

Contoocook Valley Sch. Dist. v. State,
2025 N.H. 29

The Supreme Court:

Reaffirmed *Claremont* & its progeny including a right to a fully state funded education.

The Supreme Court:

Held, for first time, that base adequacy can be challenged independently.

The Supreme Court:

Held that the universal per-pupil amount of constitutional base adequacy is not the lowest possible cost but rather the cost necessary to provide an adequate education to each student in the State.

¶¶ 44-45

The Supreme Court:

Held that a court can properly determine the components and costs of an adequate education in order to determine if constitutional obligations are being met.

The Supreme Court:

Affirmed that components include teachers, other staff, transportation, facilities & maintenance.

State had argued it was not required to pay for nurses, facilities, or transportation.

¶¶ 10, 23-28, 43

The Supreme Court:

Recognized that our school administrators were proper experts for determining necessary components and costs.

The Supreme Court:

Held that “trial court’s declaratory judgment calculation was conservative, supported by the record, and eminently reasonable.”

The Supreme Court:

Affirmed “the trial court’s injunction to the extent it established ‘a conservative minimum threshold of \$7,356.01 which base adequacy aid funding must exceed’ as guidance for future legislative action.”

The Supreme Court:

Explained that the conservative minimum threshold injunction does not violate the separation of powers because the trial court:

1. declined to determine the exact universal per-pupil cost,
2. did not foreclose the State from enacting a different funding scheme, and
3. expressly weighed the deference owed the legislature against the need for a judicial remedy given the history of education funding in this state.

The Supreme Court:

Reversed the order that the State “*immediately*” pay the increased amount, noting that in other cases, the State was properly provided a year from the Supreme Court’s decision to act.

¶¶ 68-75

The Supreme Court:

Finally, the Supreme Court remanded for the trial court to determine what amount of the school districts' attorneys' fees the State must pay for.

Dissenting opinions

Two justices dissented, arguing that plaintiffs should have challenged base adequacy and differentiated aid together.

¶¶ 83-88

Dissenting opinions

Two other justices agreed with all but one aspect of the Court's opinion. Those justices would have upheld the order for immediate payment of the increased amount finding "staying the judicial hand in the face of continued violation of constitutional rights makes the courts vulnerable to becoming complicit actors in the deprivation of those rights."

Motion for Reconsideration

The State says that the Court has overstepped its constitutional bounds by affirming Judge Ruoff's painstaking review of the real-world costs to provide the education defined in RSA 193-E:2-a. The State also argues that it is not responsible for every cost necessary to provide an adequate education.

We filed an objection, pointing out that the State's arguments are contrary to New Hampshire's cases on education funding, and the State waived any challenge to those precedents back in 2020.

