

CITY COUNCIL PRINCIPLES FOR LEGISLATIVE POSITIONS:

PRINCIPLES FOR LEGISLATIVE POLICIES

The City Council has adopted Principles for Legislative Positions listed below in order for the Mayor and City Staff to be able to offer testimony to the Legislature in a timely manner on bills of interest to the City. The Principles for Legislative Positions are as follows:

1. Advocate to maintain local authority
2. Authorize local options
3. Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
4. Advocate for municipal representation on state committees
5. Support incentives for regional cooperation
6. Support plans to fund/support infrastructure
7. Support incentives for sustainability and increasing energy efficiency and increasing renewable energy production.
8. Support directing revenues to the purposes for which they are raised
9. Support measures that increase the efficiency of local government operations
10. Maintain and improve health, life and safety issues including protecting the safety of our First Responders
11. Encourage citizens to vote and support eliminating barriers to voting
12. Rely on locally generated financial data for decisions relating to local taxes and assessments
13. Protect local decision making about local zoning
14. Require the State to honor existing financial commitments to communities before new financial commitments are awarded, e.g. infrastructure reimbursements
15. Support the civil rights of individuals and oppose discrimination against any individual because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, national origin, sexual orientation or gender identity
16. Use expertise and research in decision making

17. Support policies that create affordable housing as well as incentives for the construction of affordable housing and oppose any policies that block efforts to create affordable housing
18. Support lobbying efforts of organizations and associations to which the City belongs and supports as a municipality, unless contrary to other city policies
19. Oppose legislation that does not apply scientific and technical standards that are broadly accepted by peer reviewed scientific study and can reasonably be achieved by sustainable best management practices and technology
20. Support legislation that provides education funding based on an equitable and sustainable framework and oppose the return of the donor town concept

APPROVED AND AMENDED BY CITY COUNCIL FEBRUARY 7, 2022

Legislative Subcommittee's Procedures for Submission of Testimony

The City Council authorizes the Legislative Subcommittee, or their designees, to take positions on legislation they believe to be in the best interest of the City based on Legislative Principles adopted by the Council, as amended from time to time.

Testimony on behalf of the Legislative Subcommittee may be presented by the Mayor, Members of the Legislative Subcommittee, or their designees, which may include Members of the City Council and City Staff.

City Staff, who are members of State Associations and Professional Boards, may submit testimony on behalf of their Associations or Boards. The testimony will state that it is being submitted on behalf the Association or Board, not the City of Portsmouth. All such testimony will be reviewed by the City Manager before submission.

The City is a member of Coalitions with other communities that may submit testimony on legislative issues. (Examples of these types of Coalitions include, but are not limited to, New Hampshire Water Works Association, Coalition Communities 2.0 (“CC2”) and the Great Bay Municipal Coalition). The City may submit or join in testimony on behalf of these Coalitions, provided the testimony is consistent with the City’s Legislative Principles.

There will be rare occasions when it is the City’s best interest to testify on legislative issues that fall outside the scope of the Council’s Legislative Principles before a meeting of the Legislative Subcommittee or Council Meeting can be convened. Under these circumstances, the Mayor is authorized to provide testimony on behalf of the City.

APPROVED BY CITY COUNCIL FEBRUARY 7, 2022.

t/2022legislative/proceduresfortestimony



Education Coalition Communities 2.0 New Hampshire

www.CoalitionCommunitiesNH.com

Coalition Members

*Town of Bridgewater
Town of Center Harbor
Town of Carroll
Town of Hebron
Town of Holderness
Town of Hollis
Town of Jackson
City of Lebanon
Town of Lincoln
Town of Meredith
Town of Moultonborough
Town of New Castle
Town of New Durham
Town of Newbury
Town of Newington
City of Portsmouth
Town of Rye
Town of Sandwich
Town of Sugar Hill
Town of Sunapee
Town of Tuftonboro
Town of Waterville Valley
Town of Wolfeboro*

