

HB 765-FN-LOCAL - AS INTRODUCED

2025 SESSION

25-1156
07/09

HOUSE BILL ***765-FN-LOCAL***

AN ACT consolidating school administrative units and making school superintendents jobs an elected position.

SPONSORS: Rep. D. McGuire, Merr. 14; Rep. Cordelli, Carr. 7; Rep. Weyler, Rock. 14; Rep. Lynn, Rock. 17; Rep. Tierney, Coos 1; Rep. Colcombe, Hills. 30; Sen. Sullivan, Dist 18; Sen. Ward, Dist 8; Sen. Murphy, Dist 16

COMMITTEE: Education Policy and Administration

ANALYSIS

This bill:

- I. Consolidates the authority and duties of school administrative units.
- II. Empowers school boards to develop, evaluate, and implement school curriculums.
- III. Makes school superintendents elected officials.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Five

AN ACT consolidating school administrative units and making school superintendents jobs
an elected position.

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

1 1 The State and Its Government; Pooled Risk Management Programs; Definitions. Amend RSA
2 5-B:2, III to read as follows:

3 III. "Political subdivision" means any city, town, county, school district, chartered public
4 school, village district, [~~school administrative unit,~~] or any district or entity created for a special
5 purpose administered or funded by any of the above-named governmental units.

6 2 Counties; Powers, Buildings, and Payment of Salaries; Establishing Compensation. Amend
7 RSA 23:7 to read as follows:

8 23:7 Establishing Compensation.

9 **I.** Every county convention shall have the power to establish salaries, benefits and other
10 compensation paid to elected county officers including the county attorney, sheriff, register of deeds,
11 treasurer, [~~and~~] county commissioners, **and school superintendents**. For the purposes of this
12 section, "compensation" shall include salary, longevity pay, vacation and sick pay, allowances, and
13 all other payments made by the county to its officers, plus the fair market value of any compensation
14 paid in kind if reportable as income for federal income tax purposes, plus all fringe benefits that may
15 be provided including health insurance and retirement, and may also include an upper limit on the
16 amount of mileage and out-of-pocket expenditures reimbursable to each officer.

17 **II.** Said compensation shall be established biennially by the county convention prior to the
18 filing date required under RSA 655:14 for the elected offices listed in this section, upon
19 recommendation of the executive committee which shall remain in effect during their term of office.

20 **III.** Notwithstanding any other provision of law to the contrary, in counties in which any of
21 the officers listed in this section receive fees or mileage, or both, for services performed by them as
22 part of their compensation, the county convention may put such officer on a salary and expenses
23 basis. Such officer may be required to continue to collect the usual fees and mileage for the service
24 performed and to pay over all such fees and mileage to the county treasurer for the use of the county.
25 In such event, the amount such officer received in fees and mileage, less expenses, shall be included
26 in determining the minimum at which his salary may be established unless a lesser amount is
27 agreed upon by the incumbent officer at that time.

28 **IV.** In no case shall the salary or other compensation of any of such officers be established at
29 a lesser amount than that which was in effect December 31, 1972.

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1 3 Counties; County Commissioners; Competitive Bidding on Purchases. Amend RSA 28:8, I to
2 read as follows:

3 I. The provisions of this section shall apply to all counties in the state and the offices of
4 county sheriff, county attorney, county treasurer, ~~and~~ register of deeds, **and school**
5 **superintendents**.

6 4 Counties; Annual Reports of County Officers; Reports; Publication; Penalty. Amend RSA 30:1
7 to read as follows:

8 30:1 Reports; Publication; Penalty. The sheriff, the superintendent of the county department of
9 corrections, the county attorney, the treasurer, the county commissioners, ~~and~~ the superintendents
10 of the county farms, **and the school superintendents** shall make up their several reports to the
11 close of the county's fiscal year annually, and the same shall be printed together in pamphlet form
12 before or during the sixth month following the close of the county's fiscal year. Whoever violates any
13 provision of this section shall be guilty of a violation, and the fine shall be paid to the treasurer of
14 the county of which said person is an official.

