

New Hampshire School Boards Association
Dr. Theodore E. Comstock, Esq., Executive Director
Dean Michener, Director of Governmental Affairs

FOCUS ON:
EDUCATIONAL ADEQUACY
January 2007

The September 2006 Supreme Court ruling on school funding (see NHSBA Focus on School Funding link <http://www.nhsba.org/focuson.asp>) in the Londonderry case determined that the State has failed to define a “constitutionally adequate education”. Consequently, there is no way to determine whether the State is meeting its constitutional obligation to adequately fund an adequate education (consistent with previous decisions of the Court) for all students in New Hampshire. The Court specifically directed the Legislature to define, with specificity, the components of a constitutionally adequate education, and then determine the cost of funding such education.

CURRENT STATUS

The Supreme Court decision does not ‘invalidate’ or rule the current funding formula (HB 616) unconstitutional. Instead, the Court allowed for the status quo to continue and directed the Legislature to define and determine the cost of a constitutionally adequate education, along with accountability requirements and a uniform tax rate for any taxes used to fund the state’s obligation. A deadline of June 30, 2007 was imposed, after which the Court will re-examine any new/revised statute and take further action if deemed necessary.

NHSBA ROLE

The New Hampshire School Boards Association has several standing resolutions specifically addressing the Claremont case. Resolution #6 focuses on the actual definition, and corresponding cost, of an adequate education:

NHSBA urges the Legislature to utilize the resources of the NH Department of Education, including the Department’s statistical data, to define a curriculum that comprises an “adequate education” in the State of NH, and further to calculate the actual cost of an “adequate education,” and to develop an Adequate Educational Funding distribution formula which is consistent with the spirit of the Claremont decisions.

Resolutions #7 and #10 acknowledge the need for additional revenue, supporting an equitable and sustainable tax dedicated solely for education and used for the purpose of meeting the state’s obligation to help support public education.

An important corollary to a legislative response is also contained in Resolution #4, which acknowledges the budget and funding process school districts must follow, and that legislative changes affecting the funding of schools should not take effect after the budget and school district meeting process: any change in statute should become effective in the following biennium, allowing boards to plan appropriately.

DEFINING AN ADEQUATE EDUCATION

From: Londonderry School District v. State of NH, (2006): "Any definition of constitutional adequacy crafted by the political branches must be sufficiently clear to permit common understanding and allow for an objective determination of costs. Whatever the State identifies as comprising constitutional adequacy it must pay for. None of that financial obligation can be shifted to local school districts, regardless of their relative wealth or need."

Four 'Guiding Principles' have led the New Hampshire School Boards Association in its efforts to offer suggestions and provide input in the development of a definition of "Adequate Education". They include:

1. All decisions used in developing a definition of "Adequate Education" must be driven by an unwavering commitment to the children of New Hampshire and what is best for them.
2. The definition of "Adequate Education" should be one that is reasonable, achievable and appropriate for all children and not, necessarily, what should, in the best case, be available to all children.
3. The definition of "Adequate Education" should be structured utilizing a combination of "input criteria" (such as the State Minimum Standards) and "output criteria" such as the state curriculum frameworks and testing standards of the NECAP.
4. The definition of "Adequate Education" must focus on equal educational opportunities implemented by local control.

A Starting Point: An adequate education for students in the New Hampshire public schools shall (1) ensure that students graduate from the public school system with the academic and vocational skills and attitudes necessary to enable all students to become positive contributors to our economic, political, learning, cultural and social environments; (2) enable all students to become proficient with integrating high technology into their lives; (3) emphasize educational programming and learning resources that allow all students to function in all aspects of written and verbal communications, mathematics, sciences (including physical, political, and behavioral), and (4) provide a structurally sound and physically safe environment conducive to educational productivity.

These principles and concepts can help focus the discussion of how best to ascertain the components, and corresponding cost, of providing such an educational program. If NHSBA can assist you, in any way, with promoting discussion of these 'Adequacy Concepts', please feel free to contact us at 603/228-2061.