Joint Board

Nathan Lunney, Chair
City of Portsmouth
Paul Deschaine, Vice Chair
Town of Newington
Shannon Martinez, Clerk
Town of Sunapee
Rick James, Member
Town of Hebron
Terry Murphy, Member
Town of Bridgewater
Bonnie Moroney, Alternate
Town of Carroll
Judie Milner, Alternate
Town of Meredith

Statement of:

Nathan Lunney – Chair, Education Coalition Communities 2.0

Regarding:

NH House Ways & Means Committee

House Bill 1800 and House Bill 1787

February 4, 2026

Dear Mr. Chairman and Members of the Committee:

My name is Nathan Lunney, and I am the City of Portsmouth's Deputy City Manager - Finance & Administration. I currently serve as Chair of the Education Coalition Communities 2.0, a group of 23 member cities and towns that have come together to ensure that any future education funding formula does not unfairly mandate that property tax **money raised in one town be sent to another town** by way of the Department of Revenue Administration.

Education Coalition Communities 2.0 stands in fundamental opposition to the provisions of HB 1800 and HB 1787 that would require all education property tax to be submitted to the state which would recreate an unfair funding scheme previously repealed in 2011 and rejected again last session.

On behalf of the members of the Education Coalition Communities 2.0, I offer our respectful **opposition to core elements** of both House Bill 1800 and House Bill 1787.

Please find my comments in bulleted items below hoping to make your review and consideration quicker and easier.

Impact on Local Taxation

- These bills would require municipalities to levy local property taxes as a “state tax,” then redistribute those funds with **no accountability** to local taxpayers.
- This would represent a major departure from the longstanding practice where **local property taxes fund local needs, particularly education.**
- These bills would reinstate the “**donor community**” model, which was short-lived and unsuccessful.

Broader Consequences for Municipalities and Schools

- Increased tax burdens could force towns and cities **to cut education** and municipal priorities **to avoid overall tax increases.**
- There could be potential negative impacts on education programs – contradicting the stated purpose of improving education funding.
- These bills would create winners and losers again, creating unfairness, and fostering tension among municipalities.

Additional Observations

- House Bill 1800 would unfairly increase the tax burden of specifically those property owners with students enrolled in local public schools.
- Both bills would create a lack of predictability for municipal budgeting.
- Education Coalition Communities 2.0 does not take a position on the tax credits or exemptions being proposed in either bill.
- The Coalition does generally support tax relief for property owners and would support the bill provisions to study property tax relief.

House Bills 1800 and 1787 would create an **unfair distribution of property taxes**, previously rejected for good reason. Education Coalition Communities 2.0 supports a **fair, comprehensive, and accountable** approach to education funding that commits locally raised taxes to support local education spending.

Thank you, Mr. Chairman. Education Coalition Communities 2.0 stands ready to work with you and your committee as you work to address this very challenging issue.



February 3, 2026

Sen. James Gray, chairman
Senate Finance Committee
107 N Main Street, Room 103
Concord, NH 03301

RE: SB 605 - relative to special assessment requests from pooled risk management programs.

Dear Chairman Gray and members of the Committee,

We, the undersigned mayors, are writing in support of SB 605, which makes logical, reasonable, and transparent changes to the state's role in overseeing health insurance risk pools.

SB 605 allows two distinct models of risk pools to exist in New Hampshire: assessable and non-assessable. This distinction is consistent with the Association of Governmental Risk Pools (AGRIP) standards, which recognizes both models of risk pool. This bill provides clarity to local governments, helping them decide which model best suits their needs.

A clear illustration of why this legislation is needed occurred last summer, when many school districts and a few towns received large “surprise bills” from two of the three health insurance risk pools operating in the state, one of which has since ceased operations.

While we support the concept that political subdivisions participating in assessable risk pools should have a reasonable timeframe to pay assessments, we are neutral on the 36-month period contained in SB 605.

With health insurance being a huge driver of municipal costs, regularly outpacing inflation, clarifying the regulatory scheme is crucial and we support SB 605 as a common-sense solution that protects municipalities, public employees covered through risk pools, and ultimately property taxpayers.

Thank you for your consideration.

