

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 statues* 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.

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 present and voting at the Annual School District Meeting (RSA 197:1) or by the Official Ballot Law (RSA 40:13). The administration of the schools is under the executive direction of the superintendent of schools, who works under direction of the school board and its policies in addition to State Board of Education rules.

Legal References:

New Hampshire Constitution, Pt. 2 Article 82, *Encouragement of Literature, Trade, Etc.*

Claremont School District vs. Governor, 138 NH '83 (1993)

RSA 197:1, *School Meetings and Officers; Annual*

RSA 33, *Municipal Finance Act*

RSA 194:2, *School Districts; Districts to be Corporations*

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

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