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***To Amend or Not Amend the Constitution
or
To Pass the Buck or Tackle the Real Challenges...***

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As anticipated, a novel constitutional amendment is now before the New Hampshire Legislature (see article in earlier newsletter this year). What is unusual about this year's version is that it is sponsored by individuals that previously opposed any measure designed to limit the rights of all children to an adequate education, at the state's expense, and/or limit the Supreme Court's oversight over an adequate education.

CACR 18, championed by Governor Lynch and legislative leaders in both the Senate and the House, purports to solve the education-funding problem once and for all. This is accomplished, according to the amendment's proponents, by allowing "targeting" of educational aid to the most needy school districts, in an affordable manner. This action will then lead to equal educational opportunity for all students. Supporters assert that this change in our Constitution will lead to a permanent solution to this perennial challenge. As of this writing the proposal has already received a 60% vote by the Senate, approval by House Finance, and is now heads to the New Hampshire House of Representatives for its consideration.

I, for one, would suggest that these assertions are likely to be inaccurate or at least incomplete. At the onset, I would acknowledge that I am but one voice, a citizen of New Hampshire, who has closely followed the Legislature for eleven (11) years, and has spent thirty-

four (34) years serving public education. I'd like to humbly share my perceptions of why the benefits may be overstated or misunderstood. Let me explain.

1.) *Targeting Educational Aid*

First of all, targeting of educational aid is already legal and permissible under state laws and our Constitution. Therefore, in my mind, we only need a constitutional amendment if we choose to target aid, in place of or instead of, providing basic adequacy aid to all New Hampshire's children.

On the other hand, the New Hampshire Supreme Court recognized several important facts regarding public education in its "Claremont Decisions". Foremost among these are that public education is a fundamental right of all children everywhere in our state. In addition, they found that public education is highly regulated, defined by state laws and rules, and that it has been historically funded by a regressive state tax system (grossly uneven property tax). I, for one, agree with these assertions. Public education is fundamentally important for all children (and I would say taxpayers too). It is highly regulated by state laws and rules, and it has and is funded by largely uneven (or non-uniform) property taxes. In my mind, targeting is desirable only in addition, to basic adequacy funding for each child, not in place of it.

2.) *Affordable Solution*

The notion of limiting state aid to schools solely because available dollars are limited by existing revenues, I believe, is flawed both morally and logically. By basing the rationale of the solution on "what makes it affordable or easier for the state", simply fails the logic test. The amendment's proponents argue that not all school districts "need" state money, only some do. That would lead any citizen to ask, "Which ones need money?"

It is estimated that New Hampshire citizens pay annually over 2.4 billion for public education. As we look at the potential impact of CACR 18 the state is required to pay no less than 50% of adequacy. So then we must ask, "How much does adequacy cost?" Is it half of 2.4

or 1.2 billion? If so, then 50% is 600 million. It is important to note that current state adequacy aid is \$472,812,134 on grants plus \$363,335,002 raised on state property tax equaling \$836,147,136. Therefore, it is possible, and in fact probable, that if this amendment is approved less overall aid will be given to schools and taxpayers and with targeting fewer number of school districts will receive any money. This possibility then poses the questions, “who gets the money?” and “what about those that lose money?”

In practice then, the state can require high requirements and standards, and the local community must pay the bill on an already overburdened property tax. They must pay “the bill” because why? Because the state wants to make it affordable for the state’s budget, but at the same time more costly for local taxpayers.

3.) *Equal Opportunity*

There is no mistaking the fact that educational opportunities vary among school districts; and that the amount of money spent per student also varies significantly. This is most apparent if we look at the extremes, highest to lowest, in both expenditures per pupil and tax rates.

This amendment appears to adversely effect a large number of what I call "middle-tier" communities. Communities that now get some aid (and previously got more) will no doubt get little or no adequacy aid under this amendment. What happens in those communities (e.g. Dover, Concord, Merrimack, Londonderry, Rochester and more...) as their aid ends and millions of dollars is shifted onto the local school tax rate? My guess is that taxpayers will quite logically object, and seek ways to limit or cut expenditures. These reductions (or reluctance to invest in new contracts and bonds) will drive these districts towards mediocrity, not excellence. Move them towards fewer opportunities for students, not equal opportunity for all children.

4.) *Permanent Solution*

The proponents of this amendment assert that this amendment will lead to the establishment of a lasting solution to this nagging problem. I think logic and past experience

predict that the opposite will happen. The net effect of this desired change would leave the New Hampshire Legislature and Governor, in charge of defining adequacy, costing it out, deciding "need", and distributing the dollars. All of this will occur with more limited oversight by the Judicial Branch of our government.

Furthermore it is important to remember that the New Hampshire Legislature meets every year from January through June. Each year there have been numerous attempts to alter, tweak, fix or completely change educational funding laws. These changes were attempted when the Court had broad jurisdiction. In addition, these changes occurred during, and often after, school district voters already decided budgets. Why would any reasonable person think that this practice wouldn't continue and perhaps become more frequent or expansive, if oversight is limited? It would appear quite logical to me that as new majorities come together, the votes will be there to: change, tweak, adjust, funding again and again and again.

In closing, I, for one, believe that public education is a fundamental right of all children, regardless of where they may live. It is my belief that we don't need to amend our constitution to limit that right to just children (and taxpayers) who may live in certain school districts. I pray our legislators will recognize that fact, tackle the tough challenge (not avoid it or pass on the challenge) and stand up to be real champions for all New Hampshire's children (AND Taxpayers)! If you agree, contact your representative in the House of Representatives (<http://www.gencourt.state.nh.us/ns/whosmyleg/default.asp>). If you disagree, let's hope my perceptions are wrong.

As always, I welcome your thoughts and ideas.

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