15 5 Towns, Cities, Village Districts, and Unincorporated Places; Powers and Duties of Towns;
16 Indemnification for Damages. Amend RSA 31:105 to read as follows:

17 31:105 Indemnification for Damages. A city, town, county, village district or precinct, school
18 district, chartered public school, ~~[school administrative unit,]~~ or any other municipal corporation or
19 political subdivision may by a vote of the governing body indemnify and save harmless for loss or
20 damage occurring after said vote any person employed by it and any member or officer of its
21 governing board, administrative staff or agencies including but not limited to selectmen, school
22 board members, chartered public school trustees, city councilors and aldermen, town and city
23 managers, regional planning commissioners, town and city health officers, overseers of public
24 welfare, and superintendents of schools from personal financial loss and expense including
25 reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason
26 of negligence or other act resulting in accidental injury to a person or accidental damage to or
27 destruction of property if the indemnified person at the time of the accident resulting in the injury,
28 damage, or destruction was acting in the scope of employment or office.

29 6 Towns, Cities, Village Districts, and Unincorporated Places; Powers and Duties of Towns;
30 Indemnification; Civil Rights Suits. Amend RSA 31:106 to read as follows:

31 31:106 Indemnification; Civil Rights Suits. All cities, towns, counties, village districts and
32 precincts, school districts, chartered public schools, ~~[school administrative units,]~~ and other
33 municipal corporations and political subdivisions shall indemnify and save harmless any person
34 employed by it and any member or officer of its governing board, administrative staff, or agencies
35 including but not limited to selectmen, school board members, chartered public school trustees, city
36 councilors and aldermen, town and city managers, regional planning commissioners, town and city
37 health officials, overseers of public welfare, and superintendents of schools from personal financial

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1 loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand,
2 suit, or judgment by reason of any act or omission constituting a violation of the civil rights of an
3 employee, teacher or student, or any other person under any federal law if such act or omission was
4 not committed with malice, and if the indemnified person at the time of such act or omission was
5 acting within the scope of employment or office.

6 7 Towns, Cities, Village Districts, and Unincorporated Places; Municipal Budget Law; Other
7 Committees. Amend RSA 32:24 to read as follows:

8 32:24 Other Committees. Nothing in this subdivision shall prevent a municipality [~~or school~~
9 ~~administrative unit~~] from establishing advisory budget or finance committees, with such duties and
10 powers as the municipality [~~or school administrative unit~~] sees fit, but no such committee's
11 recommendations shall have any limiting effect on appropriations, as set forth in RSA 32:18, unless
12 all the procedures in this subdivision are followed.

13 8 Towns, Cities, Village Districts, and Unincorporated Places; Agreements Between
14 Government Units; Public Agency Defined. Amend RSA 53-A:2 to read as follows:

15 53-A:2 Public Agency Defined. For the purposes of this chapter, the term "public agency" shall
16 mean any political subdivision of this state or of any adjoining state and any quasi-municipal
17 corporation, including but not limited to school districts, [~~school administrative units,~~] village
18 districts, regional water districts, and special districts.

19 9 Towns, Cities, Village Districts, and Unincorporated Places; Agreement Between Government
20 Units; Joint Exercise of Powers. Amend the introductory paragraph of RSA 53-A:3 to read as
21 follows:

22 Any power or powers, privileges or authority exercised or capable of exercise by a public agency
23 of this state may be exercised jointly with any other public agency of this state. Such authority shall
24 include, but not be limited to, the power to enter into agreements to share tax revenues resulting
25 from local economic development efforts and with respect to cities, towns, **counties, and** school
26 districts, [~~and school administrative units,~~] the power to form the entities and conduct the activities
27 provided for in RSA 162-G and RSA 31:134 through RSA 31:149, and/or the appropriate activities,
28 including but not limited to, conducting financial, human resource, information technology, and
29 other managerial and administrative functions related to the operation of the participating agencies
30 as provided for in RSA 31, RSA 37, and RSA 194-C:4 as well as city charters adopted under RSA 49-
31 C and town charters adopted under RSA 49-D.

