

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, 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. Clough v. Osgood 37 NH 444 (1935); see RSA 194:2 and RSA 195:6.

School District policies are established by the School Board, which serves as an agent of the School District. Funds for school operating expenses are approved by a majority of qualified voters voting at the annual School District meeting (as per RSA 40:13, SB2) except that bond issues require a 60% vote.

The administration of the schools is under the executive direction of the Superintendent of Schools, who works under the School Board policies in addition to State Board of Education rules.

Legal References:

New Hampshire Constitution, Pt. 2 Article 83

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

RSA 40:13, Use of Official Ballot

RSA 197:1, Annual School District Meetings

RSA Chapter 33, Municipal Finance Act

RSA 194:2, School Districts to be Corporations

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

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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