

# **Joint Legislative Task Force on Adequacy**



## **Report of the Task Force**

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# JOINT LEGISLATIVE TASK ON ADEQUACY

## FINAL REPORT

### **I. Members of the Joint Task Force**

Senator Iris Estabrook (Dist. 21), Co-Chair  
Senator Martha Fuller Clark (Dist. 24)  
Senator Molly Kelly (Dist. 10)  
Senator Bob Odell (Dist. 8)

Rep. Emma Rous (Straff. 7), Co-Chair  
Rep. Kim Casey (Rock. 11)  
Rep. James O'Neil (Hills. 19)  
Rep. Nancy Stiles (Rock. 15)

### **II. Introduction**

Speaker of the House Terie Norelli and President of the Senate Sylvia Larsen established the Joint Legislative Task Force on Adequacy to conduct public forums and solicit input from stakeholders around the state on the components of defining an adequate education. The Task Force was charged with reviewing and deliberating over the comments submitted at the public meetings and in writing and making recommendations for legislation to define an adequate education in response to the decision of the state Supreme Court in Londonderry SAU #12, et al. v. State of New Hampshire.

The Joint Legislative Task Force held five forums across the state from February 6 through March 12, 2006, in Nashua, Plymouth, Manchester, Dover, and Claremont. Over 400 people attended these meetings, which were professionally facilitated by Mr. Randy Benthien of Benthien Associates. Additional information sessions were held by one or more members of the Task Force in Conway, Keene, Swanzey and Westchester-Hinsdale.

At each forum, participants were provided with several handouts including a summary of current legislative proposals defining an adequate education introduced into the House, copies of the Minimum Standards for School Approval issued by the N.H. Department of Education, and copies of the Task Force presentation on the legislative and legal background of defining an adequate education. Forum participants were also encouraged to submit written comments to the Joint Legislative Task Force through the Task Force website, [adequacy@leg.state.nh.us](mailto:adequacy@leg.state.nh.us).

### **III. Summary of Public Comments**

Stakeholders offered a variety of comments concerning their view of what constitutes an adequate education and related issues such as the role of local versus statewide control of education and the role of the courts. The most prevalent comments received at the forums were in support of including public kindergarten in the definition, using the current standards for school approval and curriculum frameworks as a starting point, and ensuring that the definition is not a ‘one-size fits-all’ approach. This section summarizes the points made by stakeholders at both the forums and the informational meetings.

#### Kindergarten/Early Childhood Education

There is general consensus that early childhood education is a crucial part of defining an adequate education. Education starts very early, in the first or second year of life. New Hampshire should have mandatory kindergarten and perhaps pre-school. Pre-natal care is also important. Early education is the best chance children have for success. Many who testified advocated for full-time public kindergarten across the state. Others believe there should also be programs available for 4 year olds or other early learning opportunities.

#### Use of Current Standards/Curriculum Frame Works

Many members of the public and those present representing education advocacy groups believe that the current ‘minimum standards for school approval’ and existing curriculum frameworks should serve as a basis for defining adequacy in education. The definition of adequacy should either be a sub-set or the entirety of the minimum standards. The state does not have to start from scratch; there is a lot to go by. Keep the definition simple, minimum standards are the least amount of education that can be provided. Some are concerned that the proposed House bills chip away at the standards and frameworks and that is the wrong direction to take.

#### No ‘One-Size-Fits-All’ Approach

The Task Force heard testimony that all children cannot be educated the same way. What is adequate for one student may not be adequate for another, and there are difficulties associated with defining adequacy broadly. There is no ‘one-shoe-fits-all’ approach that works for all children. Different children require different approaches. There are many different types of education; math and science, vocational, service oriented, business oriented etc. Every student should not be required to study every subject. Each child needs to be looked at as an individual. Exposure to an array of different experiences is important.

#### Outputs/Inputs

Much discussion centered on defining adequacy based on educational inputs or outputs. Those that testified in favor of using inputs stated that every child should have the same opportunities. Children should be equipped with the skills, knowledge, and dispositions

necessary to have options later in life. Those that testified in favor of using outputs believe that a system of recognizable and desirable outcomes should be implemented. One person testified that the definition should look at what is needed to graduate from high school and work backwards.

### Constitutional Amendment/Local Control

Many testified in favor of and opposed to a constitutional amendment. Those in favor want to remove the courts from the process and limit the definition. Some suggested adopting a broad definition, passing a constitutional amendment, and adopting a school choice program. Others expressed frustration because of endless lawsuits and urged task force members to reject the court's mandate to define a universal standard. They believe that defining an adequate education will open the state up to additional lawsuits. The duty set in the constitution is for legislators, not the courts, to cherish education. They do not want to see the court decide how to fund education. The state should not be in the business of determining standards. Many asked how the word 'cherished' became adequate or equitable. They could not find the words 'adequate education' in the constitution.

Those opposed to a constitutional amendment questioned why students are taught about three branches of government if the legislature is going to exclude one of the branches from the conversation. The N.H. Constitution predates the U.S. Constitution. The N.H. Constitution set-up three separate but equal branches of government. Education was included in the constitution because the founding fathers viewed it as essential to the preservation of government.

