

LEGISLATIVE COMMITTEE MINUTES

CACR7

Bill as
Introduced

CACR 7 - AS INTRODUCED

2013 SESSION

13-0147

06/04

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **7**

RELATING TO: public education.

PROVIDING THAT: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

SPONSORS: Rep. Itse, Rock 10; Rep. Comerford, Rock 33; Rep. Jones, Straf 24; Rep. Kappler, Rock 3; Rep. Oligny, Rock 34; Rep. D. McGuire, Merr 21; Rep. Lambert, Hills 44; Sen. Cataldo, Dist 6; Sen. Reagan, Dist 17

COMMITTEE: Education

ANALYSIS

This constitutional amendment concurrent resolution provides that the general court has the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: public education.

PROVIDING THAT: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the second part of the constitution be amended by inserting after article 5-b the
2 following new article:

3 [Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth
4 in Part II, Article 83, the general court shall have the authority and full discretion to define
5 reasonable standards for elementary and secondary public education and to establish reasonable
6 standards of accountability therefor. The General Court shall have full discretion to determine the
7 amount of, and methods of raising and distributing, state funding for education.

8 II. That the above amendment proposed to the constitution be submitted to the qualified
9 voters of the state at the state general election to be held in November, 2014.

10 III. That the selectmen of all towns, cities, wards and places in the state are directed to
11 insert in their warrants for the said 2014 election an article to the following effect: To decide
12 whether the amendments of the constitution proposed by the 2013 session of the general court
13 shall be approved.

14 IV. That the wording of the question put to the qualified voters shall be:
15 "Are you in favor of amending the second part of the constitution by inserting after article 5-b a new
16 article to read as follows: .

17 [Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in
18 Part II, Article 83, the general court shall have the authority and full discretion to define reasonable
19 standards for elementary and secondary public education and to establish reasonable standards of
20 accountability therefor. The general court shall have full discretion to determine the amount of, and
21 methods of raising and distributing, state funding for education."

22 V. That the secretary of state shall print the question to be submitted on a separate ballot
23 or on the same ballot with other constitutional questions. The ballot containing the question shall
24 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made

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1 in either of the squares, the ballot shall not be counted on the question. The outside of the ballot
2 shall be the same as the regular official ballot except that the words "Questions Relating to
3 Constitutional Amendments proposed by the 2013 General Court" shall be printed in bold type at
4 the top of the ballot.

5 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
6 becomes effective when the governor proclaims its adoption.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON CACR 7

BILL TITLE: Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

DATE: February 19, 2013

LOB ROOM: 207 **Time Public Hearing Called to Order:** 10:45 a.m.

Time Adjourned: 11:10 a.m.

(please circle if present)

Committee Members: Reps. Gile, Grassie, Frazer, Burke, Arsenault, A. Schmidt, Rokas, Gorman, Myler, Spang, Shaw, Boehm, Greemore, Cordell, Ladd, Willette, Grenier, Pitre, Bick and Harris.

Bill Sponsors: Rep. Itse, Rock 10; Rep. Commerford, Rock 33; Rep. Jones, Straf 24; Rep. Kappler, Rock 3; Rep. Oligny, Rock 34; Rep. D. McGuire, Merr 21; Rep. Lambert, Hills 44; Sen. Cataldo, Dist 6; Sen. Reagan, Dist 17

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Itse - Sponsor

- Removed authorization of state to maintain public schools in this version of bill submitted last year and found to be offensive.
- Last line of bill eliminates duty to mitigate the funding process.
- Leaves local control in place.

***Dean Michener - NHSBA**

- Opposes bill - Very important to state to oppose. *Written testimony.

Bill Duncan - ANHPB

- Opposes bill.
- Removes the obligation of right to education for each child by state through disparity aid or targeted aid.

