

Rand, et. al v. State of New Hampshire

Taxpayers (individuals and businesses) from

- Plymouth
- Penacook
- Hopkinton
- Newport

State funding of education is insufficient



Taxes are not uniform

- **Adequacy claim (base and differentiated)**
- **Tax claim (including SWEPT)**

Two specific problems with SWEPT

- Excess communities
- Negative rate

- **Court granted Plaintiffs partial summary judgment**

2021-2022 Negative Tax Rate Communities

Table 3

Sources of data ----->	A	B	C	D	E	F	G	H	I
	NH DRA	NH DRA	NH DRA	NH DRA	NH DRA	NH DRA	NH DRA	Calculated	NH DOE
Locations	Equalized SWEPT Taxable Property Value	Locally Stated SWEPT Tax Rate	Equalized SWEPT Tax Rate	Amount Raised by SWEPT	Locally Stated Local School Tax Rate	Equalized Local School Tax Rate	Amount Raised by Local School Tax	Net Amount Raised for Schools (SWEPT+Local)	Total Calculated Cost of an Adequate Education
Atkinson & Gilmanton Academy Grant	\$996,035	\$1.95	\$1.66	\$1,652.00	-\$1.95	-\$1.66	-\$1,652.00	\$0.00	\$0.00
Bean's Grant	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bean's Purchase	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cambridge	\$11,097,430	\$2.01	\$1.68	\$18,653.00	-\$1.64	-\$1.37	-\$15,653.00	\$3,000.00	\$0.00
Chandler's Purchase	\$44,424	\$2.11	\$1.76	\$78.00	-\$1.97	-\$1.64	-\$78.00	\$0.00	\$0.00
Crawford's Purchase	\$275,456	\$2.11	\$1.76	\$485.00	-\$2.11	-\$1.76	-\$485.00	\$0.00	\$0.00
Dix's Grant	\$1,267,208	\$1.91	\$1.62	\$2,047.00	-\$1.91	-\$1.62	-\$2,047.00	\$0.00	\$0.00
Dixville	\$10,132,547	\$1.92	\$1.61	\$16,276.00	-\$1.88	-\$0.49	-\$16,276.00	\$0.00	\$0.00
Erving's Location	\$69,382	\$1.59	\$1.38	\$96.00	-\$1.59	-\$1.38	-\$96.00	\$0.00	\$0.00
Green's Grant	\$9,595,397	\$2.09	\$1.73	\$16,572.00	-\$2.05	-\$1.70	-\$16,572.00	\$0.00	\$0.00
Hale's Location	\$96,305,287	\$1.82	\$1.53	\$147,484.00	-\$1.82	-\$1.52	-\$147,484.00	\$0.00	\$3,786.66
Kilkenny	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Livermore	\$136,600	\$1.82	\$1.82	\$249.00	-\$1.82	\$0.00	-\$249.00	\$0.00	\$0.00
Martin's Location	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Millsfield	\$10,420,678	\$2.13	\$1.78	\$18,572.00	-\$2.06	-\$0.19	-\$18,355.00	\$217.00	\$19,077.07
Odell	\$3,450,091	\$2.50	\$1.67	\$5,772.00	-\$2.50	-\$1.67	-\$5,772.00	\$0.00	\$0.00
Pinkham's Grant	\$4,983,267	\$3.02	\$1.69	\$8,438.00	-\$2.80	-\$1.61	-\$8,438.00	\$0.00	\$0.00
Sargent's Purchase	\$2,264,424	\$2.11	\$1.76	\$3,984.00	-\$2.11	-\$1.76	-\$3,984.00	\$0.00	\$0.00
Second College Grant	\$1,823,706	\$1.80	\$1.53	\$2,796.00	-\$1.80	-\$1.53	-\$2,796.00	\$0.00	\$0.00
Success	\$15,451,984	\$2.17	\$1.72	\$26,594.00	-\$2.15	-\$1.71	-\$26,594.00	\$0.00	\$0.00
Thompson & Meserve's Purchase	\$7,952,944	\$1.91	\$1.51	\$11,988.00	-\$1.90	-\$1.50	-\$11,988.00	\$0.00	\$0.00
Wentworth's Location	\$9,188,145	\$2.06	\$1.72	\$15,813.00	-\$2.02	-\$1.69	-\$15,813.00	\$0.00	\$0.00
TOTAL	\$185,455,005			\$297,549.00			-\$294,332.00	\$3,217.00	\$22,863.73