Regards,

Mayor Dale Girard, Claremont

Mayor Byron Champlin, Concord

Mayor Dennis Shanahan, Dover

Mayor Jay Kahn, Keene

Mayor Mike Bordes, Laconia

Mayor Deaglan McEachern, Portsmouth



February 4, 2026

Rep. John Hunt, chairman
House Commerce and Consumer Affairs Committee
One Government Place, Room 229
Concord, NH 03301

RE: HB 1491 - relative to pooled risk management programs.

Dear Chairman Hunt and members of the Committee,

We, the undersigned mayors, are writing in support of HB 1491, which makes logical, reasonable, and transparent changes to the state's role in overseeing health insurance risk pools.

HB 1491 allows two distinct models of risk pools to exist in New Hampshire: assessable and non-assessable. Assessable pools will remain under the authority of the Secretary of State, while non-assessable pools will shift oversight to the Department of Insurance (DOI). This distinction is consistent with the Association of Governmental Risk Pools (AGRIP) standards, which recognizes both models of risk pool. It is also consistent with how pools have operated in our state for decades. This bill provides clarity to local governments, helping them decide which model best suits their needs.

HB 1491 includes enhanced disclosures for both risk pool models and equips regulators with stronger enforcement tools than those currently in place. Both models have clear reserve level requirements, eliminating ambiguity, and mandate actions to be taken if reserves fall too low, ensuring the financial security of the public sector.

A clear illustration of why this legislation is needed occurred last summer, when many school districts and a few towns received large “surprise bills” from two of the three health insurance risk pools operating in the state, one of which has since ceased operations.

With health insurance being a huge driver of municipal costs, regularly outpacing inflation, clarifying the regulatory scheme is crucial and we support HB 1491 a common-sense solution that protects municipalities, public employees covered through risk pools, and ultimately property taxpayers.

Thank you for your consideration.

Regards,

Mayor Dale Girard, Claremont

Mayor Byron Champlin, Concord

Mayor Dennis Shanahan, Dover

Mayor Jay Kahn, Keene

Mayor Mike Bordes, Laconia

Mayor Deaglan McEachern, Portsmouth



February 2, 2026

Senator William Gannon
Chairman, Senate Judiciary
State House, Room 124
107 North Main Street
Concord, NH 03301

RE: SB 626 - restricting right-to-know requests to persons domiciled or maintaining a permanent residence in New Hampshire and requiring proof of domicile or residency to file right-to-know requests.

Dear Senator Gannon,

We, the undersigned mayors, support SB 626, when amended by Amendment 2026-0403s. There are several reasons we support this bill as amended.

Clarification will affirm the intent of Right to Know/RSA 91-A. Establishing a definition of “citizen” in the Right to Know Law/RSA 91-A will ensure the right to transparency of government rests with those governed by it. This concept aligns with the New Hampshire Constitution and the statutory intent of RSA Chapter 91-A as established in 1967.

Ambiguity will be eliminated. Establishing a definition of “citizen” in RSA 91-A will, once and for all, settle any confusion and do it in a way that is consistent with the constitution and statutory intent of 91-A. It will allow public entities to filter access to governmental records in a way that continues to ensure New Hampshire citizens have guaranteed access to those records and prevent out-of-state individuals and bad faith actors from overwhelming the available resources of public entities with burdensome or irrelevant requests not meant to hold the government accountable to the people it governs.

Ease of implementation and consistency. A definition that references RSA 654:12, I(c) would mean a person would use the same or analogous documents that prove a person’s domicile to assert their right to vote in New Hampshire to support their right to request governmental records in New Hampshire, if challenged.

Transparency is preserved. Defining “citizen” will simply protect the intent of the law by saying: if you live here or own property here, you have every right to know what **your** government is doing. If you do not live in New Hampshire, the same level of access does not automatically apply. It limits frivolous or burdensome requests from those with no connection to NH, while preserving access for those who live, vote, and pay taxes here.

Maintains Media Access. Defining the term “citizen” will have no impact on the ability of media, which is already defined by RSA 91-A:4, IX, to request records under New Hampshire’s Right-to-Know Law.

