

AA - 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 Ballot

ⁱ*Clough v. Osgood 37 NH 444 (1935)*

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

Policy Committee Reviewed: January 4, 2016

Approved by the WRSB: June 19, 2007

Revised: February 2004

Revised: November, 1999

Revised: July, 1998

ⁱ*NH Supreme Court case opinions prior to 1995 are not available through the state website. For more information about this case, please contact Kathleen O'Sullivan at NHSBA Policy Services at 228-2061, or email kosullivan@nhsba.org.*