

## AMHERST, MONT VERNON, and SOUHEGAN POLICY

### 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*

<sup>i</sup>*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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Revised: November 9, 2020 (Amherst)

Adopted: May 1998