to be placed on the agenda of a Raymond School Board meeting. The details of your request are included at the end of this letter (page 2).

Your request to meet with the Raymond School Board in a non-public session to discuss a placement under Manifest Educational Hardship at the first available date is being withheld because you are not a resident of the town of Raymond.

If the circumstances in the Raymond School District change to the point where a placement at Raymond High School for your daughter becomes a more viable consideration, we will contact you.

Thank you for your understanding in relation to this matter.

Sincerely,

*Tina H. McCoy*

Tina H. McCoy, Ed.D. - Superintendent of Schools

Cc Raymond School Board

----- Forwarded message -----

From: **Shannon Boo** <bouchardshannon92@gmail.com>

Date: Thu, Jan 14, 2021 at 11:03 AM

Subject: Re: Request to meet with Raymond School Board

To: Jennifer Heywood <j.heywood@sau33.com>

School Board meetings are typically held the first and third Wednesday of each month, 6:00 PM.)

Shannon Bouchard 240 Fremont rd Sandown NH 603-793-3177

Meeting date you are requesting: first available date

Topic you are asking to be placed on the agenda: discussion on my daughter Hannah

Statement of prior administrative action: have previously spoke with superintendent

Action requested of the School Board: hear me on hardship transfer

The spokesperson for this agenda item: Shannon Bouchard

Do you request that the issue be discussed in public or non-public? Be non public

Time requested for this presentation: 10 min or 15 min? 15 minutes

Thank you and I look forward to hearing from you.

# TIMBERLANE REGIONAL SCHOOL BOARD

30 Greenough Road – Plaistow – NH – 03865

TRSB@Timberlane.net

## DELIVERED ELECTRONICALLY AND VIA US MAIL

August 28, 2020

Shannon Bouchard  
240 Fremont Road  
Sandown, NH 03873  
[bouchardshannon92@gmail.co](mailto:bouchardshannon92@gmail.co)

### Re: School Board Decision in Manifest Educational Hardship Transfer Request

Dear Mrs. Boucher:

As Chair of the Timberlane Regional School Board, I am writing to provide you with the School Board's decision regarding your request for a manifest educational hardship reassignment pursuant to RSA 193:3, I. On the evening of August 18, 2020, the School Board held a hearing to consider your request to change your daughter, Hannah's, school of assignment from Timberlane Regional High School to another public school or public academy in New Hampshire. You presented this request to the School Board as you had the burden of proving with clear and convincing evidence that Hannah's attendance at Timberlane Regional High School would have a detrimental effect on her education. The School Board's decision is set forth below.

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#### DECISION OF THE SCHOOL BOARD

You testified at the hearing that your daughter has been bullied by her peers and classmates for reasons related to her disability. Specifically, you testified that Hannah was bullied in 6<sup>th</sup> and 7<sup>th</sup> grade while a student at Timberlane Regional Middle School. You stated during the hearing that this bullying was never reported to the District, but that it was mentioned to the IEP team at the end of Hannah's 6<sup>th</sup> grade year, during which members of the IEP team stated that they would take steps to address the bullying. The genesis of this complaint is the alleged bullying that occurred during Hannah's 8<sup>th</sup> grade year. Specifically, you provided the following testimony: in September 2019 (start of 8<sup>th</sup> grade) several students teased Hannah because she utilized the resource room as part of her IEP. The students identified Hannah as being a student on an IEP and made fun of her for being "retarded, dumb, slow, and a loser." You stated that there was a sign on the outside of the classroom door that identified the room as the "Sped Room." Hannah reported this incident to you and you reported it the school. As a result of that report, the guidance department engaged the students in a peer counseling session to address what the school perceived as peer conflict.

According to your testimony, following this peer mediation session, the bullying and harassment continued, where students began calling Hannah names like, "retard snitch." This continued unabated through the fall and early winter of the 2019/2020, until remote learning began.

According to your testimony, Hannah did not report the additional bullying to you, to school administration, to guidance, or to any other employee in the school. At the end of the 2020 school year, Hannah finally confided in you that she was being bullied but that she had not reported any of the incidents to any staff or administration at the school. Additionally, Hannah informed you about the bullying and harassment, but

refused to provide you with the names of any of the student perpetrators. You in turn reported this conduct to school during an IEP meeting in June 2020, nearly 4 months after the last alleged incident had occurred.

As a result, the Administration at the school was unaware of the incidents, did not know the identities of any of the alleged perpetrators, and did not conduct an investigation or take other steps to prevent or rectify the behavior of the other students or address the harm it cause Hannah. To date, because school has not been in session, no further bullying has occurred and no further actions have been taken to address the complaint raised in June 2020.

The request for a reassignment arises out of your belief that the school failed to prevent and remedy the harassment and bullying conduct, and that allowing Hannah to attend a different school would stop the bullying and harassment from occurring because she would no longer be in school with these same students. Reassignment is the remedy you requested to give Hannah a fresh start.

Following your testimony, the Administration testified that they had observed Hannah meeting regularly with her assigned guidance counselor, Mrs. Fanning. As far as the Administration was aware, they were no additional bullying or harassment incidents after the single incident that occurred in September 2019, and they were under the impression that Hannah was doing well at school when it was in session. With respect to the "Sped Room" allegation, the Administration testified emphatically that no such sign exists and that the schedule was specifically designed so that the other students would not be aware that Hannah was accessing this resource room as part of her IEP. The Administration stated that the event that occurred in September 2019 appeared to be a one-time peer conflict event, and given the age and maturity of the students, it was consistent with the type of conduct that occurs frequently among middle school students.

