

Senate Education Finance Committee

Karen Davis 271-7875

HB 1815-FN, relative to education financing.

Hearing Date: March 13, 2026

Time Opened: 12:10 p.m.

Time Closed: 1:30 p.m.

Members of the Committee Present: Senators Murphy, Lang [substituting for Innis], Carson, Rosenwald, Ward and Altschiller

Members of the Committee Absent: Senator Innis

Bill Analysis: This bill makes changes to what substantive educational content satisfies an adequate education.

Sponsors:

Rep. Lynn

Rep. D. McGuire

Who supports the bill: 20 individuals were in support. Full sign-in sheets are available upon request by contacting the Legislative Aide, Karen Davis (karen.davis@gc.nh.gov)

Who opposes the bill: 401 individuals were in opposition. Full sign-sheets are available upon request by contacting the Legislative Aide, Karen Davis (karen.davis@gc.nh.gov)

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Rep. Bob Lynn, Windham – Prime Sponsor

- Rep. Wynn refuted the notion that he and others who support these two bills are not supportive of public education.
- The fact that public education is important is not a reason for trifling with the Constitution.
- He emphasized that the legislative body has gone out of its way to try to comply with the court decisions.
- The legislature has defined adequate education and funded it.
- With the ConVal case, the court decided that they have now the authority to decide on the numbers.

- New Hampshire has 424 legislators who get all types of input from citizens and must make these decisions.
- He raised concern over the Claremont decisions.
- This bill would define what constitutes an adequate education.
- HB 1815-FN stipulates that localities can only do what the state gives them the authority to do; because the localities have the authority to tax, those taxes are part of the state tax system. It is a shared responsibility between the state and localities to fund an adequate education.
- State funding is designated for the academic programs required for an adequate education, whereas collateral expenses such as nursing and administration, remain the responsibility of local districts rather than state tax revenue.
- He clarified that the judges in the Claremont or ConVal cases aren't bad people, but they overstepped their authority.
- The bill clarifies that adequate funding encompasses all forms of state aid, rather than only base aid.

Sen. Rosenwald asked why the ConVal case didn't specify dollar amounts.

Rep. Lynn clarified that the Supreme Court affirmed the trial court's ruling that at least \$7000.01 must be spent on adequacy.

Sen. Rosenwald asked if, as former Chief Justice of the Supreme Court, he would have been okay with the legislature setting a budget for the judicial branch as lines 21-23 do in this bill.

Rep. Lynn said that the judicial branch claims authority to determine its own details, and he questioned why the legislature can create detailed line items but not apply the same approach to the judicial branch.

Sen Rosenwald asked when he was Chief Justice, if he ever came to House or Senate Finance and requested a specific amount for the judicial branch?

Rep. Lynn said he did not.

Sen. Altschiller asked whether the bill would allow the legislature to set education funding at any level, even as low as one dollar per student, despite concerns about interfering with the state's obligation to provide an adequate education.

Rep. Lynn replied no, because he doesn't think it's necessary for this bill to overrule Claremont. He has no problem with poorer communities receiving more money.

Sen. Altschiller asked if it could be reduced to one dollar.

Rep. Lynn replied that this bill does not allow that.

Sen. Altschiller raised concerns over the bill's lack of a funding floor or ceiling which leaves the possibility open.

Rep. Lynn said that his bill doesn't change the current funding.

Sen. Altschiller noted that the courts have repeatedly found that what the legislature has decided has been inadequate. She asked if the bill would reduce property taxes.

Rep. Lynn replied that the bill does not address property taxes and leave the dollar amounts where they are.

Sen. Altschiller asked which costs are the state's responsibility and what it is obligated to fund.

Rep. Lynn clarified that the state is supposed to pay for the academic program.

Sen. Altschiller replied that Line 11 cites a shared responsibility and asked how would the state meet that responsibility.

Rep. Lynn said decisions about funding the English academic program should be made by the legislature through the budget process.

Sen. Altschiller asked if the state is going to pay for the curriculum and implement a statewide program, would the state pay for that?

Rep. Lynn explained the bill isn't necessary for that authority. The legislature already controls funding decisions, though drastically low spending would carry serious political consequences.

Sen. Rosenwald asked if by lumping in special education funding into section three, it would undercut the court's decision in the Rand case.

