

<p>Subject:</p> <p><i>Relative to the Duties and Responsibilities of Superintendents of School Administrative Units (SAUs)</i></p> <p>Date: September 3, 2024</p>	<p>Legal Reference – HB 1552 (2023-2024 Legislative Session)</p> <ul style="list-style-type: none"> • <i>RSA 194-C:4-a</i> • <i>RSA 153:14, II(b)</i> • <i>RSA 170-G:8-a, II(b)(3)</i>
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This Technical Advisory continues the New Hampshire Department of Education’s communication regarding new legislation which was passed during the 2023-2024 legislative session. Specifically, HB 1552, which is relative to the duties and responsibilities of superintendents of school administrative units.

HB 1552 becomes effective August 13, 2024.

During the 2023-2024 legislative session, HB 1552, relative to the duties and responsibilities of superintendents of school administrative units (SAUs), was passed into law. HB 1552 creates a new section in the law, RSA 194-C:4-a, that clarifies the definition of the term “superintendent” as, “the superintendent and any personnel assigned by the superintendent to perform superintendent services under the authority in RSA 194-C:5.” Therefore, this legislative change further reinforces that school districts are *not* required to employ a certified superintendent. Rather, a district can assign the required services to one or more administrative personnel working full or part-time or the services may be independently contracted. *See* RSA 194-C:5, II(a).

By way of relevant background, superintendent services, as defined in RSA 194-C, are as follows:

I. An educational mission which indicates how the interests of pupils will be served under the administrative structure.

II. Governance, organizational structure, and implementation 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 policies necessary for compliance with all state and federal laws regarding purchasing.

(b) Recruitment, supervision, and evaluation of staff; labor contract negotiation 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 professional development, and development and recommendation of policies and practices 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 all federal, state, and local compliance requirements.
- (h) Oversight of the provision of insurance, appropriate 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, and parent safety and building issues; and 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.

The clarification of the definition of “superintendent” in this statute also makes reference to additional statutory uses of the term in RSA 153:14, II(b), which pertains to fire safety measures; and RSA 170-G:8-a, II(b)(3), which pertains to the confidentiality of records in DCYF cases. The understanding of this statutory change, including the application to other statutory references to the term, is to make expressly clear that RSA 194-C:5, “School districts shall not be required to have a superintendent ...” applies to all uses of the term in statute.

HB 1552 can be accessed [here](#).

For questions related to this Technical Advisory, please contact:

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