

Is it Time...

...this time to institute a reasonable and sustainable educational funding solution for New Hampshire?

On June 22, 2006, the New Hampshire Supreme Court issued its most recent decision regarding educational funding in our state. This decision sets the stage for the newly elected state legislature to again attempt to establish a reasonable, sustainable and constitutional system of funding public education in New Hampshire.

By the date of this publication, New Hampshire citizens will have elected our newest state officials and beginning in December 2006 (and no doubt continuing through the Spring 2007), the work will begin. The big question remains...Will we learn from our mistakes or repeat past experiences?

The Decision 2006

The most recent court decision restated many earlier arguments that the court has made since its first decision in 1993. In essence, the Court, in 2006, found the most current law (SB616) was unconstitutional and requested again that the Legislature define what a "constitutionally adequate" education is. In addition, for the first time, the Court set a deadline (June 2007) and suggested that if the Legislature failed to act, the Court itself may be reluctantly forced to create a definition.

It should be made clear that the Supreme Court's decision does not explicitly object to particular funding methods of New Hampshire's education system. It objects to funding methods, which are implemented in the absence of a clear definition of adequacy. This year is a unique opportunity to talk about the heart of the matter - the future of public education in New Hampshire, and the future of our state's children. Since the 1997 Claremont II decision, the State has still not developed a definition of an adequate education which means it is impossible to accurately develop a cost for providing an adequate education that leads to state's chronic under funding of education. State adequacy aid has fluctuated since its inception in 2000, when a total commitment of \$824 million was made. The amount actually peaked in 2004 at \$895 million, including the statewide property tax, but then fell to \$804 million in 2005. The 2006 level of \$835 million is a reduction from the \$859 million districts were entitled, and scheduled, to receive. The lack of a consistent, principled approach to the distribution of state adequacy aid is a direct result of the state failing to realistically define, and thus determine, how much adequacy actually costs.

As we begin this process again it is important to review an abbreviated history of our past attempts to answer this challenge.

Major Past Actions in Complying With "Claremont"

As I recall the early days of the second big Claremont decision (December 17, 1997), there was shock, confusion, euphoria and more. Once the dust settled some reasonable attempts began to surface, designed to address the challenge. The Legislature began public meetings with guest national experts who represented the major contemporary views of how to address the question of educational adequacy. These were followed by in-depth analysis of various approaches.

Governor Sheehan initiated the "ABC Plan", which sought to solve the problem by establishing a standard for adequacy, a uniform property tax, but left excess resources in "wealthier" communities. The plan was later found not to meet the Court's standards.

The Governor then created a Blue Ribbon Committee to study issues with an eye toward raising sufficient revenue. Its report titled "New Hampshire Commission on Educational Funding" was issued on January 8, 2001, and the Commission was chaired by David T. McLaughlin, President Emeritus at Dartmouth College.

The Legislature continued its work that resulted in the "Final Report of Adequate Education Costs and Municipal Grant Distribution Commission" created by law in 1998. This work led to the first "constitutional" system and was in place essentially until the advent of SB616, as a second year compromise, that was in effect for the 2006-07 school year.

Periodically during this struggle to meet the Court's challenge, several issues emerged and reemerged. Namely, a constitutional amendment (designed in various forms to limit the Courts oversight) and a new twist, "Targeting Aid" (that sought to limit state liability for total costs and send aid only or more directly to "needy districts").

The former initiatives were repeatedly not supported by the Legislature and the latter gained momentum as an idea, fueled by donor town support, as a way to satisfy the Court's requirement but limit the state's financial obligation. Each of these initiatives, in their various forms, sought to define and limit and/or control the impact of the state's responsibility for funding. In essence, they worked against providing needed basic educational assistance to each child in every school district.

Overtime, the Legislature's initial "adequacy plan" persisted with slight annual adjustments, until the "Targeting Aid" version was supported by the Senate and Governor Lynch as the second year alternative in 2005.

Of significant note, during the interim period, the “Citizens Voice Project” created the “Fund the Gap” report in 2004 (a PowerPoint is available on our website www.nhsaa.org/Publications/Educational_Funding). This report was the product of holding a number of community forums discussing essential questions about what schools should be like and outcomes expected. The extensive feedback shaped a proposal to design basic building blocks for schools and cost out a “minimally adequate education”.

It is also interesting to note that NHSAA has offered an initial plan to identify adequacy in January 1998 (perhaps the second idea offered). This report is also available at the same website. In addition, in June 1995, NHSAA issued a “Position Paper in Adequate Public Education” (probably the first idea offered).

In answer to our beginning question...“*Is it time?*” I, for one, hope the answer is YES! We, as a state, have studied the issue and many well-intentioned citizens have worked very hard to establish a reasonable, sustainable and constitutional system of funding public education. It is my hope and prayer that this time we will learn from our past experiences and remember all children everywhere as we meet the challenge.

A Beginning Action Plan

Possible actions NHSAA member may wish to take:

1. Monitor legislative efforts aimed at reducing and/or diverting public funds from public schools.
2. Recognize and applaud efforts to define adequacy at a reasonable level and ensures a high quality education for all children regardless of town of residency.
3. Actively oppose legislation that will have the effect of weakening our state’s public education system.
4. Support public engagement and legislation to maintain the constitutional right of all students to a high quality education sufficiently funded by the state with a reliable source of revenue (e.g. Citizen Voice Fund the Gap Information).
5. Evaluate possible legislative solutions.

As always, I welcome your thoughts and reactions (mark@nhsaa.org).