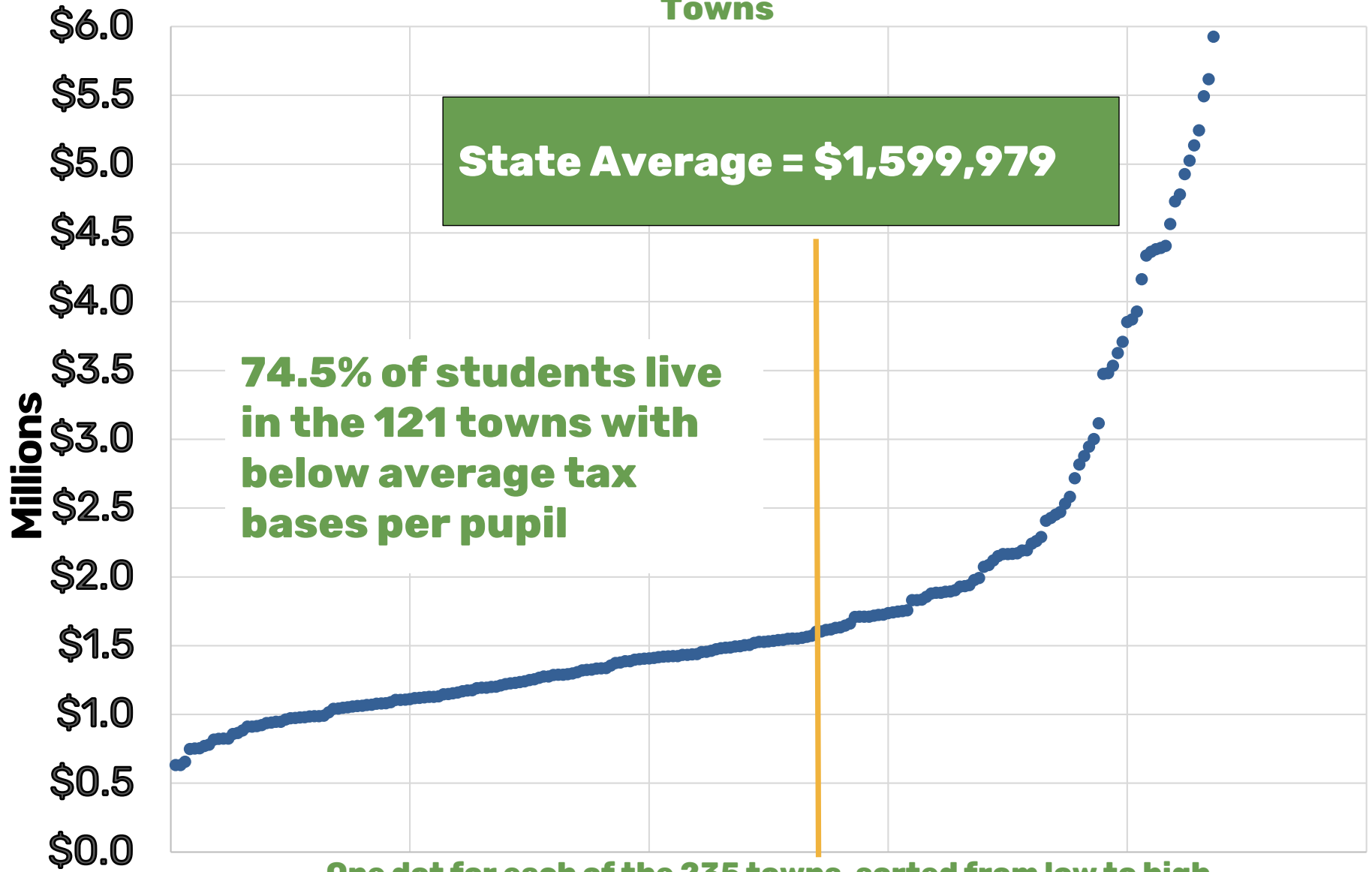
Data sources

<https://www.revenue.nh.gov/mun-prop/property/equalization-2021/documents/tax-rate-comparison.xlsx>

<https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/adequacy-fy-22-muni-summary.xlsx>



2021-22 Equalized Property Value per Pupil (ADM/R) for 235 Towns



74.5% of students live in the 121 towns with below average tax bases per pupil

State Average = \$1,599,979

One dot for each of the 235 towns, sorted from low to high (17 towns have EVPPs above \$6 million and are off the top of the chart)

Most NH Children Attend School in Communities with Below Average Property Values

Ruling

- Court ruled both SWEPT practices are unconstitutional:
 1. Allowing communities to keep excess SWEPT amounts to a rebate on the tax so it is not uniform everywhere
 - Even if the money is ultimately used by those communities on education, it is not used for its intended purpose of fulfilling the State's obligation to fund an adequate education throughout the state.
 2. The State cannot cancel out with negative tax rates as there is no just reason to exclude those properties from paying the statewide tax.