32 10 Public Officers and Employees; Access to Governmental Records and Meetings; Definitions.
33 Amend RSA 91-A:1-a, V to read as follows:

34 V. "Public agency" means any agency, authority, department, or office of the state or of any
35 county, town, municipal corporation, school district, [~~school administrative unit,~~] chartered public
36 school, or other political subdivision.

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1 11 Public Officers and Employees; Access to Governmental Records and Meetings; Definitions.
2 Amend RSA 91-A:1-a, VI (d) and (e) to read as follows:

3 (d) Any legislative body, governing body, board, commission, committee, agency, or
4 authority of any county, town, municipal corporation, school district, [~~school administrative unit,~~]
5 chartered public school, or other political subdivision, or any committee, subcommittee, or
6 subordinate body thereof, or advisory committee thereto.

7 (e) Any corporation that has as its sole member the state of New Hampshire, any county,
8 town, municipal corporation, school district, [~~school administrative unit,~~] village district, or other
9 political subdivision, and that is determined by the Internal Revenue Service to be a tax exempt
10 organization pursuant to section 501(c)(3) of the Internal Revenue Code

11 12 Public Officers and Employees; Public Employee Freedom of Expression; Definition. Amend
12 RSA 98-E:1-a to read as follows:

13 98-E:1-a Definition. In this chapter, "public employee" includes any person employed by the
14 state or any subdivision thereof, including, but not limited to counties, cities, towns, precincts, water
15 districts, **and** school districts[~~, and school administrative units~~].

16 13 Public Officers and Employees; New Hampshire Retirement System; General Conditions for
17 Participation. Amend RSA 100-A:20, I to read as follows:

18 I. The governing board of any county, city, town, school district, [~~school administrative unit~~]
19 or other political subdivision of the state may, by resolution legally adopted, in form approved by the
20 board of trustees, elect to have its officers and employees become eligible to participate in the
21 retirement system. After such election, such body shall be known as an employer for purposes of
22 this chapter. The board of trustees shall set the date when the participation of the officers and
23 employees of any employer shall become effective, and then such officers and employees may become
24 members and participate herein, as provided in this subdivision. Notwithstanding anything to the
25 contrary, employees of any employer who are members of one or more of the predecessor systems
26 and who have not elected, pursuant to RSA 100-A:3, to become members shall not be entitled to
27 become members; and employees who are members of any local retirement system other than a local
28 retirement system for teachers shall be entitled to become members only as provided in RSA 100-
29 A:21. "Local retirement system" for purposes of this subdivision shall mean any retirement system
30 or other arrangement for the payment of retirement benefits in existence at the time of passage of
31 this chapter, which is supported wholly or in part by public funds, exclusive of the predecessor
32 systems as defined in RSA 100-A:1.

33 14 Public Officers and Employees; Old Age and Survivors' Insurance; Definitions. Amend RSA
34 101:2, VI to read as follows:

35 VI. The term "political subdivision" includes an instrumentality of a state, of one or more of
36 its political subdivisions, or of a state and one or more of its political subdivisions, but only if such
37 instrumentality is a juristic entity which is legally separate and distinct from the state or

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1 subdivision and only if its employees are not by virtue of their relation to such juristic entity
2 employees of the state or subdivision[~~Said term also includes a school administrative unit~~];

3 15 Public Health; Communicable Disease; Medical Freedom in Immunizations. Amend RSA
4 141-C:1-a, I to read as follows:

5 I. Every person has the natural, essential, and inherent right to bodily integrity, free from
6 any threat or compulsion by government to accept an immunization. Accordingly, no person may be
7 compelled to receive an immunization for COVID-19 in order to secure, receive, or access any public
8 facility, any public benefit, or any public service from the state of New Hampshire, or any political
9 subdivision thereof, including but not limited to counties, cities, towns, precincts, water districts,
10 school districts, [~~school administrative units,~~] or quasi-public entities.

11 16 Education; Pre-Engineering and Technology Curriculum and Pre-Engineering and
12 Technology Advisory Council; Membership and Terms. Amend RSA 188-E:16, I(f) to read as follows:

13 (f) Three [~~superintendents from school administrative units in~~] ***school administrators,***
14 ***among*** which at least one school offers a pre-engineering and technology curriculum to its students,
15 appointed by the governor and council.

