

# **Withdrawal From Cooperative School District**

## **Section 195:24**

**195:24 Withdrawal Vote.** – [Repealed 1996, 158:19, eff. July 1, 1996.]

## **Section 195:25**

**195:25 Procedure for Withdrawal.** – After the tenth anniversary of the date of operating responsibility, the school board of a cooperative school district may undertake a study of the feasibility and suitability of the withdrawal of one or more member districts from the cooperative district. A similar study shall be undertaken if, after the tenth anniversary of the date of operating responsibility, a pre-existing district shall, by a majority vote on a warrant article at a regular or special town meeting, direct the school board to conduct such a study. The study shall be conducted by a committee composed of at least one member of the school board from each of the pre-existing districts, one member of the board of selectmen from each town, and such other members as may be appointed by the committee. Within 180 days after the date of its formation, the committee shall report its findings to the state board of education. The committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable, or a report that includes a withdrawal plan prepared in accordance with RSA 195:26. If the committee determines that withdrawal is not feasible or suitable, the town which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance RSA 195:26. If the state board approves a withdrawal plan, whether submitted by the committee or by minority report, the plan shall be submitted to the voters of the cooperative school district in accordance with RSA 195:29.

**Source.** 1977, 439:1. 1979, 129:1. 2005, 110:1, eff. June 15, 2005.

## Section 195:26

**195:26 Withdrawal Plan.** – A plan for the withdrawal of a member district or districts of a cooperative school district shall include the following:

- I. The name of the withdrawing district or districts and the grades.
- II. The number, composition, method of selection, and terms of office of the school board of the withdrawing district or districts and of the cooperative school board.
- III. The method of apportioning the operating and capital expenses among the members of the cooperative school district if a change is to be proposed in conjunction with the withdrawal procedure.
- IV. The proposed date of operating responsibility, at which time the withdrawing district shall be responsible for the education of its pupils and after which the cooperative district will no longer have such financial and educational responsibility.
- V. The liability of the withdrawing district for its share of any outstanding indebtedness of the cooperative school district as detailed in RSA 195:27.
- VI. A plan for the education of all students in the withdrawing school district and for the continuation of the school system of the cooperative district. This shall detail the proposed assignment of students in grades operated by the cooperative and withdrawing district or districts including, if any, tuition arrangements or contracts.
- VII. Any other matters, not incompatible with law, which the planning committee may consider appropriate to include in the withdrawal plan.

**Source.** 1977, 439:1, eff. Sept. 3, 1977.

## **Section 195:27**

**195:27 Liability of Withdrawing District.** – Each withdrawing district shall remain liable for its share of the indebtedness of the capital costs of the cooperative school district which is outstanding when the withdrawal vote takes effect, and the withdrawing district shall pay to the cooperative school district annually (a) that percentage of the payments of principal and interest of such debt thereafter due which is the same as the percentage for which the withdrawing district was responsible in the school year immediately preceding the effective date of the withdrawal vote, and (b) all amounts of state aid for the purchase or construction of school buildings and any other state aids which are lost by the cooperative school district after the withdrawal of a district as a result of such withdrawal, as determined by the state board of education, except that the withdrawing district shall not be liable for any indebtedness or loss of state aid or other aid contracted after the district has duly notified the remaining districts in the cooperative that a withdrawal study is being requested. Payments in discharge of such liability shall be made in accordance with a schedule agreed upon by the school board of the cooperative school district and the withdrawing school district or, in the event they fail to agree, as fixed by the state board of education. Such payments shall be deemed to be trust funds and shall be applied by the cooperative school district solely in payment of its indebtedness which was incurred to finance cooperative school facilities and which was outstanding on the effective date of the withdrawal vote. A school district which withdraws from the cooperative school district shall forfeit its equity in any cooperative district schools.

**Source.** 1977, 439:1, eff. Sept. 3, 1977.

## **Section 195:28**

**195:28 Disposition of Property.** – If a pre-existing school district withdraws from the cooperative school district, the cooperative school district shall transfer and convey title to any school building and land located in the withdrawing district to the withdrawing district upon payment by the withdrawing district of the costs of capital improvements and additions to said school building incurred by the cooperative school district, less the share which the withdrawing school district has already paid toward such costs and the share which the withdrawing school district is required to contribute toward such costs as provided in RSA 195:27. The amount of said capital improvements and additions and the time of transfer of title shall be determined by the agreement for withdrawal between the cooperative school district and the withdrawing school district. The withdrawing school district forfeits its equity in all other cooperative school district facilities.

**Source.** 1977, 439:1, eff. Sept. 3, 1977.

## Section 195:29

**195:29 Vote on Withdrawal.** – If the state board approves the plan for withdrawal, the board shall cause the withdrawal plan to be published once in some newspaper generally circulated within the cooperative school district. Upon receipt of a written notice of the board's approval of the withdrawal agreement, the school board of the cooperative district shall cause the withdrawal plan to be filed with the clerk of the cooperative school district and submitted to the voters of the district as soon as may reasonably be possible at an annual or special meeting called for the purpose, the voting to be by ballot with the use of the checklist, after reasonable opportunity for debate in open meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 195 (as amended) providing for the withdrawal of the pre-existing district of \_\_\_\_\_ from the \_\_\_\_\_ cooperative school district in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes \_\_\_\_\_ No \_\_\_\_\_

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall issue its certificate to that effect and such certificate shall be conclusive evidence of the withdrawal of the pre-existing district and the continuation of the cooperative school district as of the date of its issuance, or the dissolution of a 2-district cooperative if the cooperative was formed by 2 pre-existing districts, provided, however, that a withdrawal plan shall be prepared for a 2-district cooperative and it shall provide for the disposition of property held within the cooperative and a statement of assumption of liabilities. If a majority of voters present and voting reject the plan, the withdrawing district shall have the right to appeal such vote to the state board of education. The state board shall upon receipt of such appeal investigate and report back to the district on its findings and recommendations; and this report may require that there will be another special meeting for a vote of reconsideration.

**Source.** 1977, 439:1. 1979, 129:2. 1996, 158:15, eff. July 1, 1996.

## **Section 195:30**

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

**Source.** 1977, 439:1. 1979, 129:3, eff. Aug. 4, 1979. 2010, 5:3, eff. June 18, 2010.

File is: \SAU2013\Danbury\ Withdrawal From Cooperative School District - Relevant RSA's.doc

**SOURCED FROM:** <http://www.gencourt.state.nh.us/rsa/html/XV/195/195-mrg.htm>