



## NMAA Definition of Hardship

The Hardship Review Committee will review eligibility cases which include extraordinary, medical, financial, or other circumstances that occur or are initiated within the immediate household of the student being petitioned and are deemed to have contributed to non-compliance with specific eligibility rules.

**Extraordinary Circumstances** Cases meeting all the following circumstances may result in the hardship committee decision to allow eligibility.

- A. Are unforeseeable, unavoidable, and uncorrectable on the part of the student and immediate household.
- B. Are not the direct result of actions by the student, with due consideration given to the age of the student and the nature of the circumstances resulting in non-compliance.
- C. Bear a direct, causal relationship to the hardship and the student's inability to meet the specific eligibility criteria.
- D. Are unique to the student and immediate household.

*Hardship cases related to bullying, harassment and hazing shall be considered an extraordinary circumstance and the following additional guidance shall be considered by the hardship committee.*

1. The Safe Schools for All Students Act (NMAC 6.12.7) requires schools to implement policies and procedures for the prevention and reporting of bullying. Instances of bullying should be reported following each school's reporting procedures.
2. Bullying means any severe, pervasive, or persistent act or conduct that targets a student, whether physically, electronically, or verbally, and that may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identify, spousal affiliation, physical or cognitive disability or any other distinguishing characteristic; or an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and can be reasonably predicted to:
  - a. place a student in reasonable fear of physical harm to the student's person or property;
  - b. cause a substantial detrimental effect on a student's physical or mental health;
  - c. substantially interfere with a student's academic performance, attendance, or participation in extracurricular activities; and/or
  - d. substantially interfere with a student's ability to participate in or benefit from the services, activities, or privileges provided by a school or school affiliated entity.

Note: Extraordinary circumstances are not applicable where it is proven that the move was athletically motivated or there was undue influence on the part of the receiving school.

### **Medical**

- A. A long-confining illness, injury or death which impacts the student and his/her immediate family, and results in:
  1. A change of the residence or the school attendance of the student's immediate household, or
  2. The significant interruption of the student's normal progression toward graduation.
- B. Illness, injury, or other circumstances of a similar nature must be verified in writing by a licensed health professional.

### **Financial**

- A. Changes in financial condition which are permanent (minimally for the duration of the student's high school attendance), substantial and significantly beyond the control of the student or the student's immediate household. Minimally the change in financial condition must reflect a 25% decrease in household cash flow on the "Change in Family Financial Condition" form.
- B. The following documentation, verifying the financial circumstances, MUST be submitted with the petition. Failure to provide adequate documentation will result in denial of the petition.
  1. Statement of "Changes in Family Financial Condition" (attached form)
  2. Documentation supporting household expenses as per the form, are as follows:
    - i. Income: Current pay stub; most recent W-2; most recent Form 1040; current employment contract; annual interest/dividend statements. Submit all that apply
    - ii. Expenses: Most recent bill/statement; expense contract; other supporting documentation as available.

Note: Financial documentation provided by the petitioner, except for the "Changes" form, will be distributed to the committee just prior to the hardship hearing. The NMAA office will retain one copy in the petition file and all additional copies will be destroyed to maintain the financial privacy of the petitioner.