

The Words and Actions of 1919

(NH Legislature's Position on Equal Educational Opportunity)

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The Origins

John H. Bartlett was elected Governor of New Hampshire in November 1918. As Governor-elect he appointed a committee of 7 individuals to advise him on "matters pertaining to the system of public education for the state". The committee consisted of:

General Frank S. Streeter, Concord

Dr. Ernest M. Hopkins (President of Dartmouth College), Hanover

Judge John E. Young (Justice of Supreme Court), Exeter

Rev. Patrick J. Scott (Diocesan Superintendent of parochial schools), Manchester

Herbert F. Taylor (Superintendent of Manchester schools), Manchester

Wilfrid J. Lessard (trustee of Manchester Library), Manchester

Dr. Alpha H. Harriman, Laconia

The committee submitted a report on December 20, 1918. On January 9, 1919, Governor Bartlett transmitted the report to the legislature and said "I do not ask you to feel bound by the letter or detail of the report, but I earnestly ask you to at least approximately solve the great problem".

The House of Representatives referred the report of the Governor's committee to the House Education Committee, along with HB 262 to implement its recommendations. The House committee was chaired by Thomas W. Fry, (of Claremont, ironically).

In February 1919 the committee held public hearings on HB262. Because of the wide and deep impact of the policy changes it proposed, the bill and a special committee report on it were evidently hot sellers in Concord. According to the House Journal, the report went through four extra reprintings and more than 3000 copies were produced in all. The committee *unanimously* endorsed its bill.

On March 4, 1919, the first floor vote in the House took place. The bill was passed. The Concord Monitor reported on the event in its issue of March 4, 1919 (p. 3). The article said:

"The committee takes the position that the assuring of equality of educational opportunity is a function of the state and a measure of self-protection as well and that the cost of providing a fair chance to a child who happens to live in a town financially incapable of maintaining standard schools throughout a full school year is a legitimate and essential charge upon the state."

Later, after going through the Appropriations Committee, the bill passed the House floor a final time. A lengthy report from the Education Committee dated March 13, 1919 accompanied the bill.

The Report

The report, entitled "Statement of Committee on Education To Accompany and Be Taken As a Part of Their Report on House Bill No. 262", deals with many issues: the need for qualified

teachers, need to reduce illiteracy and increase the English language among foreign-born adults, need to provide for the physical health of pupils, need to maintain proper standards and supervision of schools, etc. One of the problems it specifically addresses is that "educational opportunity is neither equal nor universal".

The report also stated "Standardization means raising the work of such schools as are now below a reasonable standard, as nearly as practicable to the level of the better schools of the state." It recognized that this would not be possible by reliance on the local property tax: "The bill provides for state aid when local conditions make it impossible for sufficient money to be raised locally to meet the needs of the schools."

The report recognized the issue of complete centralized control versus that of complete local control and constructed a method whereby "No power is to be taken from the school boards...except the power to have poor schools."

The report also recognized that some increased costs would be necessary if better education was to be expanded into areas where it did not then exist: "We cannot expect that improvements such as this bill contemplates....equalization of educational opportunities, a fair chance and no favor for every child in the state - can be made effective without some increase in cost. The real question is whether the improvements are essential to our welfare as a people and whether the price is within our means."

It was also clear that the burden would be borne more by some than by others: "Under this plan, those living in the poorer communities will receive new and greater privileges; the richer communities will contribute out of their prosperity for the benefit of the state as a whole."

Interestingly, they also included the following statement in their report: "it will be reassuring to the members of the House to find that many of the largest corporate and individual taxpayers in our largest cities, including Manchester and Nashua, with a full knowledge of the increase in taxation involved (a substantial part of which will fall upon them), have voluntarily and heartily expressed their approval of this bill."

The report estimated that the total cost of public schools in the state in the prior year had been \$2,591,769 and that the cost under the new system would be \$2,764,612 - an increase of 6.7%. It also recommended that the state expend \$627,000 toward meeting that cost, 22.7% of the total.

In late March HB262 passed the Senate and became law, Chapter 106 of the laws of 1919. Many of its components are still in law today.

It was comprehensive in its reforms. It created the State Board of Education to centralize authority over education. The board was given thirteen responsibilities. One of them was:

"It will be their duty to equalize educational opportunities so that children in the poorer communities may secure, so far as possible, the same education in elementary and high school grades as children in the richer communities."

Specifically, the Committee Report on the bill stated "Equalization of educational opportunity means that the child shall not be handicapped in making a fair start in life through the financial weakness of the community in which he lives. The state as a whole owes the children in the less favored localities the privilege of a good education in the elementary and high school

grades; by this act it recognizes that obligation. The state itself, for its own protection, has a direct interest in the education of those who are to be its future citizens. It is just as much interested that the children in its rural towns shall become intelligent, useful, and sound-thinking citizens as in the development of the children in the more favored places. The cost of producing this result cannot be borne entirely by these rural communities; the state must assume a share not only for the good of the child, but for its own good."

The bill set a minimum tax rate of \$3.50 per thousand which all communities must impose to raise funds for public schools. Most importantly, it also set a maximum tax rate which could be imposed locally to fund the schools of \$5.00 per thousand. Funds required above that maximum rate were to be supplied by the state. Local property taxes for education were allowed, therefore, to vary by only +/- 18% from the norm of \$4.25 per thousand. Money from the property wealthy districts went into the state pot that was redistributed to the property poor districts.

It created the supervisory system we know today. It set up methods of hiring and removing teachers and supervisory personnel....

Many sections of the law passed in 1919 are still in place. Other parts were eroded over time.

The Supreme Court's first appeal decision on the Claremont case relied heavily on historical documents. For the most part, those documents were from further back in the state's history than 1919. However, it is clear that in 1919 the legislature still understood the state's responsibilities in much the same way that the Court has ruled has always been the case.