

HB 479-FN-LOCAL – AS INTRODUCED

2013 SESSION

13-0818
04/03

HOUSE BILL ***479-FN-LOCAL***

AN ACT relative to the creation and division of school districts.

SPONSORS: Rep. Hoell, Merr 23

COMMITTEE: Education

ANALYSIS

This bill allows for the creation new school districts and the division of existing school districts into new districts.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the creation and division of school districts.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; School Districts; Creation and Division of School Districts. Amend RSA 194 by
2 inserting after section 1-b the following new section:

3 194:1-c Creation and Division of School Districts.

4 I. Pursuant to part 1, article 6 of the New Hampshire constitution, a decentralized district
5 system protects the rights of the people to control public instruction within their communities. Local
6 self-governance is essential to develop policies that respect the unique needs of diverse communities.
7 The district system allows those of similar sentiments to join together for the common good and
8 provide public instruction for children and adults. Allowing people to join or leave districts without
9 restriction is of paramount importance in a free society.

10 II. Notwithstanding the provisions of RSA 194:1, 194:1-a, and 194:1-b, or the provisions of
11 RSA 194-C, RSA 195, or RSA 195-A, the governing body of a city or town, shall:

12 (a) Upon the written petition of 10 or more voters in the school district, divide the
13 district as determined and establish a new district or districts within 30 days of the petition. Any
14 such new district may extend into the established geographical boundaries of another district within
15 the city or town. The governing body of the original district shall maintain a record of such division.

16 (b) Upon written petition of 10 or more voters in the school district, form a new school
17 district by the union of residents of such towns or cities, divide the district or districts as determined
18 by the petition, and for this purpose, disannex such persons' taxable property for school tax purposes
19 from the existing district and annex such persons to the new district, and cause a record of such
20 divisions to be maintained by both town or city clerks within 30 days of the petition. The governing
21 body of the town or city first incorporated shall call the first meeting of the new district so formed.

22 (c) Upon petition of any legal resident of the school district in a city or town, disannex
23 the resident and the resident's taxable property for school tax purposes from the existing school
24 district, and annex such resident to the designated school district within the same city or town, and
25 cause a record of such change to be maintained by the town or city clerk within 30 days of the
26 petition.

27 (d) Upon petition of any legal resident of the school district in a city or town, disannex
28 the resident and the resident's taxable property for school tax purposes from the existing district to
29 the designated district outside of the city or town, subject to the approval of the governing body of the
30 designated district.

31 III. If the selectmen of any city or town shall willfully neglect for 6 months after petition to

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1 comply with the provisions of paragraph II, they shall forfeit a sum not to exceed \$1,500.

2 IV. Any district established under this section may, notwithstanding any other provision of
3 law to the contrary:

4 (a) Elect their own teachers and contract with them for their support and maintenance.

5 (b) Define their curricula and assessments.

6 (c) Elect to withdraw from state recommended programs and waive participation in state
7 education funding.

8 (d) Establish a school district charter which would require a 2/3 vote of school district
9 residents to amend.

10 2 Effective Date. This act shall take effect 60 days after its passage.

HB 479 FISCAL NOTE

AN ACT relative to the creation and division of school districts.

FISCAL IMPACT:

The Office of Legislative Budget Assistant states this bill, **as introduced**, will have no impact on state, county and local revenues or expenditures.

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill serves as enabling legislation only and will have no direct impact on state, county and local revenues or expenditures as any fiscal impact would result only if petitions are filed by local residents.