

**NEW HAMPSHIRE 194-C:1 Status.** – I. All school administrative units existing on the effective date of this chapter shall continue in their present form unless modified in accordance with the provisions of this chapter. II. School administrative units legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the establishment of facilities for administration and any instructional purposes, and to make necessary contracts in relation to any function of the corporation; provided, however, that such school administrative units shall not have the power to procure land, to construct or purchase buildings, to borrow money in order to purchase real estate, or to mortgage said real estate. **Source.** 1996, 298:3, eff. Aug. 9, 1996.

**194-C:2 Procedure; Plans for Organization or Withdrawal.** – I. Any school district pursuant to an article in the warrant for any annual or special meeting may vote to create a planning committee in the following manner: (a) The question shall be placed on the warrant of a special or annual school district meeting, which body shall have final authority to adopt the provision to create a planning committee. (b)(1) In districts without annual meetings, the legislative body of the school district shall consider and act upon the question in accordance with their current procedures. To the extent and if permitted by local ordinance, upon submission to the legislative body within 60 days of the legislative body's vote of a petition signed by 100 or by 2 percent, whichever is less, of the registered voters, the legislative body shall place the question on the official ballot for any regular election otherwise in accordance with their current procedures for passage of referenda. (2) The school district legislative body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing. (3) In the event that the referendum is nonbinding, the question shall be returned for reconsideration to the legislative body which shall have final authority to adopt the provision to create a planning committee. (4) In the event that the referendum is binding, the public vote shall be the final and binding authority to adopt the provision to create a planning committee. II. (a) The planning committee shall consist of the following members: (1) Two local school board members, appointed by the local school board. (2) One member of the financial committee having the statutory authority to make recommendations concerning school budgets, appointed by the financial committee. In communities with no such financial committee, the number of public members under subparagraph (a)(3) shall be increased to 5. (3) Four public members representing the community at large, appointed by the administrative unit shall be prepared in accordance with RSA 194-C:2, III, and shall be of the school district. (4) The superintendent, who shall be a nonvoting member of the committee. (b) The members of the committee shall serve without pay for a term ending: (1) At the annual meeting of the district next following the creation of the committee, if the committee is created at an annual meeting; or (2) One year from the date of appointment, if the committee is created at a special meeting. (3) One year from the date of appointment, if appointed in districts without annual meetings. (c) Vacancies on the committee shall be filled by the appropriate appointing authority for the balance of the unexpired term. (d) The district may appropriate money to meet the expenses of the committee at the meeting at which it is created or at any subsequent district meeting notwithstanding the provisions of RSA 32 or RSA 197:3, and such expenses may include the cost of publication and distribution of

reports. (e) A planning committee shall act by a majority vote of its total membership. III. The planning committee shall: (a) Study the advisability of establishing a school administrative unit in accordance with this chapter, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such school administrative unit. (b) Estimate the construction and operating costs of operating such school or schools. (c) Investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a school administrative unit. (d) Prepare an educational and fiscal analysis of the impact on all remaining districts and the disposition of school administrative assets. (e) Submit a report or reports of its findings and recommendations to the several school districts within the existing school administrative unit. IV. (a) If planning committee recommends the organization, reorganization, or withdrawal from a school administrative unit, it shall prepare a plan for providing superintendent services for the proposed school administrative unit which meets the requirements set forth in RSA 194-C:4 and is signed by at least a majority of the membership of the planning committee. (b)(1) If the planning committee chooses not to recommend organization, reorganization, or withdrawal from a school administrative unit, that recommendation shall be submitted to the voters of the school district at the next annual school district meeting. (2) If a majority of voters present and voting vote in the affirmative, the recommendation shall be accepted. (3) If a majority of voters present and voting reject the recommendation, the vote shall represent a vote to create a new planning committee in accordance with RSA 194-C:2, II and that planning committee shall prepare a plan for organization, reorganization, or withdrawal from a school administrative unit which meets the requirements of RSA 194-C:2. (4) Any plan for organization, reorganization, or withdrawal from a school meeting in the district. If the state board finds that 3/5 majority of the votes cast in each district meeting have voted in favor of the establishment of the school administrative unit, submitted to the state board pursuant to RSA 194-C:2, VI. The plan shall be submitted to the voters in accordance with RSA 194-C:2, VII or 194-C:2, VIII. If the voters fail to vote in the affirmative by the 3/5 vote required, the school district shall not offer another warrant article seeking to create a planning committee for a period of 2 years after the date of the final vote by the district. V. (a) The planning committee may submit a plan for joining an existing school administrative unit to the school administrative unit board for approval. If approved, the plan shall be submitted to the state board and the school district voters in accordance with RSA 194-C:2, VI and VII. (b) Before final approval of a plan by the planning committee, it shall hold at least one public hearing on the plan within the proposed school administrative unit and shall give such public notice of the hearing as it determines to be reasonable. VI. In accordance with RSA 194-C:2, III(e) and V(b), the planning committee shall submit a copy of the proposed plan to the several school districts within the existing school administrative unit and shall hold at least one public hearing no less than 14 days prior to submission to the state board. Within 60 days, the state board of education shall review the proposed plan for administrative structure to determine whether or not the proposed plan contains the services described in RSA 194-C:4. Each plan shall also include an educational and fiscal analysis of the impact on all remaining districts and the disposition of school administrative unit assets. If, in the opinion of the state board, all services have been properly addressed, the state board shall recommend for or against its adoption. If, in the

