

NEW HAMPSHIRE SCHOOL ADMINISTRATORS ASSOCIATION

CHAMPIONS FOR CHILDREN



February 9, 2021

Rep. Rick Ladd, Chair
House Education Committee
Legislative Office Building
Concord, NH 03301

RE: HB607-FN

Dear Chairman Ladd and Members of House Education,

Thank you for your continued work to improve educational opportunities for children. While NHSAA understands the intent behind the bill is to expand opportunities, we feel that this bill is only providing opportunities for *some* rather than *all*. As a result, NHSAA *opposes HB607*.

We are submitting testimony in opposition based on several significant concerns and questions that this bill raises, including the lack of a fiscal note and analysis, the fiscal impact on local taxpayers, lack of accountability, the approval process, and the speed of which this (and all the school voucher program bills) is being pushed through the legislative process.

Fiscal Note: As of the writing of this testimony, which is about 1 hour ahead of the public hearing on HB607, no fiscal note has been released to the public. This is problematic at best, as there is no way for the public to be aware of the significant fiscal implications of this proposed legislation.

Fiscal Implications/Inequity: As this bill is currently written, it is unclear whether students may remain enrolled in their public school while

accessing this local scholarship program (Page 2, Line 33). If students remain enrolled in their public school – or a substantial majority of their public school program – are they allowed to access this scholarship for additional tutoring, transportation, educational services, etc.? As written this legislation would certainly seem to allow this. If so, the very funds that local districts raise to educate the student would be commandeered for this program while the taxpayers would still be responsible for the cost of educating them.

In addition to the potential of “double dipping”, removal of the local taxpayer dollars for individual students would have a disproportionate negative impact on a district’s ability to provide a constitutionally required adequate education for all students. Depending upon the district, this would impact those districts which have to raise more local funds to meet the needs of their students. The more local funds need to be raised, the larger the potential scholarship at local taxpayer expense.

Just as with the statewide voucher program being proposed in HB20, the notion that having a few students leave the school and use these vouchers will reduce costs at the local level is simply not supported by the facts. Having 10 students access vouchers across 12 grades is not going to eliminate staffing, facility maintenance or utilities, federal and state mandates, or other hard costs associated with operating a public school district.

This bill will only exacerbate the fiscal inequities that exist between property rich and property poor communities. This proposed legislation will only widen the opportunity gap in a most dramatic manner.

Currently, school district taxpayers and community members have direct control over local expenditure of funds through the budget adoption process. Budgets are scrutinized, questioned, and explained in great detail. This bill would diminish that local control – taxpayers would no longer have the ability to control their budgets, only the remaining section of it that is not devoted to this voucher program.

Specific fiscal implications:

- Page 1, Line 10: definition of an “eligible student”. What would prevent a parent indicating that they did not want their child to graduate at age 17 or 18 so that two years of their higher education

- could be provided through this scholarship program at taxpayer expense? What would prevent a private school student from enrolling in their local public school long enough to access the fund and then re-enroll in their previous private school?
- Page 2, Line 5: There is nothing in the Program Eligibility that would prohibit a student from remaining enrolled in the public school and accessing this scholarship program.
 - Page 3, Line 12: The amount of the grant must be calculated annually, but the amount cannot be less than the previous year regardless of the calculation. The scholarship amount would remain the same whether or not the calculation would indicate a lower amount in subsequent years. As the school district's adequacy grants from the state decrease as it is tied to ADM, and thus the amount that needs to be raised locally increases due to this scholarship program, the amount raised by local taxpayers is going to continually increase. This is inequitable on its face.
 - Page 3, Line 24: The Department will transfer 90% of the state adequacy grant to the scholarship program. At that point the students are no longer included in the adequacy calculation from the state. However, the local community is still required to provide financial assistance for those children who no longer attend the public school. This exacerbates the disparity between those who can access this "opportunity" versus those students who remain in their public schools.
 - Page 4, Line 15: The scholarship organization may receive and expend gifts, grants and donations to carry out the purpose of this chapter. This provision would allow national private foundations and corporate sponsors to provide "donations" to the scholarship organization to be spent how they wish.

Lack of Accountability and Transparency: This proposed legislation has limited accountability of taxpayer funds.