In sum, SB 626, as amended, will maintain transparency for those entitled to it, the citizens of New Hampshire and allow public entities to respond to those looking to hold their government accountable, not those looking to data mine.

Thank you for your consideration and please feel free to reach out should you have any further questions.

Regards,

Mayor Dale Girard, Claremont

Mayor Byron Champlin, Concord

Mayor Dennis Shanahan, Dover

Mayor Mike Bordes, Laconia

Mayor Jim Donchess, Nashua

Mayor Deaglan McEachern, Portsmouth

Mayor Chuck Grassie, Rochester

Cc: Members of Senate Judiciary

An Open Letter on the Risks of Statewide Open Enrollment

Governor Ayotte and Members of the NH Legislature:

We write as school board members and district leaders from across New Hampshire to express serious concerns about the rapid advancement of statewide open enrollment. While expanding opportunity for students is a shared priority, major policy changes must be implemented in ways that do not destabilize the public education system that serves approximately 90% of New Hampshire students and their families. In addition, the use of a procedural maneuver to advance this legislation without any public hearings limits transparency, excludes the voices of Granite Staters, and stifles meaningful input on a sweeping change to public education.

Statewide open enrollment will create winners and losers. Recent analysis by [Reaching Higher NH](#) shows that open enrollment shifts costs onto sending districts and ultimately harms the students who remain. Sending districts must pay new tuition bills that conflict with voter-approved budgets, resulting in higher local property taxes and/or cuts to educational services. If just 20 students leave a district, and tuition is set at the state average cost per pupil of \$22,700, the district incurs a new tuition obligation of approximately \$454,000, an expense that must be absorbed within a fixed, voter-approved budget. While some students are able to transfer to districts with greater opportunities, those students without transportation are left behind in districts with fewer resources and diminished programs. If choice is not available to all students, it is not truly choice.

In states with full open enrollment, state governments fund public education at significantly higher levels, absorbing much of the risk created by student movement. New Hampshire provides no such buffer. For example, state contributions in Arizona (43%), Idaho (65%), and Mississippi (46%) far exceed New Hampshire which only funds 29% of public education. In the Granite State, the absence of meaningful state investment means those costs are shifted directly onto local property taxpayers, disproportionately impacting rural and lower-property-wealth districts.

The speed with which statewide open enrollment is advancing has left [dozens of critical questions unanswered](#). Our boards and district leaders have raised persistent concerns about how special education services will be delivered, billed, and reconciled when students transfer. Capacity is treated as a simple seat count rather than a district's actual ability to meet student needs, including staffing levels, caseloads, specialized programs, and compliance obligations. At the same time, districts will face a significant increase in administrative costs and workload. Collectively, these gaps shift operational risk, legal exposure, and political accountability onto local boards and SAUs, forcing districts to absorb consequences they did not design and cannot control. Proceeding without resolving these questions places districts in an untenable position by design and puts students at risk.

We urge legislators to slow the advance of statewide open enrollment and adopt a more deliberate process that allows for open, public analysis. A July 1, 2026 implementation date would take effect after school budgets have already been approved by voters, leaving districts unable to plan responsibly for its effects. Public education in New Hampshire depends on clear lines of responsibility between the state and its local districts. Without it, districts and taxpayers absorb the burden, and students bear the consequences.

Moving forward without clarity hurts districts, taxpayers, and, most importantly, students, undermining confidence in the state's stewardship of public education.

Signed,

[Add your signature here](#)

Total Signatures – 575

Open Enrollment Legislation: Unanswered Questions

Capacity

- How is capacity defined? (Max occupancy according to the fire marshal, student-teacher ratios, staffing levels, available building space, special education case loads, class size, etc.)
- Are students guaranteed a seat in their home school district even if the school is “at capacity”?
- Can a district refuse currently enrolled out of district students for the next school year if their continued enrollment would cause hardship for the receiving school in the form of requiring additional staffing or need for additional and unavailable classroom space (for example, needing to split a large class into two)?

