COMMISSION TO STUDY SCHOOL FUNDING
Adequacy/Distribution Workgroup
November 16, 2020

Findings

1. The existing input-based formula for costing an adequate education is not based on a rational, empirical methodology. The current level of base adequacy aid of $3709 (FY ’21) does not represent an accurate or justifiable cost of providing an adequate education.
2. The current weightings for differentiated aid for FRPL, ELL, and special education are not derived from rational analysis and are significantly lower than needed to address the needs of students in those categories.
3. Resources available for career and technical education are inadequate and not consistent with the state’s needs for a prepared, competent workforce.
4. The opportunity for an adequate education is based on education that (a) conforms to the state’s minimum standards and other state requirements for public education, (b) provides every student with the opportunity to perform at or above the state average student outcome level, and (c) is appropriately responsive to differentiated student needs and community characteristics.
5. Special education mandates on school districts are insufficiently matched by state funding.
6. Other?

Recommendation

1. An outcomes-based formula derived from current statewide average outcome levels should be adopted, phased in over a multi-year period.
2. Weights for differential aid should be aligned with the resources needed by students with greater special needs to assure they have the opportunity to achieve statewide average outcomes.
3. Access to CTE programming should be expanded, with full tuition and transportation support.
4. Building aid funding should be restored to the previous 20-year distribution process.
5. Access to community and school-based early education programs should be expanded to enable all students a better opportunity to achieve an adequate education.
6. Other?

Definition of the Cost of an Adequate Education

The Commission finds that the statutory definition of “Constitutional adequacy” should reflect the importance of assuring that all students have equal opportunity to achieve the a comparable level of educational performance as their peers, regardless of the equalized valuation in their
communities or their particular needs as learners. Therefore, the Commission defines the cost of an adequate education as the financial resources needed by each student to have the opportunity to achieve at the level of average statewide performance outcomes. The Commission has applied performance outcomes described in RSA 193-E:3: attendance rates; graduation rates; and scores on standardized achievement tests. This performance-based definition pegs the cost of an adequate education on outcomes, not inputs.

The Commission is making no recommendations regarding the definition of adequacy itself, as defined by existing statutes (RSA 193-E and elsewhere) and NH DOE standards and regulations. The numeration of the skills, knowledge, and dispositions that schools are required to address in their locally-determined curricula is not affected by a performance-based definition of the cost of providing an adequate education. Thus, the important question is not what class size might be (for example) or number of administrators in a school, but rather whether the school is producing outcomes that achieve, or are progressing to achieve, the designated performance standard.

This performance-based definition will facilitate measuring the value of constitutionally adequate education in terms of the predicted costs for each district to achieve the designated standard of student-centered performance (e.g., the statewide average student performance level or some other metric selected in subsequent statute or standards).

This outcomes-based definition will facilitate accountability. By establishing standard means to measure performance, outcomes-based standards will enable consistent and timely assessment of relative district performance against those standards. This performance-based definition will facilitate judicial review.

**Education Cost Model (ECM)**

The Adequacy/Distribution Workgroup accepts the Education Cost Model developed by AIR. The ECM creates student-centered, outcomes-based cost estimates that reflect a “goodness of fit” among statistically significant variables associated with student needs and school district characteristics. The Workgroup understands that the ECM operates best when the salient factors of poverty (measured by eligibility for FRPL), special education enrollment, ELL enrollment, district size, and grade level are all included in cost calculations. The Commission also finds that the costs of state-mandated transportation services should be included in the total calculation of educating students. The ECM enables the legislature to appropriate dollars based directly on the characteristics of students regardless of where they live. The identification of costs for public schools is determined by the dollars needed for all students to have opportunities to achieve average statewide performance outcomes.

The ECM includes a weighted differential that reflects the varying expenses associated with district size. The Workgroup acknowledges that smaller districts may operate at a lower level of cost efficiency than larger districts. The Commission was not charged with considering school governance structures, including district size. We have no basis for making recommendations that might address size-related efficiencies. Future legislative action might consider removing
extra size weights from districts that choose to remain small as measured by population density and/or distance to abutting districts analysis.

**Recommendations and Considerations for Categorical Aid Programs**

In addition to the adequate education grant that each district receives, districts may also receive categorical grants intended to support specific activities not included in the universal cost formula. The Commission considered several grant programs that it believes require adjustments that will improve student opportunity and outcomes. Summary findings relative to those grant programs are provided below. Expanded briefs on each program are included in Appendix X.