16 17 New Paragraphs; Education, School Boards, Transportation, and Instruction of Pupils; Duty
17 to Provide Education. Amend RSA 189:1-a by inserting after paragraph IV the following new
18 paragraphs:

19 V. School boards shall develop, review, and evaluate curriculum, and coordinate the
20 implementation of various curriculums.

21 VI. School boards shall oversee the administration and provisions of:

- 22 (a) Educational services to students at school facilities, including the designation of
23 number, grade, and age levels, and, as applicable, other information about students to be served;
24 (b) Pupil governance and discipline, including age-appropriate due process procedures;
25 (c) Fiscal affairs;
26 (d) Staff, student, and parental safety;
27 (e) Maintenance and building issues; and
28 (f) Dealing with citizens at large.

29 18 Education; School Boards, Superintendents, Teachers, and Truant Officers; School Census;
30 How Chosen. Amend RSA 189:39 to read as follows:

31 189:39 How Chosen. [~~Superintendents~~] ***School administrators*** shall nominate and school
32 boards elect all teachers employed in the schools in their school administrative unit, providing such
33 teachers hold a valid educational credential issued by the state board of education.

34 19 Education; School Boards, Superintendents, Teachers, and Truant Officers; School Census;
35 Mandatory Report to Voters. Amend RSA 189:76, I to read as follows:

36 I. Before any meeting at which any school district adopts a school budget, [~~whether or not~~
37 ~~the district has adopted the provisions of RSA 194-C:9-b,~~] a mandatory report to voters must be

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1 posted in at least 3 appropriate places, 2 of which must be places of business or other public
2 locations, and one of which shall be the local newspaper or, if a local newspaper is not available, the
3 district's website. The report must be posted at least 7 days, excluding Sundays and legal holidays,
4 prior to the meeting.

5 20 Education; School Boards, Superintendents, Teachers, and Truant Officers; School Census;
6 Mandatory Report to Voters. Amend RSA 189:76, IV to read as follows:

7 IV. The third line graph shall be titled "Administrator Salaries" and shall display annual
8 totals of all salaries paid to administrators employed or contracted by the district [~~and corresponding~~
9 ~~school administrative unit~~] over the previous 10 years. Administrators serving multiple districts
10 may have annotation showing how their salary is apportioned among the multiple districts. A good
11 faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor
12 Statistics Inflation Calculator or an equivalent resource. Each yearly total shall be clearly labeled.
13 The upper and lower boundaries of the y-axis must be capped at the nearest hundred thousand
14 dollars.

15 21 Education; School Boards, Superintendents, Teachers, and Truant Officers; School Census;
16 Mandatory Report to Voters. Amend RSA 189:76, V to read as follows:

17 V. The table shall be titled "Top Administrator Salaries" and shall list the titles and current
18 salaries of the 4 highest-paid administrators employed or contracted by the district [~~or corresponding~~
19 ~~school administrative unit~~]. If less than 4 administrators are so employed, all administrators shall
20 be so listed.

21 22 Education; School Boards, Superintendents, Teachers, and Truant Officers; School Census;
22 Mandatory Report to Voters. Amend RSA 189:76, VI to read as follows:

23 VI. Other than the name and logo of the district [~~and corresponding school administrative~~
24 ~~unit~~], the mandatory report to voters shall not contain additional commentary or other text not
25 described in this subdivision. Additional information may be posted on separate pages together with
26 or alongside the mandatory report to voters.

27 23 Education; Pupils; Parents as Teachers Program Established. Amend RSA 193:35, I to read
28 as follows:

29 I. The department of education shall establish the school district based Parents as Teachers
30 Program for a rural community in Sullivan county in cooperation with [~~School Administrative Unit~~
31 **6**] *Sullivan County's school administrative unit* and the Parent Information Center. Sullivan
32 county will be the rural site for the program because of its unique demographic profile, including the
33 high number of risk factors affecting its children, the demonstrated interest of its public officials in
34 the program, and the capacity to link the program to existing programs within the county including
35 Good Beginnings, the Parent Information Center, and department of education programs in Sullivan
36 county. The department shall use the following criteria to measure the effectiveness of the program:

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1 24 Education; School Administrative Units; Status. RSA 194-C:1 is repealed and reenacted to
2 read as follows:

3 194-C:1 Definitions.

