

## **Adequacy/Distribution Workgroup**

### **Commission to Study School Funding**

Notes - July 16, 2020

Attendees: Jay Kahn, Mel Myler, Barbara Tremblay, Bill Ardinger, Val Zanchuk, Iris Estabrook, Jane Bergeron, Rick Ladd, Dick Ames, Dave Luneau, Drew Atchison, Amy Clark. 7 public attendees.

At just after 3pm, Jay Kahn called this meeting to order, called the roll, and introduced our guest Amy Clark from DOE.

Amy Clark, Bureau Administrator at the DOE's Division of Education Analytics and Resources' Bureau of School Safety and Facility Management. Her presentation slides (and adequacy work group video of the presentation) are available on the [Carsey-Commission website](#).

Iris asked about the 30-60% schools receive and the formula (RSA 198:15), curious about the process of developing a measure of fiscal capacity. She followed up with a question about air quality and whether there were any enacted rules about clean air/measurements in place? That raises concerns about students returning in the fall during the pandemic. Amy said that schools have to have an indoor air quality policy, but overall the rules are vague and HVAC systems are all over the place. Some schools provide no fresh air or their HVAC systems are inadequate to do so. Related to COVID, schools have similar concerns about ability and requirements to turn over air – not all schools can do it. Iris – do we have any idea about how much it would cost to improve air quality in schools? Amy responded that she did not.

Rick noted that facilities are the 4<sup>th</sup> leg of adequacy and elimination of some requirements. He was curious if Amy had found similar results to the 15% improvement he saw in schools with adequate facilities. Amy agreed and said that research shows that for students, staff, and faculty outcomes are better in better facilities for a variety of reasons. Notes the Harvard study referenced in the presentation.

Dave asked about air quality standards and schools lacking fresh air – does the DOE have information on which schools have no fresh air at all or what the state of air handling systems is in those schools? Amy – we have an indoor air quality survey and results from that. Survey is due by July 31, which Amy can share with the Commission. Would love to also get last year's results as well.

Bill asked about the state partnering with local districts – is there a model that has been discussed at a conference or elsewhere describing what the best practice is, research that says that this is the best model for supporting public schools. Would like to have some support to add to our analysis and recommendations. Amy participates in a group called the national council for school facilities, and although every state is different one of the key themes that NH

is missing is a dedicated funding source – some states have a tax, some have a pool of money – but the national council on school facilities is a good resource.

Jay asked about operating budgets and the adequacy aid formula that includes a certain amount for building maintenance at a low dollar amount (~\$350). Is there a more reasonable number (either per pupil or otherwise) for building maintenance? Amy – maintenance is typically half of capital construction building costs, so \$176 million divided by number of students might be a reasonable amount. Rick thinks that money should be out of base adequacy and into a categorical grant to help provide accountability.

Barbara notes that we should remember that this does NOT include CTE and those construction and technology costs are really important.

Iris notes that operations and maintenance costs calculated by ConVal is ~\$1400/student.

Bruce then set up a [discussion paper](#) he passed around related to defining and costing adequacy. He noted that building aid has lived outside adequacy, but that building quality is linked to student outcomes. He highlighted a few main points from the piece – one the definition aspect of adequacy and the second what goes into costing adequacy. He then presented [the discussion paper](#) to the commission.

Jay is hoping that the commission does not simply adopt one section of statutes – but recognize that there are 14 chapters of state law that define what schools need to do (from 186 to 200). There are other statutes in DHHS. To try to narrow it to a shorter list is bound to be challenged by school districts that have obligations to meet a wide variety of requirements. Trying to tee up – is there broader agreement that the compilation and constellation of what school districts are trying to do adequacy?

Bill – wondered if this is not muddling together several concepts. The way courts have defined adequacy is delivering an adequate education for each child, with the legislature having to define what they believe in more aspirational/general way and how much achieving that goal costs. Operational/mechanical aspects of achieving the aspirations is what the RSAs are, while Claremont made clear the need for an overall goal. Important to separate mechanics, but first step to define standard for measuring whether the state is performing its duty.

