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New Hampshire Supreme Court Rules State Education System Unconstitutional

The New Hampshire Supreme Court today ruled again that the State's education system is unconstitutional, finding that the State failed to define a "constitutionally adequate education". Notably, the Court did not specifically rule that the current funding system in House Bill 616 is unconstitutional. Rather, the Court directed the Legislature to "define with specificity the components of a constitutionally adequate education before the end of fiscal year 2007."

The Court primarily focused on the definition of "adequacy" and, by extension, the corresponding cost of an adequate education. The Court found that the State did not fulfill its duty to define the substantive content of a constitutionally adequate education because RSA 193-E:2 does not sufficiently set forth enforceable, reviewable standards so that citizens can know what the parameters of an adequate education are. Without such standards, the Court said, 'it will remain impossible for school districts, parents, and courts...to know where the State's obligations to fund the cost of a constitutionally adequate education begin and end.

Though the Court did not rule that the funding system currently formulated under HB 616 is unconstitutional, the Court did state that when HB 616 is viewed in conjunction with the State's failure to define an adequate education and relating statutes, it "falls well short of the constitutional requirements established" in the series of Claremont decisions.

Rather than rule HB 616 unconstitutional, the Court stayed the trial court's decision and directed the Legislature to define and determine the cost of a constitutionally adequate education, further define the requirements of accountability, and establish a uniform tax rate by the end of fiscal year 2007. The Court will then reexamine the new statutory scheme and may taken further action, if deemed necessary to enforce the State's obligation to provide a constitutionally adequate education.

The Court's decision to set a firm deadline for the Legislature to rectify these issues represents the Court's willingness to take a more proactive role in stipulating that the New Hampshire Legislature conclusively develop a system of delivering and funding an education system that satisfies constitutional requirements.

For more information on this important ruling, please contact NHSBA at (603) 228-2061.