4 I. "Superintendent" or "school superintendent" means the city or county official elected
5 pursuant to RSA 653:1, VII.

6 II. "School administrative unit" means the city or county department overseen by the school
7 superintendent.

8 25 Education; School Administrative Units; Single District School Administrative Units. RSA
9 194-C:3 is repealed and reenacted to read as follows:

10 194-C:3 Interstate School Administrative Units; Exemption. Interstate school districts and
11 compacts created by RSA 200-B and RSA 200-F shall be exempt from this chapter.

12 26 Education; School Administrative Units; Superintendent Services. RSA 194-C:4 is repealed
13 and reenacted to read as follows:

14 194-C:4 Superintendent Services. Each school administrative unit shall provide the following
15 superintendent services:

16 I. Governance, organizational structure, and implementation of administrative services
17 including, but not limited to:

18 (a) Payroll, cash flow, bills, records and files, accounts, reporting requirements, funds
19 management, audits, and coordination with the treasurer, and advisory boards on policies necessary
20 for compliance with all state and federal laws regarding purchasing.

21 (b) Recruitment, supervision, and evaluation of staff; labor contract negotiation support
22 and the processing of grievances; arrangement for mediation, fact finding, or arbitration; and
23 management of all employee benefits and procedural requirements.

24 (c) Provisions of staff training and professional development, and development and
25 recommendation of policies and practices necessary for compliance relating to curriculum and
26 instruction.

27 (d) Compliance with laws, regulations, and rules regarding special education, Title IX,
28 the Americans with Disabilities Act, home education, minimum standards, student records, sexual
29 harassment, and other matters as may from time to time occur.

30 (e) Pupil achievement assessment through grading and state and national assessment
31 procedures and the methods of assessment to be used.

32 (f) The on-going assessment of district needs relating to student population, program
33 facilities, and regulations.

34 (g) Writing, receiving, disbursement, and the meeting of all federal, state, and local
35 compliance requirements.

36 (h) Oversight of the provision of insurance, appropriate hearings, litigation, and court
37 issues.

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1 (i) Recommendations to school boards regarding school board operations and the
2 relationship between the board and the district administration.

3 (j) Recommendations to school boards on administration and provision of educational
4 services to students including, but not limited to, fiscal affairs; staff, student, and parent safety and
5 building issues; and dealing with citizens at large.

6 (k) Recommendations to school boards on the usage and maintenance of school facilities.

7 (l) Recommendations to school boards on pupil governance and discipline, including age-
8 appropriate due process procedures.

9 (m) Administrative staffing.

10 (n) Pupil transportation.

11 (o) Grant writing, compliance, and administration.

12 (p) Annual budget, inclusive of all sources of funding.

13 (q) School calendar arrangements in cooperation with school boards and the number and
14 duration of days pupils are to be served pursuant to RSA 189:1.

15 (r) Identification of consultants to be used for various services.

16 27 Education; School Administrative Units; Organization and Duties. RSA 194-C:5 is repealed
17 and reenacted to read as follows:

18 194-C:5 Superintendents.

19 I. The state board of education may establish certification requirements for superintendents
20 in smaller and larger districts, and may designate services in addition to those established in RSA
21 194-C:4.

22 II. No school administrative unit shall enter into a contract prior to January 1, 2026, where
23 the terms, parties affected, or services provided by the contract extend beyond June 30, 2027.

24 III. Any party harmed by changes to, or consolidation of, school administrative units shall be
25 entitled only to monetary damages. No party may file suit against this state or any school
26 administrative unit or district seeking remedies other than monetary damages.

27 28 Education; School Administrative Units; Federal Assistance. RSA 194-C:6 is repealed and
28 reenacted to read as follows:

29 194-C:6 Federal Assistance. School administrative units, in cooperation with local school
30 districts, are hereby authorized to cooperate with the federal government or any agency thereof to
31 request, receive, and expend federal funds for educational purposes. The receipt and expenditure of
32 federal funds by a school administrative unit shall be accounted for in the same manner as
33 established for federal funds processed through local school districts. Each school administrative
34 unit is hereby directed to establish, separate from its operating budget, a federal grant account.

