



PRESS RELEASE: State Files Motion Arguing that Busses, Custodians, Nurses, and School Buildings are Not Part of an Adequate Education

Last week, the State filed a summary judgement motion on the school funding questions of the *Rand* taxpayer lawsuit, in which it argued transportation, school nurses, school facilities, and custodians to maintain those facilities, are not part of an “adequate” education and therefore the State has no responsibility to provide funding for them.

“We saw plenty of this disregard for the actual cost of educating New Hampshire students from the State during the *ConVal* trial,” said Zack Sheehan, NHSFFP Executive Director. “I know the State recognizes the importance of school nurses and school busses because they are required by statute, so it is wholly unreasonable for the State to suggest that these services are somehow not part of ensuring students have the opportunity to receive an adequate education.”

A summary judgement motion claims there is no factual dispute, and the undisputed facts favor the party filing the motion. In this instance, the State claims there is no disagreement about the definition of an adequate education, or the services needed to provide it, despite the plaintiffs arguing these are necessary components which means they should be paid for by the State.

The State requires school districts to provide transportation for all students between kindergarten and eighth grade who live more than 2 miles from their school. Districts also bus high school students, and while the State would argue that is a “local decision,” districts understand that without transportation, many students would not be able to attend school.

School nurses are required by the State as part of the ED306 Minimum Standards for Public Schools. Not having school nurses could prevent students with conditions like diabetes, epilepsy, and even asthma from being able to attend school because of a lack of medical services.

School districts are required to operate and maintain school buildings, and there are standards for their safety and cleanliness, but the State argues those costs aren’t part of an adequate education. Similar arguments were made during the *ConVal* trial that heat and electricity were not necessarily part of ensuring students’ ability to receive an adequate education.

“Without buildings, without people to maintain them, without busses, kids wouldn’t get the opportunity to be in a classroom and learn,” Sheehan said. “But the State has decided to ignore those factors and file this motion seeking a ruling that would continue the unconstitutional downshifting of billions of dollars in education costs onto local property tax payers.”

The plaintiffs have 30 days to respond to the State’s filing.

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The mission of the NHSFFP, a registered 501(c)(3), is to inform the public about the condition of New Hampshire public schools and their funding; to advocate for changes to make the system more equitable for students and taxpayers alike; and, if necessary, to prosecute, manage,



control, and/or participate in a lawsuit challenging the constitutionality of the system for funding education in New Hampshire.

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