

SCHOOL DISTRICT LEGAL STATUS

Category O

The legal basis for education is vested in the will of the people as expressed in the Constitution of New Hampshire, the statutes* pertaining to education, court interpretation of these laws, the powers implied in them, and the rules and regulations of the State Board of Education.

In New Hampshire, School Districts are political subdivisions of the State and, as such, are considered municipal corporations.

Board policies are established by the Board, which serves as an agent of the District. Funds for school operating expenses are approved by a majority of qualified voters present and voting at the annual School District meeting except that bond issues require a two-thirds vote. (except in those School District which have adopted RSA40:13. In these districts, a 60% vote is required.)

Statutory/Case Law References:

New Hampshire Constitution, Pt. 2 Article 83

Claremont School District vs. Governor, 138 NH 183 (1993)

RSA Chapter 33, Municipal Finance Act

RSA 194:2, School Districts to be Corporations

RSA 195:6, Powers and Duties of Cooperative School Districts

RSA 197:1, Annual School District Meetings

RSA 40:13, Use of Official Ballo

Clough v. Osgood 37 NH 444 (1935)

** The majority of state laws on education are in RSA Chapters 186 through 200H.*

SAU #7 Policy Committee: Recommended for Adoption – January 11, 2018

Clarksville School Board: Adopted – March 15, 2018

Colebrook School Board: Adopted – February 20, 2018

Columbia School Board: Adopted – February 7, 2018

Pittsburg School Board: Adopted – February 12, 2018

Stewartstown School Board: Adopted – February 5, 2018