35 29 Education; School Administrative Units; Budget. RSA 194-C:9 is repealed and reenacted to
36 read as follows:

37 194-C:9 Budget.

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1 I. The city and county property tax rates in Hillsborough county shall be adjusted to reflect
2 their specific school administrative unit expenses to be raised by property taxes.

3 II. A school administrative unit's annual budget shall be determined in the same manner
4 and schedule as other city and county department budgets, except that, in the case of the
5 Hillsborough county's school administrative unit, only members of the county convention not from
6 Manchester or Nashua shall approve that portion of the county budget.

7 III. Superintendents, assistant superintendents, business administrators, teacher
8 consultants, and the regularly employed office personnel of a school administrative unit office shall
9 be deemed employees of a city or county for the purposes of payment of salaries and contributions to
10 an employee's retirement and workers' compensation.

11 IV. If a school administrative unit contains one or more cooperative school districts that
12 cross county boundaries, the county tax rate for the affected towns shall be adjusted to reflect their
13 portion of the school administrative unit expenses to be raised by property tax, and those towns shall
14 pay that portion to the appropriate county.

15 V. The commissioner of the department of revenue administration shall adopt rules to
16 implement this section per RSA 541-A.

17 30 Education; Withdrawal From Cooperative School Districts; Time of Withdrawal. Amend RSA
18 195:30 to read as follows:

19 195:30 Time of Withdrawal. The vote to withdraw from a cooperative school district shall take
20 effect on July 1 of the calendar year one year subsequent to the date on which the withdrawal vote is
21 passed. ~~[A preexisting school district which withdraws from a cooperative school district shall
22 remain a part of the school administrative unit of which it was a member prior to withdrawal unless
23 the withdrawing district complies with the school administrative unit withdrawal process set forth
24 in RSA 194-C:2.]~~ After passage of the withdrawal vote and the issuance by the state board of
25 education of its certificate of withdrawal, a special meeting of the voters in the withdrawing district
26 shall be held at a time set by the state board of education. The warrant for this special meeting,
27 approved by the state board of education and signed by the commissioner, shall provide for the
28 election of officers in the withdrawing school district. The commissioner of education shall have
29 authority to appoint officers pro tem as may be necessary and prepare the warrant for the special
30 meeting held to elect officers. This meeting shall have the same power and authority as an annual
31 meeting with reference to the raising or appropriating of money. The district officers elected at said
32 meeting shall take office immediately and shall carry out the duties of their office and may take any
33 action otherwise permitted by law which is necessary in order to carry out the provisions of the
34 withdrawal.

35 31 Education; Schoolhouses; Location and Construction by District. Amend RSA 199:1 to read
36 as follows:

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1 199:1 Location and Construction by District. The district may decide upon the location of its
2 schoolhouses by vote or by a committee appointed for the purpose, provided, however, that all plans,
3 specifications, and the selection of site for any new school buildings for any school district within the
4 state shall be approved by the school board of the district in which it is proposed to construct such a
5 building. The provisions of this section shall apply to all new construction and substantial
6 renovation of public school buildings, including those constructed by grant or loans of funds from
7 state, the federal government, or other sources. The district shall investigate feasible options in the
8 course of deciding to renovate or replace an existing school building. In considering such options, the
9 district shall hold at least one public hearing and shall seek input from municipal boards and
10 departments. The district shall also review the municipality's zoning regulations and master plan in
11 order to maximize best planning practices. ~~[For the purposes of this chapter, in addition to their~~
12 ~~usual meanings, the words "schoolhouse" and "school building" also mean educational~~
13 ~~administration building, including school administrative unit facilities.]~~

14 32 Trade and Commerce; Right to Freedom from Discrimination in Public Workplaces and
15 Education; Definitions. Amend RSA 354-A:30, II to read as follows:

16 II. "Public employee" means any person working on a full-time or part-time basis for the
17 state, or any subdivision thereof, including, but not limited to counties, cities, towns, precincts,
18 water districts, school districts, ~~[school administrative units,]~~ or quasi-public entities.

