

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

No. 215-2022-CV-00167

Steven Rand, et al.

v.

The State of New Hampshire

THE STATE OF NEW HAMPSHIRE’S STATEMENT OF MATERIAL FACTS

The State of New Hampshire, by and through counsel, submits the following Statement of Material Facts as required under Superior Court Rule 12(g).

1. The definition of an adequate education set forth in RSA 193-E:2-a does not cover everything a school district spends money on. RSA 193-E:2-a, IV(a); Cascadden Dep. 51:17–52:8, July 14, 2023; Freeman Dep. 39:4–20.

2. Not every part of New Hampshire Administrative Rule Ed PART 306 is incorporated into the definition of an adequate education set forth in RSA 193-E:2-a. RSA 193-E:2-a, IV(a); Cascadden Dep. 51:19–22, 65:3–10, 66:3–8, 67:7–12; Freeman Dep. 39:4–20.

3. Only those portions of Ed 306 that correspond with the eleven learning areas listed in RSA 193-E:2-a, I, are incorporated into the definition of an adequate education. RSA 193-E:2-a, IV(a); Cascadden Dep. 51:19–22.

4. At least some, if not all, school districts in New Hampshire provide an education that exceeds constitutional adequacy. Cascadden Dep. 52:8–14; Freeman Dep. 168:6–15.

5. School districts provide numerous programs that are not required under the definition of constitutional adequacy set forth in RSA 193-E:2-a. Cascadden Dep. 53:9–54:6; Freeman Dep. 138:2–9.

6. Schools that spend less per pupil than the total average per pupil spending statewide are able to provide a constitutionally adequate education. Cascadden Dep. 94:22–25; Freeman Dep. 182:24–183:3.

7. Using statewide average per pupil expenditures to determine the cost of an adequate education tethers that cost to local school districts’ spending decisions. Freeman Dep. 187:6–13.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorney,

JOHN M. FORMELLA
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Date: July 27, 2023

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Certificate of Service

I hereby certify that a copy of the foregoing statement was sent via the Court’s electronic-filing system to all parties of record and that a Word version was sent to plaintiffs’ counsel via email.

Date: July 27, 2023

/s/ Samuel Garland
Samuel R.V. Garland.