

NHSBA OPPOSITION TO CONSTITUTIONAL AMENDMENT

CACR 27

House Finance Committee January 19, 2010

The New Hampshire School Boards Association appreciates this opportunity to share our continued opposition to proposals seeking to amend the constitution in such a way that is contrary to the current interpretation of, and Supreme Court rulings in, both the Claremont and Londonderry decisions.

NHSBA supports both these rulings: the language in the proposal before you today does not reinforce or sustain the spirit and meaning of those decisions. In fact, it does the opposite, removing any requirement for state support of education by placing total financial responsibility on the local community.

Over the past decade, NHSBA has addressed this issue annually at our Delegate Assembly of school board members from across the state. We have adopted several resolutions that are relevant to the proposal before you today.

In 2001 we adopted a resolution calling for a legislative solution that is fair and equitable, with any money raised being distributed to the school districts. We later adopted a resolution that actually anticipated the Londonderry decision, urging the legislature to define the curriculum for an adequate education, calculate the corresponding cost, and then develop a funding distribution formula “consistent with the spirit of the Claremont decisions.” More recently, we also adopted a resolution opposing any attempt to divert state costs and responsibilities to local districts, opposing any downshifting of state costs to the local level. And in 2008, after much review and debate, we adopted the following specific resolution:

The NHSBA opposes any constitutional amendment that vacates the spirit and intent of the Claremont and Londonderry lawsuits and attempts in anyway to limit or redirect funding in a manner that is contrary to the New Hampshire Supreme Court’s ruling and present interpretation of the New Hampshire Constitution.

The language of proposed CACR 27 does nothing to address the spirit and meaning of the Claremont rulings and actually eliminates the state obligation to all students. The proposed amendment shifts total funding responsibility to the local level and allows the state to annually decide whether to supplement local funding with some yet to be determined “needs or rewards based formula”, leaving local districts to raise the total funds necessary for their educational program offerings.

The message I would like to leave with you comes from the state's school board members – locally elected officials who struggle daily with the oversight of implementing local education programs for the overwhelming majority of our children who attend public schools. This oversight comes within parameters established both by state law and agency rulemaking: for example, the minimum standards in areas such as curriculum and length of school year. The state is a partner in this venture, and adequate education funding plays an integral role in the support and delivery of education to our children.

Much discussion and attention has been focused on the need to “target” state aid, often at the expense of other, less “needy”, communities. While a few outliers of towns in our state may be given as examples of high income and/or low property taxes, the simple fact is that the bulk of our communities are not wealthy towns. Different measures of wealth (property wealth, income wealth, percent of students at-risk, etc.) simply result in different rankings: it is only a relative position on a continuum.

Many of our middle tier communities have been here before, and know very well the uncertainty that can result from not knowing one year to the next if the state will participate in education funding, or whether their district “falls off” some targeted aid funding continuum or remains as a receiver of needed state aid. The reality is that the majority of districts in our state rely on state funding to help implement the educational programs offered within their schools.

In closing, I would like to add that New Hampshire had a targeted aid equalization program for many years: it was called Foundation Aid. In the 1970's and early 80's, it distributed \$3.6 million to approximately 25 towns. There ensued a significant statewide effort to re-define the formula and make it sensitive to more variables: property wealth, income wealth and tax effort. And in 1985, with strong support for the revisions and goals of the change, it was adopted and became known as the Augenblick Formula. That formula had a goal to fund the average district at 8%, with higher amounts for below average towns, and lower amounts for above average towns. Approximately \$200 - \$250 million was needed to fully fund the program, but at its best, only \$60-\$70 million was ever appropriated. Full funding never happened, and our average districts received little or no financial support. And then we had Claremont. Our school districts cannot afford to return to that scenario.