

GENERAL NOTES ON EDUCATION COMPACT

§ 724. Withdrawal from or dissolution of a unified union school district

(a) A town or city corresponding to a preexisting school district that voted to form a unified union school district may vote to withdraw from the district if one year has elapsed since the unified union school district became a body politic and corporate as provided under section 706g of this title.

(b) When a majority of the voters of the town or city present and voting at a meeting duly warned for that purpose votes to withdraw from a unified union school district, the vote shall be certified by the clerk of the town or city to the Secretary of State who shall record the certificate in his or her office and give notice of the vote to the other towns or cities corresponding to the preexisting school districts that voted to form the unified union school district. Such other towns and cities shall vote by Australian ballot on the same day during the same hours whether to ratify the withdrawal of the town or city. To be effective, action to withdraw shall be approved by an affirmative vote of each of the other towns or cities within the unified union school district.

(c) If the vote to ratify the withdrawal of the town or city is approved by each of the other towns or cities, the unified union school district clerk shall notify the Secretary of Education who shall advise the State Board. At a meeting held thereafter, if the State Board finds that the students in the withdrawing town or city will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs, the State Board shall declare the membership of the withdrawing town or city to be at an end as of July 1 immediately following or as soon thereafter as the obligations of the withdrawing district have been paid to, or an agreement made with, the union school district in an amount satisfactory to the electorate of each of the other towns and cities within the unified union school district. In addition, the State Board shall declare the preexisting school district corresponding to the withdrawing town or city to be reconstituted. The State Board shall give notice to the remaining towns and cities in the unified union school district of its meeting and give the relevant representatives an opportunity to be heard. It shall then determine whether it is in the best interests of the State, the students, and the school districts remaining in the unified union school district that the unified union district continue to exist. The State Board may declare the unified union school district dissolved as of July 1 immediately following or as soon thereafter as each remaining town's or city's obligations have been satisfied, or it may declare that the unified union district shall continue to exist despite the withdrawal of the former town or city member. The State Board shall file its declaration with the Secretary of State, the clerk of the withdrawing town or city, and the clerk of the affected unified union school district.

(d) A vote of withdrawal taken after a unified union school district has become a body politic and corporate as provided in section 706g of this title less than one year after that date is void.

Historical Citation.

Added 2007, No. 154 (Adj. Sess.), § 33; amended 2013, No. 154 (Adj. Sess.), § 92, eff. Feb. 14, 2014.

HISTORY

Amendments—2013 (Adj. Sess.). Subsection (c): Substitution of "Secretary of Education" for "commissioner of education" and "State Board" for "state board of education".

CHAPTER 13

INTERSTATE HIGH SCHOOL DISTRICTS

SECTION 731-761. [Repealed.]

§§ 731-761. Repealed. 1969, No. 298 (Adj. Sess.), § 79.

HISTORY

Former §§ 731-761. Former §§ 731-761, relating to interstate high school districts, were derived from 1959, No. 230.

CHAPTER 15

NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT

SECTION

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CROSS REFERENCES

New Hampshire statutes relating to the New Hampshire-Vermont Interstate School Compact, see RSA 200-B.

§ 771. General provisions—Article I

A. Statement of policy. It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state

Similar Vision to our Collaborative Committee.

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boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

B. Requirement of Congressional Approval. This compact shall not become effective until approved by the United States Congress.

C. Definitions. The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

a. "Interstate school district" and "interstate district" shall mean a school district composed of one or more school districts located in the State of New Hampshire associated under this compact with one or more school districts located in the State of Vermont, and may include either the elementary schools, the secondary schools, or both.

b. "Member school district" and "member district" shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term "member district clerk" shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

c. "Elementary school" shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

d. "Secondary school" shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

e. "Interstate board" shall refer to the board serving an interstate school district.

f. "New Hampshire board" shall refer to New Hampshire State Board of Education.

g. "Vermont board" shall refer to the Vermont State Board of Education.

h. "Commissioner" shall refer to the New Hampshire Commissioner of Education or the Vermont Secretary of Education, individually or collectively as appropriate. "State departments of education" shall refer collectively to the New Hampshire Department of Education and the Vermont Agency of Education.

i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

j. The terms "professional staff personnel" and "instructional staff personnel" shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counselors, special education personnel, school nurses, therapists, teachers, and other licensed personnel.

k. The term "warrant" or "warning" to mean the same for both states.

Historical Citation.

Added 1967, No. 243 (Adj. Sess.); amended 1989, No. 118, § 3; 2013, No. 92 (Adj. Sess.), § 93, eff. Feb. 14, 2014.

HISTORY

Revision note—Substituted "an" for "in" preceding "interstate" in paragraph C.e. to correct an apparent typographical error.

Amendments—2013 (Adj. Sess.). Subdivision C.h.: Substituted "the New Hampshire Commissioner of Education or the Vermont Secretary of Education, individually or collectively as appropriate" for "commissioner of education" and added the second sentence.

—1989. Paragraph C.j.: Substituted "licensed" for "certified" following "teachers, and other".

§ 772. Procedure for formation of an interstate school district—Article II

A. Creation of Planning Committee. The New Hampshire and Vermont commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighbouring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his or her term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following his or her appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he or she is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

B. Operating Procedures of Planning Committee. Each interstate school district planning committee shall meet in the first instance at the call

Key word Planning

Our existing committee shall become the formal Planning Committee.

the articles of agreement, including, without limitation:

- (1) The method of allocating the cost of transportation between the interstate district and member districts;
- (2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

E. Hearings. If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than 15 days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

F. Approval by State Boards. After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in

each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the following paragraph.

G. Adoption by Member Districts. Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

"Shall the school district accept the provisions of the New Hampshire-Vermont Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of and, etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?"

Yes () No ()

If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

H. Resubmission. If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of

agreement had been adopted in the first instance. In the alternative, the state boards may either (a) discharge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

Historical Citation.

Added 1967, No. 243 (Adj. Sess.).

HISTORY

Editor's note—Although 1989, No. 118, § 3, amended each section of this title containing the words "certified" and "certificate" by substituting therefor "licensed" and "license", these words were not changed in the section in view of the context of the references.

**§ 773. Powers of interstate school districts—
Article III**

A. Powers. Each interstate school district shall be a body corporate and politic, with power:

- a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;
- b. To sue and be sued, subject to the limitations of liability hereinafter set forth;
- c. To have a seal and alter the same at pleasure;
- d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;
- e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;
- f. To enter into contracts and incur debts;
- g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;
- h. To make contracts with and accept grants and aid from the United States, the State of New Hampshire, the State of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;
- i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and
- j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

Historical Citation.

Added 1967, No. 243 (Adj. Sess.).

§ 774. District meetings—Article IV

A. General. Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

B. Eligibility of Voters. Any resident would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district board of civil authority in each Vermont member district and the supervisors of the check list of New Hampshire district shall respectively prepare a check list of eligible voters for each meeting of the interstate district in the same manner, and shall have all the same powers and duties with respect to eligibility of voters in their districts as a meeting of a member district.

C. Warning of Meetings. A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the directors and by a majority of the directors. Upon written application of ten or more voters in the district presented to the directors or to one of them, at least 25 days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specific to such application.

D. Posting and Publication of Warrant. The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy to be posted at a public place in each member district at least 25 days (not counting the date of posting and the date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation in each member district at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

E. Return of Warrant. The warrant with a copy of the certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

F. Organization Meeting. The commission, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within 60 days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting