

Case Brief: Claremont School District v. Governor

1. **Identification of the Case:** Claremont School District v. Governor, 142 N. H. 462, 703 A.2d 1353 (NH, 1997)
2. **Action Sought:** Coercive Remedy
3. **Facts of the Case:** The state of New Hampshire was “varying property tax rates across the State placing an undue burden on property-poor districts.
4. **Question to be Answered by the Court:** Whether, “in New Hampshire, a State funded constitutionally adequate elementary and secondary education is a fundamental right.
5. **Answer(s) Given by the Court(s):** Lower Court – No. The “responsibility for providing elementary and secondary public education” resides solely with the local school district. Appellate Court – Reversed. The State’s duty to provide for an adequate education is constitutionally compelled.
6. **Reasons:** (1) Constitutional Interpretation- the court found that the State Constitution “specifically charges the legislature with the duty to provide public education. (2) Practicality and Common Sense- The court assessed that in New Hampshire, the right to s “State funded constitutionally adequate public education was in fact a fundamental right.
7. **Significance of the Case [for schools]**

The significance of this case lies in the court’s affirmation of education as a fundamental right under some (in this case New Hampshire) state constitutions. As a fundamental right, state funded public education then enjoys a prima facie spot in the social contract between the individual and the state (Alexander & Alexander, 2009). The assertion by some states that public education is a fundamental right affords education certain protection against encroachment and places it ahead of lesser utilitarian responsibilities.

I continue to say “some states” because the instances of states that find education to be a fundamental right varies. Alexander & Alexander (2009) explain that this case is still of universal importance however, because, “in spite of the varying interpretations, it appears that there has been a general evolution, over a rather short time, of the law in testing legislative action under state constitutional requirements” for providing an adequate public education.

The steady flow of supporting interpretations by the courts, our authors suggest, have created an “imposing body of law” that effectively protects the individual and public against undue burden in the face of a fundamental state obligation.