#### School Board Decision

Following the hearing, the School Board dismissed the parent and the Building Administration and deliberated the request for a reassignment at length. This case presents a number of challenging issues. The biggest challenge arises because of the fact that the student did not report any of the alleged bullying conduct that occurred during the 2019-2020 school year to her parents or any adult in the school. The Administration testified that they were unaware of any further misconduct and otherwise believed that Hannah was having a successful year. The Board also did not find the testimony regarding the "SPED Room" to be credible.

The school closed in March 2020 because of COVID-19, and remote learning occupied the remainder of the school year, resulting in no further incidents. Additionally, while the prior incidents occurred while Hannah and the alleged perpetrators were in middle school, much time has passed and all of the students will be transition into a new school. Both the Board and the Superintendent were hopeful that the passage of time and the transition to a new school would create new opportunities for positive and more mature and appropriate social interactions between Hannah and her classmates. In other words, there is a general feeling that things would be better for Hannah in 9<sup>th</sup> grade at Timberlane Regional High School, and many felt that Hannah would be successful if she remained in this District.

The School Board's job, however, is to apply the facts and evidence presented at the hearing to the legal standard provided by the law and set forth in School Board policy. The School Board voted 4 to 3 to grant the request for a manifest educational hardship reassignment pursuant to RSA 193:3, I. Accordingly, Hannah is granted a waiver to attend another New Hampshire public school or public academy, effective immediately.

While the School Board granted this waiver of assignment, it must remind the parent that it is the parent's responsibility to contact and secure a new public school or public academy which can reasonable meet

Hannah's educational needs. Additionally, the parent is responsible for providing transportation to/from school and school-related events.

Finally, if Hannah returns to Timberlane Regional High School, the Superintendent has been asked to review the school's bullying investigation and disciplinary process to ensure that sufficient resources are made available to school staff to support Hannah and other students, and to fully address and remediate any incidents that occurred in the 2019-2020 school year to the greatest extent possible.

Please direct any further questions about this matter to Interim Superintendent, Brian Cochrane.

Sincerely,

**Kimberly Farah**

Digitally signed by Kimberly Farah  
DN: cn=Kimberly Farah, o=OU  
email=Kimberly\_Farah@uml.edu, c=US  
Date: 2020.08.29 08:49:05 -0400

Dr. Kim Farah, Chair,  
Timberlane Regional School Board

cc: Dr. Brian Cochrane, Interim Superintendent

# Voting Sheets



**Senate Education Committee**  
**EXECUTIVE SESSION RECORD**  
*2020-2021 Session*

Bill # HB 388

Hearing date: 4/27/21

Executive Session date: 5/4/21

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Ward

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, May 4, 2021

THE COMMITTEE ON Education

to which was referred **HB 388**

AN ACT

relative to changing a pupil's school or assignment  
because of a manifest educational hardship.

Having considered the same, the committee recommends that the Bill

ought to pass

BY A VOTE OF: 3-2

Senator Ruth Ward  
For the Committee

Ava Hawkes 271-4151

**EDUCATION**

**HB 388**, relative to changing a pupil's school or assignment because of a manifest educational hardship.

Ought to Pass, Vote 3-2.

Senator Ruth Ward for the committee.

**Docket of HB388****Bill Title:** relative to changing a pupil's school or assignment because of a manifest educational hardship.*Official Docket of HB388.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/10/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Education <b>HJ 2 P. 45</b>
3/4/2021	H	Public Hearing: 03/04/2021 11:15 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/97017007180">https://www.zoom.us/j/97017007180</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/11/2021	H	Executive Session: 03/11/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95090800832">https://www.zoom.us/j/95090800832</a>
3/30/2021	H	Majority Committee Report: Ought to Pass with Amendment <b>#2021-0923h</b> (Vote 11-9; RC) <b>HC 18 P. 40</b>
3/30/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Amendment <b>#2021-0923h</b> : AA DV 359-13 04/08/2021 <b>HJ 6 P. 33</b>
4/8/2021	H	<b>Ought to Pass with Amendment</b> 2021-0923h: MA <b>RC 199-175</b> 04/08/2021 <b>HJ 6 P. 33</b>
4/13/2021	S	Introduced 04/08/2021 and Referred to Education; <b>SJ 12</b>
4/22/2021	S	Remote <b>Hearing</b> : 04/27/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 21</b>
5/4/2021	S	Committee Report: Ought to Pass, 05/13/2021; <b>SC 23</b>
5/13/2021	S	<b>Ought to Pass</b> : <b>RC 14Y-10N</b> , MA; OT3rdg; 05/13/2021; <b>SJ 15</b>
6/8/2021	S	Enrolled Bill Amendment <b>#2021-1890e</b> Adopted, VV, (In recess of 06/03/2021); <b>SJ 19</b>
6/8/2021	H	Enrolled Bill Amendment <b>#2021-1890e</b> : AA VV (In recess of) 06/04/2021
6/11/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); <b>SJ 19</b>
6/11/2021	H	Enrolled (in recess of) 06/10/2021
6/21/2021	H	Signed by Governor Sununu 06/18/2021; Chapter 84; Eff: 08/17/2021

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 308

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_  
 \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_  
 \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s) 1890
- \_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

\_\_\_ as amended by the senate      \_\_\_ as amended by the house  
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office AK



June 4, 2021  
2021-1890-EBA  
04/08

Enrolled Bill Amendment to HB 388

The Committee on Enrolled Bills to which was referred HB 388

AN ACT           relative to changing a pupil's school or assignment because of a manifest educational hardship.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to HB 388

This enrolled bill amendment is to avoid a conflict with HB 282 of the 2021 regular legislative session.

Enrolled Bill Amendment to HB 388

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 282 of the 2021 regular legislative session becomes law, RSA 193:3, VI and VII as inserted by section 1 of this act shall not take effect.