opinion of the state board, all services have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board of education shall promptly return the plan and make a recommendation for or against its adoption. This recommendation shall be reported to the legislative body of the district. The state board shall not have veto power over any plan once it is resubmitted to the state board by the planning committee. VII. (a) The state board shall submit the organization or reorganization plan to the school boards of the districts for acceptance by the districts as provided in subparagraph (b). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in some newspaper generally circulated within the proposed school administrative unit. (b) Upon the receipt of written notice of the state board's recommendation of the plan, the plan shall be submitted for approval by the school districts under the procedures outlined in paragraph I of this section. The question shall be in substantially the following form: "Shall the school district accept the provisions of RSA 194-C providing for the (organization of) (reorganization of) a school administrative unit involving school districts of \_\_\_\_\_ and \_\_\_\_\_ etc., in accordance with the provisions of the proposed plan?" Yes \_\_\_\_\_ No \_\_\_\_\_ If 3/5 of the votes cast on the question in each district shall vote in the affirmative, the clerk of each district shall forthwith send to the state board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of the policies necessary for compliance with all state and federal laws regarding purchasing. (b) Recruitment, supervision and evaluation of staff; labor contract negotiation it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the school administrative unit as of the date of its issuance. VIII. (a) The state board shall submit the plan for district withdrawal from a school administrative unit to the school board of the withdrawing district for acceptance by the district as provided in subparagraph (b). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in some newspaper generally circulated within the district which proposes to withdraw from a school administrative unit. (b) Upon the receipt of written notice of the state board's recommendation of the plan, the plan shall be submitted for approval by the school district under the procedures outlined in paragraph I of this section. The question shall be in substantially the following form: "Shall the school district accept the provisions of RSA 194-C providing for the withdrawal from a school administrative unit involving school districts of \_\_\_\_\_ and \_\_\_\_\_ etc., in accordance with the provisions of the proposed plan?" Yes \_\_\_\_\_ No \_\_\_\_\_ If 3/5 of the votes cast on the question in the withdrawing district shall vote in the affirmative, the clerk of that district shall forthwith send to the state board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of the meeting in the district. If the state board finds that 3/5 of the votes cast in that district meeting have voted in favor of withdrawing from the school administrative unit, it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the new, single district school administrative unit as of the date of its issuance. **Source.** 1996, 298:3, eff. Aug. 9, 1996. 1997, 245:1-3, eff. Aug. 18, 1997. 1999, 287:1, 3, eff. Sept. 14, 1999. **194-C:3 Single District School Administrative Units; Exemption.** – Single district school administrative units shall be considered the

same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide superintendent services pursuant to RSA 194-C:4.

**Source.** 1996, 298:3, eff. Aug. 9, 1996. **194-C:4 Superintendent Services.** – Each school administrative unit or single school district shall provide the following superintendent services: I. An educational mission which indicates how the interests of pupils will be served under the administrative structure. II. Governance and organizational structure and delivery of administrative services including, but not limited to: (a) Payroll, cash flow, bills, records and files, accounts, reporting requirements, funds management, audits, and coordination with the treasurer, and advisory boards on (c) Other administrative positions may be established, but only after 50 percent or support and the processing of grievances; arrangement for mediation, fact finding or arbitration; and management of all employee benefits and procedural requirements. (c) Development, review and evaluation of curriculum, coordination of the implementation of various curricula, provisions of staff training and staff development, and development and recommendation of policies necessary for compliance relating to curriculum and instruction. (d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, home education, minimum standards, student records, sexual harassment, and other matters as may from time to time occur. (e) Pupil achievement assessment through grading and state and national assessment procedures and the methods of assessment to be used. (f) The on-going assessment of district needs relating to student population, program facilities and regulations. (g) Writing, receiving, disbursement, and the meeting of compliance requirements. (h) Insurance, hearings, litigation, and court issues. (i) School board operations and the relationship between the board and the district administration. (j) The daily administration and provision of educational services to students at the school facility including, but not limited to, fiscal affairs; staff, student, parent, safety and building issues; and for dealing with citizens at large. (k) Assignment, usage, and maintenance of administrative and school facilities. (l) Designation of number, grade or age levels and, as applicable, other information about students to be served. (m) Pupil governance and discipline, including age-appropriate due process procedures. (n) Administrative staffing. (o) Pupil transportation. (p) Annual budget, inclusive of all sources of funding. (q) School calendar arrangements and the number and duration of days pupils are to be served pursuant to RSA 189:1. (r) Identification of consultants to be used for various services.

