

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS  
106 Hancock Road  
Peterborough, New Hampshire**

**CONTOOCOOK VALLEY SCHOOL BOARD**

**Selectmen's Advisory Committee**

**Thursday, October 27, 2022**

**SAU Office Board Room  
7:00 p.m.**

**Minutes**

**Present:** John Robertson, Jeff Brown, George Willard, Mike Borden, William Kennedy, Dr. Kimberly Saunders, Janine Lesser

**1. Call to Order**

**John Robertson called the meeting to order at 7:05 pm.**

**2. Approve Minutes of September 22, 2022**

**Bill Kennedy moved to approve the minutes of September 22, 2022. Jeff Brown seconded. Unanimous.**

**3. ConVal Lawsuit Update**

Dr. Kimberly Saunders provided an update on "The Ongoing Battle to Fund an Adequate Education in NH". She said that this began in March 2019. How did we get to a school district saying that "this is enough" and take the State of NH to task?

Up until 1993, there was not a concept of what an adequate education meant. In 1992, Claremont was being told that they weren't doing enough so they took The State of NH to task about what the Constitution says in terms of education. The court agreed that the State is responsible for providing an education to children and has a duty to define an adequate education. Nothing happened after that. In 1997, Claremont spoke again stating that nothing has been done and said that all state taxes should be proportional and reasonable. Again, the court agreed. The State was supposed to put a system together to tax appropriately and to define and fund an adequate education and develop an accountability system to hold people accountable. We began to hear a lot about State testing after that; the accountability piece.

From there, ten years later, Londonderry approached the State in 2006. They wanted adequate education defined. The legislature was given a deadline of June 30, 2007 to define it. The State complied. A formula was developed in 2008. Londonderry fired back stating that the revised system was still unconstitutional because of the way that it would be funded.

In 2015, the Dover School District sued the State for holding adequacy dollars. Dover was experiencing increases in student population. The State was capping the yearly increase for adequacy tied to enrollment. It was the State's responsibility to fund and the courts upheld the decision. State adequacy cannot be withheld.

This has been going on near thirty years. Eighty amendments have been proposed to the Constitution that address judicial review of educational funding issues. No constitutional amendment has been able to come to fruition.

In 2018, a Social Justice Assignment looking specifically at Title 2A and equity across districts and the SEA allocations across districts. Inconsistencies were found.

Berlin was forced into the situation of placing all students, K-12, in one school.

How much can a community manage? Calculations indicated that within 10-15 years, assuming a 2-5% increase annually, ConVal would no longer be able to raise the funds necessary to education students without a significantly higher tax burden on community members.

SWEPT (Statewide Education Property Tax) is a locally raised tax; 86% of the towns in NH would benefit from a statewide donor system. 26 towns fight against this.

ConVal felt it had no choice but to begin the process of writing letters of testimony. ConVal sponsored legislation called HB678. It took the Commission's factors and put in real costs (not expenditures).

The adequacy resulted in \$9,929.00. Adequacy has been approximately \$3,700.00.

The average cost to educate a student in New Hampshire is \$18,901.32 per child, per year.

HB678 was sent to committee.

The argument is not about the definition of an adequate education. It is not really about taxes. It is not really about equity. It is about the present base adequacy that is presently \$3,786.66. This is the amount the State provides per student per year.

The 2018 cost information was used and the cost per pupil was arrived at \$9,929.00 per student, per year. State data was used to calculate. Conservative numbers were used to cost this out. Things were added in that were absent e.g. athletics, superintendent services, nursing services.

Transportation was not factored in because costs vary enormously across the state.

The Judge ruled that the NH school funding formula is inadequate and unconstitutional. The district was awarded attorney fees. The check never came.

The Supreme Court sent it back to Judge Ruoff saying he can decide what "adequate is". Judge Ruoff said that he cannot make that decision. It is back with Judge Ruoff. This provided an opportunity for other districts to join the lawsuit, and they did. Fourteen new districts joined the original four that joined initially. This represented over 25% of New Hampshire school children.

Bruce Baker used a completely different methodology and arrived at an average of \$9,964 per student per year excluding transportation.

Where are we now? We have an April 2023 trial date. An attempt to consolidate the tax payer lawsuit Rand v. State of NH has been unsuccessful so far. Discovery is complete. Depositions are ongoing.

Two generations of students over a span of 29 years were supposed to benefit from adequacy. New Hampshire children need and deserve an adequate education.

#### **4. Timeline for submitting the MS-25**

The MS-25 and DOE-25 are completed and signed and pending NHDOE review. The DRA will likely approve early next week. The dates that the DRA approved over the past six years were shared. Part of what impacts this is the audit.

We can send the towns paperwork prior to the audit. It is not something that we have ever done in this district. What we would do is not estimate the fund balance that will be returned to the towns which would elevate December tax bills.

The good news is that ConVal will likely return just shy of \$2M to the towns. On a \$53M budget, we should be able to return at least \$1M. ESSER dollars helped the district with associated COVID costs.

#### **5. School Board Subcommittee Reports**

Janine Lesser invited everyone to the next Community Forum on November 10th at 6:30 pm at the Lucy Hurlin Theater at ConVal High School.

#### **6. Other**

Kimberly Saunders asked if these meetings could start earlier. The conflict lies with other meetings and work schedules.

#### **7. Adjourn**

**Jeff Brown motioned to adjourn at 8:28 pm. Mike Borden seconded. Unanimous.**

Respectfully submitted,

Brenda Marschok