Rep. Lynn said the key question is whether funding decisions should be made by the legislature or by a single judge relying on experts.

Sen. Rosenwald noted that most special education services are federally mandated and asked whether the legislature should decide the state's contribution or shift the burden to property taxpayers.

Rep. Lynn said he would need to think about this. A federal law is entitled to be respected.

Sen. Altschiller asked if funding decisions are a political matter, what statutory mechanisms does the state leave in place for determining when the obligations for this shared responsibility are not met?

Rep. Lynn explained that legislators do the same when they decide how much to spend on mental health, police and fire, and the voters are the control.

Sen. Altschiller stated that this bill would cut the judiciary branch out.

Rep. Lynn clarified that the bill doesn't remove the judiciary's role, but courts do not set education funding. He cited a 2010–2011 case where a lawsuit over funding was dismissed, with the judge ruling it was a legislative decision.

Sen. Lang noted that in section one of the bill, it states that the state sets academic standards and the school districts pick the curriculum to meet those standards. He asked if it is true that the legislature and school districts must work together to make changes on a local level, for example creating a new school district?

Rep. Lynn cited the Dillon rule and said that New Hampshire is one of the states which follows this rule.

Sen. Lang asked if this bill is just a “conversation” with the court?

Rep. Lynn explained that Justice Bassett joined with the dissenters in the ConVal case. This reflected great judgment and avoided a constitutional crisis.

Sen. Rosenwald remarked that it was weird that numbers for adequacy were put in statute in 2009. She asked what he believed the state’s percentage for adequacy should be.

Rep. Lynn said he needed time to think about that question and agreed that the state has a responsibility to provide more aid to poorer school districts.

Summary of testimony presented in opposition:

Lorna Carlisle, Salisbury

- Ms. Carlisle said the bill is too ambiguous and expressed distrust of its’ intent to protect public education and noted that taxpayers are already overburdened.

Becky Wilson, Director of Government Relations, New Hampshire School Boards Association

- Ms. Wilson expressed that the two bills are a legislative strategy to narrow the definition of adequacy and limit the state’s financial liability.
- She said the state must fund the academic program, and current funding likely falls short of actual instruction costs.
- She noted that courts tie adequacy to minimum standards, but the bill limits the state’s responsibility to academics only.
- She argued that local communities would have to pick up the costs for transportation, school buildings heating, staffing and other related costs.

Zack Sheehan, New Hampshire School Funding Fairness Project

- Mr. Sheehan said bill would remove the judicial review if the legislature reduced school funding to \$1 dollar per student.
- He asked if the suggestion that elections are a backstop, would that logic apply to other funding disputes where a citizen tried to protect their constitutional responsibilities by filling lawsuits?

Sen. Lang asked Mr. Sheehan if he heard Rep. Lynn say that citizens can always file lawsuits.

Mr. Sheehan replied that he heard Rep. Lynn say that this is a political matter and one of the sponsors testified that the bill was a reaction to a court ruling.

Sen. Carson noted that this happens quite a bit where the court makes a ruling and the legislature disagrees. There's always redress. The problem with ConVal is that it sets funding at a specific amount. This causes problems for the taxpayers and the children. People are not enthusiastic about getting taxed. She disagreed with his premise that the court would have no role going forward.

David Trumble, Weare, NH

- The court in NH has the right to assess what the law is. Also, Rep. Lynn said that his bill does not cut funding; however, it gives the state the right to choose whether it will increase or decrease state funding. This bill is step one for a subsequent cut in state funding.

Sen. Lang asked if he thought it was appropriate for a court to create or raise a town's tax rate.

Mr. Trumble replied that the legislature's level of funding is not constitutionally adequate.

Sen. Lang said courts cannot create spending or raise taxes. He explained that the town gets to decide what its tax rate will be, and the legislature gets to reserve its right to create and raise taxes.

Mr. Trumble agreed that it is the legislature's prerogative to raise taxes. It is the court's obligation to tell a branch when they are operating outside of the Constitution.

Kate Demeter, Dover

- She noted that while the bill's intent is to address what Rep. Lynn called a wrongly decided court case, its actual impact could be harmful and urged consulting local superintendents on potential effects.

Sen. Lang said he had conversations with multiple Superintendents and has asked what state regulations needs to be repealed. He has received no responses.