19 33 Trade and Commerce; Right to Freedom from Discrimination in Public Workplaces and
20 Education; Definitions. Amend RSA 354-A:30, III to read as follows:

21 III. "Public employer" includes the state or any subdivision thereof, including, but not
22 limited to counties, cities, towns, precincts, water districts, school districts, ~~[school administrative~~
23 ~~units,]~~ or quasi-public entities.

24 34 Public Utilities; Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-
25 a, II-c to read as follows:

26 II-c. "Municipal host" means a customer generator with a total peak generating capacity of
27 greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a
28 group consisting exclusively of one or more customers who are political subdivisions, provided that
29 all customers are located within the same utility franchise service territory. A municipal host may
30 be owned by either a public or private entity. For this definition, "political subdivision" means the
31 state of New Hampshire or any city, town, county, school district, chartered public school, village
32 district, ~~[school administrative unit,]~~ or any district or entity created for a special purpose
33 administered or funded by any of the above-named governmental units.

34 35 Actions, Process, and Service of Process; Actions; Actions Against Governmental Units;
35 Definition; Court Records. Amend RSA 507:17, I to read as follows:

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1 I. "Governmental unit" means the state and any political subdivision within the state
2 including any county, city, town, precinct, school district, chartered public school, [~~school~~
3 ~~administrative unit,~~] or departments or agencies thereof.

4 36 Actions, Process, and Service of Process; Bodily Injury Actions Against Governmental Units;
5 Definitions. Amend RSA 507-B:1, I to read as follows:

6 I. "Governmental unit" means any political subdivision within the state including any
7 county, city, town, precinct, school district, chartered public school, [~~school administrative unit,~~] or
8 departments or agencies thereof, or any other body corporate and politic within the state, but does
9 not include the state or any department or agency thereof.

10 37 Actions, Process, and Service of Process; Bodily Injury Actions Against Governmental Units;
11 Insurance Policies Procured by Governmental Agency. Amend RSA 507-B:7-a to read as follows:

12 507-B:7-a Insurance Policies Procured by Governmental Agency. It shall be lawful for the state
13 or any municipal subdivision thereof, including any county, city, town, school district, [~~school~~
14 ~~administrative unit]~~ or other district, to procure the policies of insurance described in RSA 412. In
15 any action against the state or any municipal subdivision thereof to enforce liability on account of a
16 risk so insured against, the insuring company or state or municipal subdivision thereof shall not be
17 allowed to plead as a defense immunity from liability for damages resulting from the performance of
18 governmental functions, and its liability shall be determined as in the case of a private corporation
19 except when a standard of care differing from that of a private corporation is set forth by statute;
20 provided, however, that liability in any such case shall not exceed the limits of coverage specified in
21 the policy of insurance or as to governmental units defined in RSA 507-B, liability shall not exceed
22 the policy limit or the limit specified in RSA 507-B:4, if applicable, whichever is higher, and the court
23 shall abate any verdict in any such action to the extent that it exceeds such limit.

24 38 New Paragraphs; Elections; State and County Officers to be Elected; Elected for 2-Year
25 Term. Amend RSA 653:1 by inserting after paragraph VI the following new paragraphs:

26 VII. Twelve school superintendents, selected as follows:

- 27 (a) One by the voters for the city of Manchester.
28 (b) One by the voters for the city of Nashua.
29 (c) One by the voters for all remaining cities and towns within Hillsborough County.
30 (d) One by the voters for each remaining county.

31 VIII. Towns that are part of interstate school districts, or are subject to RSA 200-B or RSA
32 200-F, shall not be eligible to participate in electing a school superintendent.

33 39 Elections; Nominations; Qualifications by Office; Incompatible Offices. Amend RSA 655:10, I
34 to read as follows:

35 I. No person shall file declaration of candidacy or primary petitions for nomination at the
36 primary for incompatible offices. For the purposes of this section, incompatible offices shall include
37 the offices of governor, United States senator, United States representative, representative to the

1 general court, state senator, councilor, county commissioner, county sheriff, county attorney, county
2 treasurer, ***school superintendent***, register of deeds, and register of probate. If any person shall file
3 for incompatible offices, the secretary of state shall advise the person of the provisions hereof and
4 said person shall then advise the secretary of state which of said offices he or she wishes to retain in
5 order to seek said nomination.