- Page 4, Line 17: The requirements for agreements are nebulous at best, only that the organization is required to develop and maintain agreements
- Page 4, Line 24: The only accountability is a parental survey of relative satisfaction. This does not require academic or assessment accountability. All public schools must adhere to the constitutional requirement to show that they have provided an adequate

- education. Perhaps public schools could be measured by parental satisfaction survey only.
- Page 4, Line 28: The scholarship program is to conduct an annual audit. Where is the incentive for a robust audit of expenses under this proposed legislation? All public-school funds are audited by an independent auditor on an annual basis and the full report provided to the local School Board and inserted in an annual report to the local taxpayers. Are taxpayers to accept the word of the scholarship program as it audits itself?
 - Page 5, Line 1: Any parent who has an existing scholarship, even if the district votes to end the program, is allowed to continue receiving grants for as long as their child is under 20 years of age. Shouldn't local districts have control over their own funds? There are no other public expenditures that are "grandfathered" to this extent.

This law would also allow for public funds to be expended for homeschool programs, including parental mileage, online programs, and course materials. As you are aware, there remain no accountability requirements for homeschool students in statute, as they were all struck several years ago. This allows parents the freedom to educate their children without any educational institution oversight, but also eliminates any transparency or accountability over the academic program or its outcomes. With the use of public funds for homeschool students, as well as private schools, this could expose the school district and citizens to subsequent lawsuits in which a parent or student may assert failure to offer an adequate education to an individual.

Adoption Process: The process for adoption and rescission seems unnecessarily cumbersome and, as written, unclear. Adoption within cooperative school districts would be problematic at best.

- Page 5, Line 26: Regarding the adoption of this program at the local annual meeting, it appears to call for a special meeting to be held. Is this a separate meeting from the annual meeting? If this is to be a special meeting, who bears the cost for such a meeting? This seems unclear.

Lack of Access for ALL Students Public education is often described as a "monopoly", that school choice will drive competition, and that competition is the foundation of a market economy. If public education is to be

considered a commodity, then that argument might be true. However, public education is not a commodity to be traded on the open market – it is a civic and community responsibility to its citizens – enshrined in the NH Constitution even more strongly than in other states around the country. It is no more a monopoly than fire and police protection, road repair and maintenance, or any other civic action. It is part of the contract we as citizens make with our government – a public good to be shared with all citizens. Part of that civic contract is a public education that is open and accessible to all students – not just those who meet certain criteria.

This legislation simply does not give parents real educational choice, even though that is the rationale given. Public schools must – and should – take every student who walks through their doors, regardless of their learning or physical disability, family situation, economic background, immigrant status, language difficulty – and the list goes on. Private schools do not have to do that – they can accept only those students who fit their mission. All other students may be excluded. So that is choice for some – not for all.

Participating private schools may limit enrollment, and in many cases may maintain exclusive admissions policies and charge tuition and fees far above the amount provided by the voucher. Unlike public schools, private and religious schools can — and do — discriminate in admissions on the basis of prior academic achievement, standardized test scores, interviews with applicants and parents, gender, religion, income, special needs, and behavioral history. Such discriminatory practices invite lawsuits and civil rights investigations, which are both costly for all parties involved. Again, choice for some – not for all.

Voucher programs, especially this one based on the use of local taxpayer funds, essentially benefit those students and families who already participate in private and home school programs. These programs widen the achievement and equity gaps between students who struggle socio-economically or have learning disabilities and their more privileged peers, rather than close them.

I question the haste that this bill, along with the other voucher and school choice bills, is being pushed along. Is there a reason why such far reaching educational policy considerations should be rushed through the legislative process? If these are truly bills in the best interest of public

education students, families, and taxpayers, then perhaps a more comprehensive and studied approach should be taken. If we are truly interested in transforming our public schools and expanding opportunities for **all** children in our state, shouldn't we take the time to examine these approaches, research their efficacy, and come up with a path forward that could be agreed upon by everyone?

This bill raises too many questions and appears to try to solve a problem that does not exist. In summary, we respectfully urge you to vote *against HB607*.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carl M. Ladd".

Dr. Carl M. Ladd
Executive Director of NHSAA