**Source.** 1996, 298:3, eff. Aug. 9, 1996. **194-C:5 Organization and Duties.** – I. The school board of each school administrative unit shall meet between April 1 and June 1 in each year, at a time and place fixed by the chairpersons of the several boards, and shall organize by choosing a chairperson, a secretary, and a treasurer. II. (a) Each school administrative unit shall provide superintendent services to be performed as required by RSA 194-C:4. School districts shall not be required to have a superintendent and may assign these services to one or more administrative personnel working full or part-time; or such services may be independently contracted. (b) The state board may establish certification requirements for superintendents in smaller and larger districts, and may designate services in addition to those established in RSA 194-C:4. I. (a) Each school district, within a school administrative unit that is composed of 2 or more of the school districts in the school administrative unit representing 60 percent of the total pupils in the school administrative unit has voted favorably upon the establishment of the position. III.

The school board of each school administrative unit shall fix the salaries of all school administrative unit personnel, shall apportion the expense of the salaries and benefits among the several districts, and shall certify the apportionment to their respective treasurers and to the state board of education. The school administrative unit board shall have the authority to remove superintendents and other administrators. **194-C:9 Budget.**

– I. At a meeting held before January 1, the school administrative unit board shall adopt a budget required for the expenses of the school administrative unit for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art, and guidance, and any other employees, and shall include the expenses necessary for the operation of the school administrative unit. Superintendents, assistant superintendents, business administrators, teacher consultants, and the regularly employed office personnel of the school administrative unit office shall be deemed employees of the school administrative unit for the purposes of payment of salaries and contributions to the employee's retirement system of the state of New Hampshire and workers' compensation. The school administrative unit board shall apportion the total amount of the budget among the constituent school districts in the following manner: the apportionment shall be based 1/2 on the average membership in attendance for the previous school year and 1/2 on the most recently available equalized valuation of each district as of June 30 of the preceding school year. Prior to January 15 in each year, the board shall certify to the chairperson of the school board of each constituent school district the amount so apportioned. Each district within a school administrative unit shall raise at the next annual district meeting the sum of money apportioned to it by the school administrative unit board for the expenses of services which each district received in connection with the school administrative unit office. The school administrative unit board in adopting the budget shall not add any new service to the school administrative unit budget unless a majority of the school districts in the school administrative unit representing not less than 60 percent of the total pupils in the school administrative unit have voted favorably upon the establishment of the service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of RSA 197:3. II. The provisions of paragraph I shall not apply to school administrative units comprising only one district. The budget for these units shall be a part of the school district budget and subject to the vote of the annual school district meeting or, for those districts without an annual meeting, by the legislative body. III. Paragraph I of this section shall not apply to school districts which have adopted the provisions of RSA 194-C:9-a. **Source.** 1996, 298:3, eff. Aug. 9, 1996. 2003, 279:1, eff. Sept. 16, 2003. **194-C:9-a Alternative Budget Procedure; Method of Adoption.** – more town school districts, may vote to adopt the provisions of RSA 194-C:9-b to determine the means for adopting the school administrative unit budget by placing a question on the warrant of their next annual school district meeting. The question shall be voted on in accordance with the ballot and voting procedures in effect in that school district. (b) The wording of the question shall be: "Shall the voters of the \_\_\_\_\_ school district within school administrative unit number \_\_\_\_\_ adopt the provisions of RSA 194-C:9-b to allow for insertion of the school administrative unit budget as a separate warrant article at annual school district meetings?" (c) If a majority of the voters in the school districts within the school administrative unit approve the question, then RSA 194-C:9-b shall apply starting with the next annual school district meeting of the

school districts within that school administrative unit, and shall continue until rescinded.

II. If, in any year, the question presented to the voters in subparagraph I(b) is not adopted, the question may be resubmitted as part of the warrant of the next annual school district meeting, provided each school district within the school administrative unit complies with the petition procedure set forth in RSA 197:6.

III. In order to rescind the adoption of RSA 194-C:9-b, each school district within the school administrative unit shall comply with the petition procedure set forth in RSA 197:6 and upon such compliance, a question shall be placed on the warrant of the next annual school district meeting. The wording of the question shall be: "Shall the voters of the \_\_\_\_\_ school district within school administrative unit number \_\_\_\_ rescind the adoption of RSA 194-C:9-b, relative to the alternative school administrative unit budget adoption procedure, and adopt the provisions of RSA 194-C:9 as the method for governing the adoption of the school administrative unit budget?" If a majority of the voters in the school districts within the school administrative unit approve the question, then the provisions of RSA 194-C:9 shall govern the procedure for adopting the school administrative unit budget in such school administrative unit.

IV. For any town which has adopted a charter under RSA 49-D:3, the method of adoption shall be the manner of amending the charter as provided under RSA 49-B. **Source.** 2003, 279:2, eff. Sept. 16, 2003.