6 40 Elections; Vacancies Among Public Officers Elected at State Elections; County Officers.
7 Amend RSA 661:9, I to read as follows:

8 I. If a vacancy for a period of one year or longer occurs in the office of county sheriff, county
9 attorney, ***school superintendent***, register of deeds, or county treasurer, the members of the county
10 convention shall fill the vacancy for the unexpired term by a majority of the ballots cast. If a
11 vacancy for a period of less than a year occurs in any such office, the members of the county
12 convention shall, by majority vote of the county convention, vote to either fill the vacancy or to leave
13 the office vacant.

14 41 Elections; Vacancies Among Public Officers Elected at State Elections; County Officers.
15 Amend RSA 661:9, II(a) to read as follows:

16 II.(a) If a vacancy occurs in the office of a county commissioner ***or school superintendent***,
17 the members of the county convention, or, if the vacancy occurs in Hillsborough county, the members
18 of the county convention representing the cities and towns in the commissioner's ***or school***
19 ***superintendent's*** district, shall fill the vacancy by a majority of the ballots cast until the next
20 biennial election of county officers. If the term filled is less than the unexpired term, then
21 notwithstanding any provisions of RSA 653:1, VI, the commissioner ***or school superintendent***
22 district filled pursuant to this paragraph shall be added to the next biennial election ballot to be
23 chosen by the voters of the county for a 2-year term.

24 42 Transition Period.

25 I. Each school district shall be associated with one school administrative unit as follows:

26 (a) Interstate school districts created by RSA 200-B and RSA 200-F shall be unchanged.

27 (b) School districts within the superintendent's election district, as specified by RSA
28 653:I, VII, shall be associated with that superintendent's school administrative unit.

29 (c) Cooperative school district boards that cross county lines shall choose, prior to
30 January 1, 2026, which county school administrative unit they will be associated with.

31 II. Existing school superintendents and newly elected superintendents under RSA 653:1,
32 VII, shall, for each school district, mutually agree on a date, between March 1, 2027, and July 1,
33 2027, for when services for that district shall be taken over by the new school administrative unit.
34 All records, funds, and other property associated within that district shall be transferred to the new
35 school administrative unit by that date. Employment, transportation, services, and other contracts
36 shall be offered to the newly elected superintendent, but, if not adopted, shall be terminated.
37 Existing school administrative units shall be terminated as of their latest transition date.

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1 43 Prospective Repeal. The following are repealed:

2 I. RSA 32:5-e, IV(c), relative to warrant articles for school administrative units.

3 II. RSA 189:75, III, relative to the definition of a "corresponding school administrative unit".

4 III. RSA 194:1-a, relative to single district school administrative units.

5 IV. RSA 194-C:4-a, relative to the assignment of superintendent services and personnel for
6 school administrative units.

7 V. RSA 194-C:7, relative to representation in school administrative units.

8 VI. RSA 194-C:8, relative to weighted voting in school administrative units.

9 VII. RSA 194-C:9-a, relative to alternate budget procedures and methods of adopting
10 alternate budgets.

11 VIII. RSA 194-C:9-b, relative to alternative budget procedures for school administrative
12 units.

13 IX. RSA 194-C:10, relative to public hearings for school administrative units.

14 44 Repeal. RSA 194-C:2, relative to the organization, reorganization, withdrawal, or merger of
15 school administrative units, is repealed.

16 45 Effective Date.

17 I. Sections 42 and 44 shall take effect upon this acts' passage.

18 II. Section 38 shall take effect January 1, 2026.

19 III. Sections 17 and 26 shall take effect July 1, 2026.

20 IV. All remaining sections shall take effect January 1, 2027.

LBA
25-1156
1/16/25

**HB 765-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT consolidating school administrative units and making school superintendents jobs
an elected position.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Education and Department of Revenue Administration. The Departments were contacted on 1/15/25 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Education and Department of Revenue Administration