

PRESS RELEASE: Taxpayer Plaintiffs Open Case Showing State Education Funding is Inadequate

September 30: Today, the trial in *Rand v. State of New Hampshire* got underway, with the taxpayer plaintiffs starting to present their arguments as to why the State's education funding is unconstitutionally low.

"I'm excited to see how this trial plays out over the next two weeks as the plaintiffs lay out their case showing the State isn't providing enough funding to public schools and harming taxpayers by downshifting those costs," said Zack Sheehan, NH School Funding Fairness Project Executive Director. "The State can't defend how little funding it provides, and the Rand trial will put that on display and show legislators that a fix is desperately needed."

The two-week trial will deal with the plaintiffs' claim that the State is failing to adequately fund education. Like in the *ConVal* case, they argue that base adequacy is insufficient, but they also argue that the differentiated aid the State pays to support students receiving special education services, English Language Learners, and students living in poverty is not enough for districts to provide those students with the services they need.

Their argument continues that because it provides so little funding, the State is downshifting its constitutional responsibility to fund education onto local property tax payers, who pay wildly differing rates around the state in violation of the *Claremont* decisions holding that the taxes used to fund the State's education responsibility must be uniform in rate.

The witness who took the stand for the majority of the first day was former Pittsfield Superintendent John Freeman, who testified at length about the services school districts are required to provide and the inability of districts to operate solely on adequacy aid from the State.

"The State has consistently defended its low education funding by arguing for the narrowest possible definition of an adequate education, excluding necessary services like student transportation and school nurses," Sheehan said. "It is clear that what the State pays in adequacy aid is insufficient to actually operate a school district in compliance with State and Federal law."

While this trial covers the plaintiffs' funding claims, last year's ruling that the Statewide Education Property Tax (SWEPT) is unconstitutional is being appealed to the NH Supreme Court by the State and the Coalition Communities 2.0, a group of 26 property wealthy municipalities that intervened in the case specifically regarding the SWEPT issue.

The plaintiffs filed their brief in that appeal today, rebutting the State and Coalition's arguments that SWEPT should be allowed to continue in a manner which violates the NH Constitution. The plaintiffs argue that SWEPT must be applied to all property owners, and that excess SWEPT retention and the use of negative local education property tax rates to offset SWEPT must end.

"The *Rand* trial is seeking to have the State finally fulfill its constitutional responsibility to fund education, and have Granite Staters taxed fairly in doing so," Sheehan said. "Until the State increases its share of school funding, and ends the special treatment of property owners in a

handful of communities, students and taxpayers around New Hampshire will continue to be harmed by our upside-down school funding system.”