Residency

- If any person living in the state is a legal resident of a school district, how do you establish a “sending” district? (Page 1, lines 16-19; and page 2, lines 9-11)
- Will the state provide adjusted adequacy payments to account for private school students who enroll mid-year in a different public school (thereby leaving their resident/sending district responsible for 100% of the tuition cost when they had not budgeted for that student in the first place)?
- If a student has parents with shared custody who live in separate districts and the student attends school in a third district, how and by whom will “sending district” be determined?

Enrollment

- Do non-resident students need to re-apply every year or are they guaranteed a seat for all future years of attendance?
- Is an applying student given priority if their sibling already attends in that district?
- Do districts have the ability to set a timeframe on or deadline for student registrations?
- Is there a limit to how many times a student can enroll in a new school district, or how long a new student must remain in the district before transferring out again?
- Can schools/districts set capacity levels for different programs within a school?
- Is there a standard process through which districts are supposed to select students?
- Page 3, lines 23-29: *Application for transfer may be denied only for 4 reasons: 1) Student expulsion from a prior district; 2) chronic and severe disciplinary issues; 3) chronic absenteeism; 4) receiving district has capacity issues.*
 - Are reasons 2, 3, and 4 interpreted or defined by the receiving district?
 - Public schools cannot deny students entrance based on disciplinary issues or chronic absenteeism. Will there be any further guidance or clarification in the language that would absolve school districts from being at risk of discrimination since the bill’s language permits denials for both reasons?
- Can a receiving school dismiss/expel a student who becomes a behavioral concern? Where would the student go in these cases if expulsion is a qualifying denial category?
- Can districts refuse to enroll a student (or unenroll an existing student) if families do not pay the difference in cost?
- Can students shift schools whenever they would like? For example, a student who doesn’t make the varsity basketball team, can they unenroll and enroll in a different school?

- Regarding the language on page 2, lines 30-33: *“Each district legislative body shall establish an open enrollment policy to allow pupils to transfer among schools within the district, from another district in the state, or IN ANY STATE THAT HAS AN INTERSTATE CONTRACT WITH NEW HAMPSHIRE THAT DOES NOT REQUIRE NONRESIDENT PUPILS TO PAY AN APPLICATION FEE OR TUITION.”*
 - The last part of this amendment is vague and unclear what this actually means. Does this mean NH students can go to school in another state? Does this mean students from other states can enroll in NH schools? For school districts that sit on the Maine and/or Vermont state borders, it is important to have this language clarified.
- Schools that do not offer all grade levels have had long-standing agreements/tuition contracts with neighboring districts which include priority enrollment for students from the sending district. Will preferential enrollment agreements be honored if open enrollment becomes mandatory for all schools?
- (Regarding the situation above) If tuition agreements will not be honored and all students have to apply separately for open enrollment slots, will parents now be required to pay the difference even if their district does not have a program for their student’s grade level (i.e. enrollment in another district is a requirement not choice)?

Special Education & Equity

- How will students with disabilities receive a Free and Appropriate Public Education if they attend a different public school that is not equipped to meet their unique needs or the provisions within their IEP? Can a family demand that a school create an intensive needs program for example?
- How will English language learners receive the services they need when moving into a district that has no such programming? The DOE adequacy aid spreadsheet indicates more than 100 NH towns have zero ELL student population.
- How will home districts be able to continue tracking the progress of students with disabilities to assure compliance with state and federal regulations if case workers will now need to travel around the state to follow these students?
- Would special education students requiring transportation receive that service at the sending district’s expense, even if the distance/cost is significantly higher?
- Does the sending or receiving school determine if a student should be newly evaluated for special education services? Who arbitrates if the two districts disagree on whether to proceed with testing?
- Will the state provide scholarship funding to pay tuition and/or transportation costs for families who would like to participate in open enrollment but do not have the resources to pay differentiated tuition or means to transport their children to another district so there is equity in accessibility?
- If a district provides specialized transportation to their school through a student IEP (for example a wheelchair accessible bus and/or supervised bus transport) and transport to a school outside of the district chosen by a student increases that cost of transport, does the sending district or parent incur that added cost? If the parent opts to get their student who needs additional support (i.e. wheelchair transport or supervised transport) to a bus stop within the receiving district, does the receiving district incur the cost of ensuring the bus on that route has adequate accessibility and staffing, the sending district, or the parents?
- In this “competing for students” model, will the moratorium on building aid be lifted so schools can be upgraded or replaced with more modern facilities?

