

SCHOOL DISTRICT LEGAL STATUS

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 and the powers implied in them.

In New Hampshire, school districts are political subdivisions of the state and as such are considered municipal corporations. (RSA 194:2.)

School district policies are established by the elected local School Board, which serves as an agent of the school district. Funds for school operating expenses are approved by a majority of qualified voters present and voting at the annual school district meeting (RSA 197:1), except that bond issues require a two-thirds vote (RSA Chapter 33).

The administration of the schools is under the executive direction of the Superintendent of Schools, who works under the local School Board policies; School Administrative Unit policies, State Board of Education policies, rules and regulations; and the statutes of the State.

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 Ballot

Clough v. Osgood 37 NH 444 (1935)

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

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