Iris – Agree with Bill, would like to have statutes in front of her in terms of what is included, but need to have something aspirational. Standards for school approval, where do those fit in? Jay notes 193-e2 is curriculum and students accomplishing certain goals but schools also have to provide a range of services that schools are obligated to provide in formulas. A long list of requirements for schools to do and not do, student behavior and needs, and more. Iris notes that she understands where he is coming from, but if that is in the definition then that should be part of the cost. Jay – that's a good point, and next question is how to cost. Three numbers out there (\$4340/pupil under 2020 version of current formula; ConVal number in 2018 of \$9929/pupil – mainly due to changes in average class size; \$19800/student given \$3.2 billion spent on education in NH across all students).

Dave – concerned if commission costs out adequacy by each statute then you run into later problems with unfunded mandates. We have a lot of averages for various costs. Don't want to

get trapped into a boil the ocean type of problem that is unmanageable and won't get us closer than other ways of calculating adequacy that provide ability to include new things as they come up, which they will (see the current pandemic). Really readiness – whether it's blended or remote learning. Should have a definition that can roll with the punches, so to speak.

Bill – have been looking at these items as well. Fundamental problem is that we are mixing two steps. One step is to define what an adequate education IS (a standard, not details) that someone could argue in front of the court, and then mechanical/operational/costing.

Jay – competing/complimentary statutory language, it's a compilation of a whole bunch of things.

Barbara – thinking about what is not there. Issues around technology, facilities. Pre-K.

Adequacy is a challenging/bad term.

Rick – for the last 12 years I have seen statutes grow from 1 inch thick to 2 inches thick. Have added more garbage and stuff that lays one thing down after another on schools. Trying to be too specific. Looking at the Vermont State Brief on page 3 they talk about the state's standards – 9 general bullets. They have base adequacy provided based on those standards, and then categorical grants and weighted functions dealing with special education, small schools, and transportation. Can have weighted formulas for schools with different situations. We are specific in the regulations and rules, should not be as specific in the law. Need to be flexible as things change over time. Never get everything on the laundry list.

Jay – constitution requires us to provide an opportunity for an education and to define it as less is a mistake. Need to move away from adequacy and an adequate education. A lot of mandates have been placed on schools. Would like to see us continue to push down this path and say that opportunities for education are more than just the curriculum. Also intrigued by the Vermont definition, covers a lot of categories we cover as well. Propose we continue to follow this course.

Bill – if you look at the first section of 193-e policy and purpose, it establishes a foothold that accomplishes what Jay wants. A mission statement. The costs are a more technical process, but on the standard 193-e1 is a good statement.

Dave – would only caution that there are a lot of terms in education we don't like. But if the court says the legislature has to define an adequate education and fund it, but have to map it back to what our constitutional requirement is.

Bill – reiterates

Iris – Standards for school approval replaced minimum standards, which is very similar to what Vermont has put in place. Seems to her that there is a tie between adequacy and standards for school approval and agree with Bill that we may be muddling two steps here.

Jay – not the goal to muddle and solve both at once. My problem with this section is the circular argument about standards defined by rules and vice versa. Notes how dependent this is on curriculum without noting other parts of student success, part of why it's complex. Have to include all elements of student success. Policy and purpose should define everything underneath it, but this does not do that.

Rick – if you get down to 193-e:2a the content of an adequate education it is very narrow compared to Vermont. Talks about specific subjects. What do we need to do to integrate into other aspects as to what schools should provide? Have to be careful and not be too specific. There's a lot that isn't said in 193, which is trapping us.

Dave – we say every student, but students in Berlin are not students in Claremont or Hanover. There can be a large variance in cost relating to equal opportunity.

Bruce – question to this group, should we move into the cost conversation on July 27 or should we try to meet again in the interim? Jay in favor to meet again, perhaps same time on the 23<sup>rd</sup>.

Bill – have to talk about definitions and whether we support varied amounts per community based on some measure that the legislature is prepared to look at.

Bruce - Will post and announce about meeting next Thursday.

Iris – need to have a conversation about whether or not we are operating under a model where the state has to fund adequacy totally or not.