### Alternative and Vocational Education /Extended Learning

Some children can not learn within the confines of the school day. The Task Force was asked to consider including extended learning opportunities because students need additional time to learn. Students do not stop learning when they leave the school building. An adequate education should include before and after school homework labs and other extended school learning opportunities. Co-curricular activities are an extension of educational activities.

Career, technical and alternative education are an important part of adequacy. In other countries many students are prepared for certain jobs right out of high school. There should be apprenticeship programs where people can learn trades and skills.

### Students in Poverty

A child's economic status has a major effect on learning and should be taken into consideration. Students who grow up in poverty are at a disadvantage. One person stated that the definition of adequacy comes down to the 14<sup>th</sup> amendment, 'separate but equal.' A child's zip code should not determine their destiny. If education is offered to one

citizen then it has to be the same for all of them. Public education is more than just a commodity and quality education should be provided to all students. Low income students need additional resources.

### Teach Basics

Some believe that it is not the state's responsibility to legislate everything from pre-natal care to death. They encourage the task force to stick to the basics; reading, writing, and arithmetic. At the time of high school graduation the student should be prepared to live on their own and to take care of themselves. They should be ready to go to college or enter the workforce. Skills like budgeting and accounting need to be taught as well as skills needed to participate in civic discourse. One person stated that education up to the eighth grade should serve as a foundation for adequacy. Another person believes that if 20-30% of students are passing standardized tests it proves that an adequate education has been provided. Practical knowledge should be included in the definition.

Others believe that education is more than just reading, writing, and arithmetic. It is also the cafeteria, the counselors, after school activities, teachers' aides, and substitute teachers.

### Teachers

Some advocated for additional assistance for teachers. More classroom assistants are needed because teachers are responsible for too many students. Teachers shouldn't have to pay out of their own pockets for supplies. Take into account teachers' salaries; it is not fair that a teacher in one town makes thousands more dollars per year than a teacher in the next town. There is a shrinking pool of resources and teachers need professional development.

### Guidance counselors

Several guidance counselors stressed the need to include guidance councilors in the definition of adequacy. Guidance counselors are already included in the health standards, but they do not believe that is sufficient. Guidance councilors help with social development and are critical in helping to prevent drop-outs. They are also the main link to post-secondary education.

### Special Education

Special needs education is expensive and the high cost should be taken into consideration. Many had concerns with the way in which special education is run.

### Gifted Education

Special education is important not only for children with learning disabilities, but also for children at the top level of the spectrum

### Accountability

Results need to be measured and schools held accountable. Some believe that adequacy should be measured through New England Common Assessment Program (NECAP). Others are critical of NECAP tests and care more about the teacher's impression of the student. Without some kind of outcome measurement you cannot get a sense of a students' knowledge and skills.

### Social Studies/Civics

Social studies education is important and is being left out. Social studies is not tested, therefore in many schools the subject is neglected. Good citizenship requires the teaching of social studies/civics.

### Support University System

The Task Force should evaluate state support of the university system and consider making a larger investment. Businesses and universities should be involved in the decision.

### Class Size

The definition of adequacy should set class size at a certain rate. There should never be more than 20/25 students to one teacher.

### Facilities/Technology

Facilities drive curriculum and are an important part of learning so the infrastructure of schools should be taken into consideration. School construction costs should not be ignored. There is a need for state assistance in these areas. Many communities struggle with facilities. Technology divides the haves and the have nots. Ensure that there are adequate laboratories to teach curriculum. Some believe that facilities are not as important as having good teachers.

#### **IV. Recommendations**

The Task Force recognizes and agrees that the definition of an adequate education must be sufficiently clear to permit common understanding; and allow for objective determination of costs; and it must allow for objective measurement and assessment.

With these objectives in mind, and based upon public input and research on the best educational practice, the Task Force specifically recommends that the definition of an adequate education:

1. Specify those school approval standards that apply to the instructional areas of English/language arts and reading, mathematics, science, social studies, the arts, world languages, technology, health and physical education, career and technical education; and as supported by the curriculum frameworks and grade level expectations for grades K-12.
2. Acknowledge that educational needs and community resources vary from school to school and that providing an adequate education in schools with greater challenges may require more resources in identified enhanced need schools.
3. Establish the following core resource elements in all schools as well as the level of resources essential in enhanced needs schools, such as experienced teachers, smaller class size, and full day kindergarten. An enhanced ratio shall be established for;
  - Instructional resources, including technology
  - Student support services
  - Staff Development
4. Create a process for initial and periodic determination of the specific costs of the core elements and other costs it may determine are essential to providing the substantive educational content of an adequate education. Following the initial determination, this review should occur in conjunction with the decennial review of the Standards for School Approval.

**V. Minority Statement**

*Statement of Bi-partisan minority of the Joint Legislative Task Force:*

A bi-partisan minority of Task Force members wish to separately address the recommendations adopted by the Task Force. The undersigned members agree with Task Force recommendations numbered 1 and 2 as adopted in the Report. We also agree that each student needs a range of services, educational supports and instructional resources in order to have the opportunity to receive the substantive educational programs that constitute an adequate education. Task Force recommendations numbered 3 and 4, as adopted, are such elements that merit consideration, but as part of the secondary process of determining the cost of an adequate education rather than inclusion in its definition. In all other respects, we concur with the Report of the Task Force.

Sen. Bob Odell  
Rep. Kimberly Casey  
Rep. Nancy Stiles