

PRESS RELEASE: Two Big Victories for Fair School Funding with Rulings Issued in Both Cases

November 20: Today, the court issued rulings in the *ConVal* school funding lawsuit and on the SWEPT issues of the *Rand* taxpayer lawsuit. The Court ruled in *ConVal* that the current levels of base adequacy are too low and therefore unconstitutional, and ruled in *Rand* that the current administration of SWEPT was unconstitutional.

“These decisions are big wins for New Hampshire students and taxpayers,” said Zack Sheehan, NH School Funding Fairness Project Executive Director. “The State has abdicated its constitutional responsibility to fund education for too long, and these rulings, just ahead of the upcoming legislative session, send a powerful signal that the State needs to get to work bringing school funding in line with 30 years of legal precedent. No more excuses and delays.”

In *ConVal*, the Court wrote that while it is ultimately up to the legislature to determine the cost of base adequacy it “*can be no less than \$7,356.01 per pupil per year and the true cost is likely much higher than that.*”

“By setting a floor for base adequacy,” Sheehan added, “the Court recognized the history of legislative inaction on the issue of school funding.” Currently, base adequacy is only \$4,100 per pupil, per year, while the actual average cost of educating a New Hampshire student is \$19,400 per year.

In deciding the SWEPT issues in *Rand*, the Court held that the State allowing communities to retain excess SWEPT revenues and allowing for the setting of negative local property tax rates to offset the payment of SWEPT, are unconstitutional. These practices will no longer be allowed beginning with the upcoming budget cycle, per the Court’s order.

“These are exciting rulings, but for their impact to be felt, the legislature has to get to work and bring our school funding statutes into line with this and all past school funding rulings,” Sheehan said. “The changes promised in the Claremont decisions have been denied to Granite Staters for too long already, so I want to see the State accept this ruling and not continue wasting time by appealing it to the NH Supreme Court.”

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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.

For all press inquiries, please contact Noah Telerski at ntelerski@fairfundingnh.org