



# The Legacy Of The Claremont Case

## 1991-2002

- Bringing the NH constitution back to life for students and taxpayers
- Spelling out the constitution's core principles for school funding and fair taxation for the 21<sup>st</sup> century
- The state's response: A pattern of neglect and resistance in the legislature and governor's office
- A foundation for the next step: holding the state accountable in court and in the statehouse

---

## The New Hampshire Supreme Court's decisions in the Claremont case re-established two fundamental responsibilities:

1. The State of New Hampshire has a duty to pay for the cost of a constitutionally adequate education for every K-12 student.

*NH Constitution: Part 2, Article 83*

2. The taxes that the State of New Hampshire uses to pay for this education must have a uniform rate across the state.

*NH Constitution: Part 2, Article 5*



## The Scope of an “Adequate Education”: Expansive and Future-Oriented

“Mere competence in the basics—reading, writing, and arithmetic—is insufficient in the waning days of the twentieth century to insure that this State's public school students are fully integrated into the world around them. A broad exposure to the social, economic, scientific, technological, and political realities of today's society is essential for our students to compete, contribute, and flourish in the twenty-first century.”

*Claremont II, 142 N.H. at 474*



---

## Connection Between Defining and Funding an Adequate Education

“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.”

*Londonderry School District v. State of NH, 154 N.H. at 162 (2006)*



## The Constitutional Standard for Using Property Taxes for School Funding

“To the extent that the property tax is used in the future to fund the provision of an adequate education, the tax must be administered in a manner that is **equal in valuation and uniform in rate** throughout the State.”

*Claremont II, 142 N.H. at 471*



# New Hampshire's Constitutional Responsibilities

## The Legislature Has Great Discretion about How to Raise Revenue

“Decisions concerning the raising and disposition of public revenues are particularly a legislative function and the legislature has wide latitude in choosing the means by which public education is to be supported...The legislature has numerous sources of expertise upon which it can draw in addressing educational financing and adequacy, including the experience of other States that have faced and resolved similar issues.”

*Claremont II, 142 N.H. at 476*



# New Hampshire's Constitutional Responsibilities

## The Resources Needed to Achieve Adequacy May Differ from District to District

“We emphasize that the fundamental right at issue is the right to a State funded constitutional adequate education. It is not the right to horizontal resource replication from school to school and district to district.”

*Claremont II, 142 N.H. at 473-474*



# New Hampshire's Constitutional Responsibilities

## Four School Funding Duties

Throughout the past three decades, the Supreme Court has identified four core obligations that the Legislature and the State must meet:

- Define an adequate education;
- Determine its cost;
- Fund it with constitutional taxes; and
- Ensure its delivery through accountability.

*Londonderry School District v. State of NH, 154 N.H. 153, 155-56 (2006)*





# The First Ruling in the ConVal Case

**“The Court construes the fundamental right at issue as a right to the opportunity to a fully State-funded adequate education.” [emphasis added]**

**Cheshire County Superior Court  
Justice David Ruoff  
June 5, 2019**



# **The First ConVal Decision: The current adequacy cost standard is unconstitutional**

**RSA 198-40a II(a), the state statute that sets the cost of baseline adequacy (currently \$3,636), is unconstitutional as applied to the petitioner school districts.**

**Cheshire County Superior Court  
Justice David Ruoff  
June 5, 2019**



# ConVal Case Chronology

- Case filed in Superior Court - March 2019
- Judge Ruoff rules for Petitioner School Districts – June 2019
- State appeals to the NH Supreme Court – August 2019
- Supreme Court sends the case back to Superior Court – March 2021
- Superior Court trial – now scheduled for April 2023
- Trial Court decision – likely in mid-2023
- Decision by NH Supreme Court after almost certain appeal – late 2024, early 2025