- If all public schools become universal open enrollment schools, what changes in state funding will be coming to minimize unsustainable tuition shifts in property poor communities?
- How will nursing needs be met if a medically high risk student moves into a district/school without full time nursing staff? Who will be responsible to cover the additional costs of hiring/maintaining a school RN to meet the need?
- Will the state provide additional funds to cover the mandated cost of the additional buses if a district has multiple schools it must transport special education students to under open enrollment?

Finances and Budgeting

- Who determines whether a sending district demonstrates the need for a lower tuition rate relative to fixed costs (page 4, lines 33-34)? How is the percentage between 80 and 100 determined?
- How often (if ever) would a district need to substantiate this financial need? Who decides when districts disagree on the percentage to charge?
- How frequently would districts and families need to pay tuition to receiving districts: Annually? Bi-annually? Monthly? Quarterly?
- How would payment for mid-year transfers be calculated, particularly if a family had pre-paid tuition?
- If a sending district is allowed to pay only 80% and that number is less than 100% of the receiving district's cost per pupil, does the family pay the balance?
- What happens when a school district or parents do not pay in a timely manner, what recourse does the receiving school district have? Will they be required to continue to educate the child at the receiving school district's and town's expense?
- The wording in sections 12:I and 12:VI conflicts regarding how much districts are allowed to charge for tuition. Which is correct?
- How are facility costs and improvements shared with neighboring towns whose students attend a receiving school?
- When determining cost per pupil, can districts differentiate by school level or do they use the average cost per pupil for the entire district?
- When determining cost per pupil, is tuition paid to receiving districts included in the calculation? If so, does this not effectively create a price floor for the sending district?
- How does open enrollment work in towns with longstanding AREA agreements and tuition agreements in which school boards have set tuition rates in cooperation with their neighboring towns? Does this legislation override local decision-making? Does it create legal liabilities if AREA contracts are violated?
- How will fixed costs in a sending district (bond payments, utilities, grounds and building maintenance, etc) be accounted for if students take the entire per-pupil cost with them to another district?

Oversight

- Why is the requirement for a study committee on the implementation and effectiveness of open enrollment removed and replaced with the word "may" (page 5, lines 25-26)?
- Who is ensuring districts are not denying transfer applications for ineligible reasons (page 3, lines 23-32)?
- Who is ensuring districts aren't passing behavior issues or students with significant concerns on to other districts without notice?
- If a district's local school system dissolves, how will the average cost per pupil be calculated in the future?

- Can a school district now decide to be “choice only” and not actually have a physical building?
- Why is there no language granting authority to the State Board of Education or Department of Education to create rules and parameters for this legislation?
- Why did the NH Department of Education not have an opportunity to speak publicly on this bill and its implications for the entire state education system?
- How much personal student data is shared during the application process, and how is that student data protected, especially in cases where the student is not accepted into the desired district? Who is responsible for ensuring the data is protected?

Logistics

- Many collective bargaining agreements require Reduction In Force (RIF) notices to be sent by April 15th each year. How will districts be able to honor this requirement if enrollment, finances, and staff needs are perpetually fluid?
- Do districts have the ability to limit how many students can leave to attend other schools? For example, a small district with 100 students would likely be insolvent if half of them left in one year.
- How do charter schools fit into this proposed system?
- Would students in one school zone be able to access transportation to attend another school in a different zone of the same town/city? (Page 3, lines 34-37 and page 4, lines 1-2 are not clear.)
- How will fluctuating student enrollment affect districts qualifying for federal and state grants that base grant amounts on student enrollment and similar qualifications?
- How would this bill impact schools sending students to regional tech centers, as well as those offering regional tech center programming?
- Would public-private partnership schools like Pinkerton Academy be available to students in an open enrollment system?
- Will the state continue to use October 1st for enrollment numbers for adequacy grants if the enrollment is always changing?
- What is the explicit start date of this open enrollment program if the bill passes?