

STATE OF NEW HAMPSHIRE
STATE DEPARTMENT OF EDUCATION

In Re: Student/Hooksett School Board

SB-FY-14-06-015

**RECOMMENDATION
TO STATE BOARD OF EDUCATION ON MOTION TO DISMISS**

The School Board filed a Motion to Dismiss alleging that the State Board of Education does not have jurisdiction to review the School Board's decision to table the Parents' request for reassignment of their child. In addition, the School Board argues that the request was not ripe; and consequently, should be dismissed. The Parent has objected to the Motion to Dismiss and alleges that the Hooksett School Board violated its own policies. At Paragraph 18 of the Motion to Dismiss, the School Board states that:

In order for the State Board of Education to exercise jurisdiction under RSA 21-N:11, iii, and E.D. 200, the appealing party must demonstrate that the local school board has violated federal or state law regulations, or local school board policy and that a hearing is required by law.

The Parents are alleging that the School Board violated local school board policy. As such, the hearing officer recommends that the Motion to Dismiss be denied and that the matter go forward on that basis.

For purposes of clarifying the second aspect of the Motion to Dismiss, to wit: "ripeness", the School Board argues that because the Student was a 7th grader at the time the request was made to allow the Student to be accepted into the Londonderry High School, the request was not ripe. However, by the School Board's own admission, they allowed a 7th grader to be assigned to the Bedford High School for that student's 9th

grade, on April 15, 2014, the day before the Parent in this case filed her request for reassignment to Londonderry. The Hooksett School Board cannot argue that this application is not ripe when they allowed another student in the 7th grade to be reassigned for the 9th grade to a different high school. As such, the Motion to Dismiss should be denied on that basis also.

Dated: August 11, 2014

John P. LeBrun, Hearing Officer