Respectfully Submitted:

Rep. Barbara Shaw
Rep. Barbara Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON CACR 7

BILL TITLE: Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

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TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep Itse - sponsor
 - removed authorization of state to maintain public schools in this version of bill submitted last year and found to be offensive
 - last line of bill eliminates duty to mitigate the funding process
 - leaves local control in place
- ② Ocean Michener - N H S B A
 - opposes bill - very important to state to oppose
 - * written testimony
- ③ Bill Duncan - ANHPB
 - opposes bill
 - removes the obligation of right to education for each child by state through state disparity aid or targeted aid

Testimony

File Copy CACR 7

February 19, 2013

To: House Education Committee
From: Dean Michener, NH School Boards Association
Subject: Opposition to CACR 6 & CACR 7
Relative to the funding of public education



Phone: (603) 228-2061
or (800) 272-0653
Fax: (603) 228-2351

<http://www.nhsba.org>

Board of Directors

Jack Widmer
President, Gov. Wentworth Regional

Dr. Anthony Pastelis
1st Vice-President, Rochester

John Falconer
2nd Vice-President, Colebrook

Chris Lund
Immediate Past President, Mascenic Regional

CACR 6

[Art.] 6. Society ordered on the principles of self-government set forth in this Constitution will give the best and greatest security to government, and instill in the members of government their due subjection to the people; and as knowledge of these principles is best spread throughout the community by making the public instruction of those principles available; therefore, the people of this State hereby empower the Legislature to authorize the several political subdivisions to establish and maintain schools for the public teaching of the principles and knowledge necessary for self-government at their own expense. Provided that the political subdivisions shall at all times have the exclusive right of appointing their own teachers and determining their own curriculum. Nevertheless, the Legislature shall retain sole authority to supplement the education funding of the political subdivisions in the degree, manner and mechanism as only the Legislature shall determine. No citizen shall be compelled to pay for the religious education of another sect, denomination or religion.

CACR 7

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education and to establish reasonable standards of accountability therefor. The general court shall have full discretion to determine the amount of, and methods of raising and distributing, state funding for education.

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 these court interpretations and rulings. Language in the proposals before you today does nothing to reinforce or sustain the spirit and meaning of those decisions. It would undercut those principles, lower the Court's standard of review, and not hold the state to any criteria for a level of support as a partner in funding an adequate education. CACR 6 provides for districts to maintain schools at their own expense, and CACR 7 provides the legislature with full discretion to determine the amount of state funding for education. These proposals remove the state's obligation and ignore the state's partnership and responsibility.

Executive Director
Dr. Theodore E. Comstock
theodore@nhsba.org
NH School Boards Association
25 Triangle Park Drive, Suite 101
Concord, NH 03301

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 proposals 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." And the legislature followed such a process with a definition in 2007, a costing and funding formula in 2008, and included funding in the 2009 budget. In 2006, we 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, such as contained in these two proposals. And five years ago, after further 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 the two proposed amendments does nothing to address the spirit and meaning of the Claremont rulings and actually limits the rights of some children by eliminating an obligation to all students. These two proposals allow the state to annually choose a funding level while we struggle to determine what are reasonable standards for schools, and what reasonably alleviates disparities in the distribution of state funds. They attempt to remove the Supreme Court from the education funding debate and set us back 25 years by allowing the state to fund – or not fund – the cost of adequacy at any level it might choose.

Locally elected school board members statewide 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 law and rulemaking, which establishes minimum standards in such areas 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. While school districts have experienced extensive variation and swings in state support to education, the bottom line is that local property taxes remain the major source of revenue that funds our schools. Excluding the Statewide Education Property Tax as state aid, local property taxes fund close to 70% of our school budgets, with adequacy grants contributing about 20%.

Much discussion and attention has been focused on the need to "target" state aid. However, "Targeting" is already legal and has been included in our recent Adequacy formulas. The only need for a Constitutional Amendment is to provide 'Targeting' in place of the current base commitment to ALL children. We are unable to support such an effort and the corresponding claim that some children in NH are not entitled to a state basic commitment of an adequate education. The proposals considered today seek to allow providing aid to certain communities 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 whether they "fall off" the funding continuum or remain 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. For over a decade, adequacy aid has been a major source of revenue to support local budgets and lower the local property tax burden. Significantly reducing the amount of aid directed to these communities will place significant strain on the local property tax, if those lost revenues are indeed replaced. If not replaced but followed by budget cuts, losses and reductions in educational programs will lead to fewer educational opportunities for our youth.

