

CLAREMONT

Court rejects school appeal in Claremont

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The New Hampshire Supreme Court has rejected Claremont's bid to overturn a lower court ruling that found no emergency existed to justify a revote on the Stevens High school renovation plan that lost by one vote last spring, the attorney who brought the suit said yesterday.

"The court didn't get into the substance of the larger arguments that were made," said Thomas P. Connair. "The decision itself was kind of perfunctory."

He said the justices issued a two-paragraph ruling deferring to the lower court.

In seeking to be allowed a revote at a special district meeting, school district officials were required to prove to a Superior Court Judge that an emergency existed. They argued, among other things, that the loss of nearly \$14 million in state building aid — the amount the district stood to receive had the bond passed before the Legislature imposed its current moratorium on building aid — constituted an emergency.

Sullivan County Superior Court Judge Philip Mangones last May denied the petition from the school district. He wrote in his

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ruling that the court was "not persuaded that a sufficient emergency exists" for a special meeting to be appropriate.

The school board petitioned the court after learning at the March 16 revote that the bond fell short of the 60 percent needed to pass, receiving 59.991 percent of positive votes.

Connair, who brought the appeal, said he wasn't surprised by the decision. "I thought it would be an uphill battle from the start," he said. But by the same token, "I thought it was my responsibility to test the decision both for the community and for the school children."

Connair, who noted that the court solicited several friend-of-the-court briefs from parties that could have been affected by the ruling, noted that the court chose not to

address any of the issues that were raised by the appeal, though they had ample opportunity to do so.

"We gave the court more than sufficient legal grounds," to expound on a number of points of law, Connair said. In the end, the court just decided to defer to the lower court.

"It's disappointing, but I think it was important to validate the vote of the taxpayers," given that the vote was so close, said Connair, who was the chairman of the school board when the Claremont School District and four other districts sued the state, claiming it was not meeting its constitutional obligation to provide children with an adequate education. The districts ultimately prevailed in a series of landmark rulings issued by the court in the 1990s.

Ironically, the New Hampshire Legislature is expected to take up a proposed constitutional amendment this week that would seek to circumvent those Claremont decision by forbidding the court from ruling on education matters.

The latest Supreme Court decision marks the last appeal available to supporters of the renovation plan in their attempt to be allowed to hold a revote on the issue. Moreover, with the Legislature deciding to freeze state building aid in response to the state budget crunch, it effectively kills any chance Claremont had of winning funding for a renovation plan. And without the state picking up a substantial share of the cost, even renovation supporters admit a revote would be the longest of long shots.