*Career and Technical Education*

CTE is identified in statute as a critical and necessary component of the opportunity of an adequate education. It should be funded in a manner reflecting its critical importance. Opportunities for CTE are more easily accessed by students at schools hosting CTE centers than by students at sending schools. Opportunities should be expanded in order to meet the state’s workforce needs. The Commission affirms the language and intent of HCR 12 (approved May 12, 2016) which calls for 65 percent of the state’s working age population to hold a post-secondary education degree or credential by the year 2025. A robust career and technical education program available to high school students is a critical means to achieve that goal.

**Process to Achieve Target:**

- CTE is part of an adequate education, and the commission is encouraged to support this vital component of an adequate education. This goal could be achieved by allocating a flat dollar per student amount as an incentive for districts to expand access to CTE programs.
- Provide full funding for tuition support for all CTE students, not just those from sending schools.
- Fully reimburse transportation costs.
- Amend RSA 188 to achieve these policy goals, including provisions to assure continued maintenance of the CTE per pupil allocation and make adjustments aligned with inflation over time.

*Building Aid*

- Return to a 20-year distribution design would allow more projects to receive awards
- **Change the award range from 30-60% to 20-80% based on equalized valuation per pupil**
- Require the state budget to appropriate no less than $50M each year to cover new projects and an additional appropriation to cover the obligated tail payments
- Prioritize projects for health, safety and accessibility, emphasis on air quality
- Request NH DOE to report on school building status (including indoor air quality, health, safety and accessibility), grant applications, awards, tail obligation, 10-year proforma for new projects, tail costs and bond rates
- Assessment of absentee rates, health complaints, student performance
Data collection short and long-term absentee rates, student/staff health reports,

**Special Education Aid**

- Affirm that Special Education Aid remains outside of the funding formula proposed by the Commission, similar to other states across the country.
- Affirm that both Special Education Aid and the federal and state special education laws, rules, and implementing administrative practices of which Special Education Aid is an integral component are included within the state’s commitment to provide every child with an opportunity for an adequate education.
- Affirm the commitment on the part of the state of NH to fully fund Special Education Aid by appropriating sufficient funds in order to pay its full share of excess cost under RSA 186-C:18 (requiring the state to pay 80% of costs between 3.5 and 10 times the state average per pupil cost and 100% of costs above 10 times the average cost).
- Affirm that official guidance documents, including data entry manuals, software manuals, software updates, and related memoranda, must be consistent with special education law.
- Special Education Aid reimbursement should occur within the fiscal year services are provided. Basing reimbursement against previous year or years, trued up in the following year, should be possible and still consistent with special education laws.
- Special education aid should include provisions to reimburse school districts for charter school students with IEPs who require services from the student’s home district. There is a need to create data collection capacity within DOE to rationalize rates charged to LEA’s by receiving public charters.
- A Task Force should be established to look more closely at the complicated issues related to IDEA eligible students who are placed by the juvenile court in private special education facilities or foster homes and the related fiscal costs to school districts.
- Changes to existing catastrophic aid provisions must be aligned with any effect on ECM weights (e.g., if catastrophic aid went to 2½ times average statewide per pupil cost).

**Early Childhood Education**

- Improve access to quality Early Childhood Education for children age 3-5 in school-based and community-based programs
- Focus initial expansion on serving children in families earning up to 250% of the Federal Poverty Level
- Increase eligibility and funding for the Child Care Scholarship Program beyond current threshold of 250% of the Federal Poverty Level
- Create a Preschool Incentive Program, modeled on the Kindergarten Incentive Program, to include enrolled preschool aged children in the district ADMA in order to encourage expansion of school-based programs;
- Invest in the training and compensation of the early education workforce as a critical path to quality (evidenced by lower turnover rates and greater teacher longevity)
- Increase collaboration between DHHS and DOE; consider opportunities for improved data collection

Public Chartered Schools. The outcomes-based funding model suggested herein is based on current funding levels. The current state per pupil funding level to public chartered schools authorized by the State Board of Education (31 of 32 current chartered public school) is $7,120 plus differentiated aid, which brings the average state funding per student to $9,000. Chartered public schools (except for one) receive no local funding nor student tuition support, are eligible for federal funds and rely on fund raising to make up differences between state tuition funding and actual cost per student less federal aid. It is difficult to incorporate chartered public schools into the Estimated Cost Model. They don’t have the same legal requirements, have no responsibility for special education, serve a smaller percentage of students receiving free or reduced lunch or requiring English language learning and are not required to provide transportation.

The unique funding of public chartered schools is described in RSA 194-B:11. As the state legislature implements the Commission’s recommendations for public school districts, consideration should be given to if and how those changes should be reflected in state per student tuition funding to public chartered schools.

As the state authorizes increased capacity of public chartered schools, consideration should be given to the stranded costs of districts, fixed operating and capital expenses.