In closing, I would like to add that New Hampshire had a targeted equalization aid 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.

Dean Michener
NH School Boards Association

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on CACR 7

BILL TITLE: Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

DATE: February 26, 2013

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. June M. Frazer

Seconded by Rep. Rachael B. Burke

Vote: 14-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Shaw Clerk

Rep. Barbara E. Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on CACR 7

BILL TITLE: Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

DATE: 2-26-13

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL/Interim Study (Please circle one.)

Moved by Rep. Frazer

Seconded by Rep. Burke

Vote: 14-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Barbara Shaw, Clerk

Rep. Barbara E. Shaw, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 8:43:55 AM
Roll Call Committee Registers
Report

EDUCATION

Bill #: CACR7

Title:

Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

PH Date: 02/19/2013

Exec Session Date: 02/26/2013

Motion: ITL

Amendment #: _____

MEMBER

YEAS

NAYS

Gile, Mary Stuart, Chairman	✓	
Grassie, Anne C, V Chairman	✓	
Shaw, Barbara E, Clerk	✓	
Gorman, Mary J	✓	
Burke, Rachel B	✓	
Frazer, June M	✓	
Spang, Judith T	✓	
Arsenault, Beth R		
Rokas, Ted		
Schmidt, Andrew R	✓	
Myler, Mel	✓	
Boehm, Ralph G		✓
Ladd, Rick M	✓	
Greemore, Robert H	✓	
Pitre, Joseph A		✓
Willette, Robert F	✓	
Bick, Patrick J	✓	
Cordelli, Glenn		✓
Grenier, James L	✓	
Harris, Jeffrey F		✓
TOTAL VOTE:		

14

4

Committee Report

REGULAR CALENDAR

March 6, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on EDUCATION to which was referred
CACR7,

AN ACT Relating to public education. Providing that
the general court shall have the authority to define
standards for public education, establish standards of
accountability, mitigate local disparities in educational
opportunity and fiscal capacity, and have full discretion
to determine the amount of state funding for education.
Having considered the same, report the same with the
following Resolution: **RESOLVED**, That it is
INEXPEDIENT TO LEGISLATE.

Rep. June M Frazer

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	EDUCATION
Bill Number:	CACR7
Title:	Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.
Date:	February 26, 2013
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would provide "that the General Court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education". The committee noted that the contents of the bill had been rejected by the General Court several times in the past, as recently as March 2011. It was argued at that time that "should future legislature choose to defund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools".

Vote 14-4.

Rep. June M Frazer
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EDUCATION

CACR7, Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. **INEXPEDIENT TO LEGISLATE.**

Rep. June M Frazer for EDUCATION. This bill would provide "that the General Court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education". The committee noted that the contents of the bill had been rejected by the General Court several times in the past, as recently as March 2011. It was argued at that time that "should future legislature choose to defund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools". **Vote 14-4.**

CACR 7 Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

This bill would provide “that the General Court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education”. The committee noted that the contents of the bill had been rejected by the General Court several times in the past, as recently as March 2011. It was argued at that time that “should future legislature choose to defund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools”.

**Rep. June Frazer
For the Committee
ITL 14-4 RC**

Mary Stuart Gile

COMMITTEE REPORT

COMMITTEE: Education

BILL NUMBER: CACR7

TITLE: Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

DATE: 2-26-2013 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill would provide "that the general ^{court} shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education." The committee noted that the contents of the bill had been rejected by the general court several times in the past, as recently as March, 2011. It was argued ^{at that time} that ~~it would~~ ^{future} should a legislature choose to unfund the public schools, funding them would force already overburdened property taxpayers

COMMITTEE VOTE: 14 - 4

→
back

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. James M. Fracken
For the Committee