



**PETITION 12
PETITION FOR REDRESS OF GRIEVANCE**

TO: The Honorable House of Representatives

FROM: Petitioner Representative Lars Christiansen, Hills. 27

DATE: September 23, 2009

SUBJECT: Grievance of the voters of the of town of Hudson school district

Whereas, the New Hampshire Bill of Rights at Article 2, Part First of the New Hampshire Constitution provides that "All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin;" and

Whereas, the New Hampshire Bill of Rights at Article 12, Part First of the New Hampshire Constitution provides that "Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property;" and

Whereas, the New Hampshire Bill of Rights at Article 32, Part First of the New Hampshire Constitution provides that "The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer;" and

Whereas, the New Hampshire Bill of Rights at Article 31, Part First of the New Hampshire Constitution provides that "The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require;" and

Whereas, the New Hampshire Bill of Rights at Article 28-a, Part First of the New Hampshire Constitution provides that "The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision;" and

Now, Therefore, your Petitioner, Representative Christiansen on behalf of the voters of the of town of Hudson school district hereinafter presents the particulars of their grievance against the State of New Hampshire and invokes the constitutional authority and duty of the Honorable House of Representatives pursuant to said Articles 31 and 32 to bring about their redress:

1. In 2007 the state of New Hampshire mandated that school districts provide public kindergarten education beginning with the 2009-2010 school year, but did not comply with Article 28-a, Part First of the New Hampshire Constitution in that it did not fully fund the program required for public kindergarten education.
2. Further, pursuant to Article 28-a, Part First of the New Hampshire Constitution, in 2009, the town of Hudson school district rejected the approval of local funding for the responsibility of providing public kindergarten education.
3. The town of Hudson school district filed a bill in equity in the Superior Court for declaratory relief and preliminary and permanent injunctive relief for the violation of Article 28-a, Part First of the New Hampshire Constitution.
4. Superior Court Judge James J. Barry, in violation of his oath to uphold the Constitution of the State of New Hampshire, denied the requests of town of Hudson school district in his decision in Hudson School District v. State of New Hampshire, et al, Southern District of Hillsborough County, No. 08-E-0456. The town subsequently raised and appropriated funds for the establishment of public kindergarten education in the Hudson school district.

Wherefore, your Petitioner prays that the House of Representatives:

- A. Accept the within Petition for Redress of Grievance for enrollment and by vote of the House of Representatives appoint a committee to hold public hearings and examine the circumstances hereof; and following such hearings and examination, recommend to the full House of Representatives that it:
- B. Find that the violation of Article 28-a, Part First of the New Hampshire Constitution resulted in the town of Hudson school district suffering the responsibility of funding public kindergarten education;
- C. Determine if there was error on the part of Judge Barry and consider Judge Barry's removal by Bill of Address;
- D. Restore the school district of the town of Hudson to be made whole in light of the expenditures made in prior school years implementing public kindergarten in violation of Article 28-a, as well as requiring the state to provide all future funding for public kindergarten education so as not to be a continuing violation of Article 28-a, Part First of the New Hampshire Constitution;
- E. Amend the laws of the state to comply with the New Hampshire Constitution.

Respectfully Submitted by petitioner Representative Lars Christiansen on behalf of the voters of the of town of Hudson school district.

September 23, 2009