BOARD MEMBER AUTHORITY

The authority of individual Board members is limited to deliberating and voting upon matters during duly noticed and convened meetings of a quorum of the full Board, or when – and only to the extent that – an individual member is given specific authority by action of the Board to act or speak on behalf of the Board or District.

Accordingly, no Board member has power or authority to act or speak on behalf of the Board or District, unless and only to the specific extent that the Board has granted such authority. Even when such authority is given, the authority is limited to (a) the specific action and instructions of the Board, and (b) to matter that are within the Board's own authority (e.g., the Board may not give authority to an individual member to supervise or direct the work of District employees).

Board members wishing to speak (whether orally, on social media, or otherwise) outside of Board or Board committee meetings on matters within the Board/committee's supervision, control, jurisdiction, or advisory power, or other School District matters should make clear that the Board member is speaking/communicating in an individual capacity only.

An individual Board member, including the Chairperson, has power only when the Board by vote, has delegated authority to them. No legal action can be taken except at a duly noticed meeting of the Board and by quorum acting as a unit. The decisions of the Board shall be binding until rescinded by the Board at a duly called regular or special meeting.

Legal References Disclaimer*: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Legal references:

NH Case Law & Lower Court Orders	**Description**
No. 217-2023-CV-370 (2023)	In re: Town of Warner, Merrimack County Superior Court
NH Statutes	**Description**
RSA 91-A:2	Meetings Open to Public
RSA 91-A:2-a	Communication Outside Meetings
NH Dept of Ed Regulation	**Description**
N.H. Code Admin. Rules Ed 303.01	Substantive Duties of School Boards
Federal Cases	**Description**
601 U.S. 187 (2024)	Lindke v. Freed
601 U.S. 205 (2024)	O'Connor-Ratcliff v. Garnier,

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