

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 and bonds shall be approved by a majority of voters in accordance with New Hampshire law and the Fremont School District Charter for official ballot voting.

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.*

First Reading 9/26/06
Second Reading 1/23/07
Third Reading 2/22/07
Adopted 5/8/07

ⁱNH 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.

Thank you!