



Policy Brief

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New Hampshire Charter Schools

Relevant 2017 Legislation – HB 125, HB 293, HB 341, HB 419, HB 494, HB 505

Background

Charter schools are public schools granted significant autonomy with respect to operations, in exchange for upholding rigorous standards for accountability. As public schools, charter schools cannot charge tuition and they typically must be open enrollment (i.e., accept all students and use a randomized assignment system such as a lottery to determine enrollment if oversubscribed). Although charter schools operate with significant autonomy from state and local educational agencies and school boards, they are accountable to their board of trustees and their authorizer—the entity that grants the school its charter to operate (entities that can serve as authorizers vary significantly from state to state). Charter schools first started in 1991 in Minnesota and have expanded across the country. Currently, 42 states and the District of Colum-

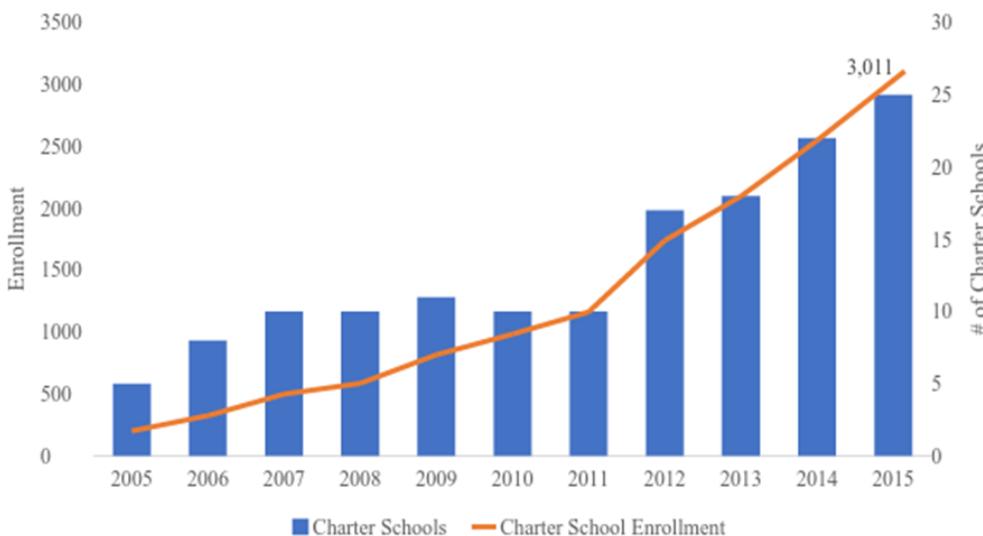
bia have laws authorizing charter schools and in [school year 2013-2014](#), there were approximately 6,465 charter schools serving 2,519,065 students (per the National Center for Education Statistics).

New Hampshire passed the Charter Schools and Open Enrollment Act in 1995 (RSA 194-B) providing for charter schools (called “chartered public schools”) with “specific or focused curriculum, instruction, methods, or target pupil groups.” The first charter school did not open, however, until 2005, after the legislature amended the law to allow the State Board of Education (SBOE) to serve as an authorizer. Since 2005, the SBOE has authorized 28 charter schools and 4 of those schools have closed (due to lack of enrollment and finances). There is also one active charter school

authorized by Pembroke school district with SBOE approval.

Two federal grants, one in 2003 for \$7.1 million, and one in 2010 for \$10.8 million, facilitated the growth of charter schools in New Hampshire. New Hampshire has, at various times, imposed a moratorium on the authorization of new charter schools, however, no such cap is currently in place. As of the [fall of 2015](#), New Hampshire’s 25 charter schools (including the Virtual Learning Academy Charter School) had 3,011 students enrolled (approximately 2% of total enrollment). LEAF Charter School is slated to open in the fall of 2017.

NH Charter School Growth



Notes:

Center for Research on Education Outcomes, 2013; available at <https://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf>.

National Association of Charter School Authorizers, 2015, available at http://www.qualitycharters.org/wp-content/uploads/2015/08/Principles-and-Standards_2015-Edition.pdf.

The monitoring report focused only on New Hampshire’s CSP grant and subgrantees (i.e., the charter schools awarded federal funds by the department of education) and so it is not a monitoring report on New Hampshire’s charter school sector as a whole, although many of the observations apply across the state. The report is available at http://mediad.publicbroadcasting.net/p/nhpr/files/new_hampshire_csp_monitoring_report_final_12-27-2015.pdf.

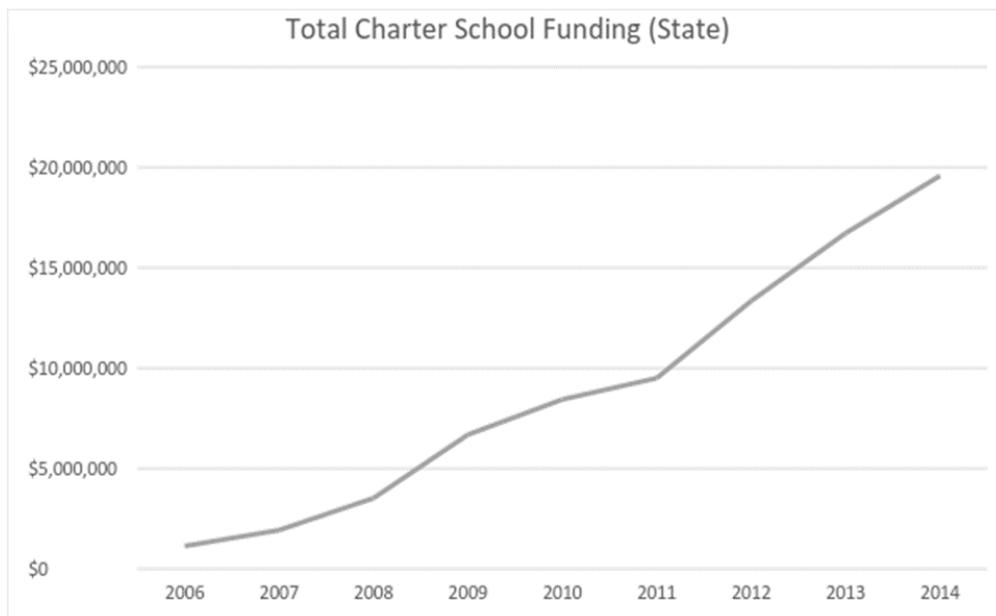
Current Authorization Process

New Hampshire allows two pathways for charter school authorization: local authorization with SBOE concurrence, or direct SBOE approval. There is only one active charter school—PACE Career Academy—that went through local authorization. All other active charter schools applied directly to, and were approved by, the SBOE.

RSA [194-B:3, II](#), outlines the criteria against which applicants are evaluated. Applications are reviewed by both an attorney and the department of education. The SBOE and department provide feedback to applicants and work with applicants throughout the process to strengthen proposals.

Charter School Funding

Charter schools cannot charge tuition to in-state students. A charter school authorized by a local district receives funding from the district equal to at least 80% of the district's average cost per pupil. Charter schools authorized by the SBOE receive state adequacy funds on a per pupil basis, as well as an additional grant of \$2,036 for the Virtual Learning Academy Charter School, and \$3,036 for all other charter schools. For students with an Individual Education Plan (IEP), the sending district is responsible for ensuring that the student re-



Pupil Selection

In New Hampshire, charter schools are open to students from any area, although by statute students who meet admission requirements for a charter school who are residents of the district that the charter school is in, must be given preference over out-of-district students. Charter schools may limit enrollment to specific grade or age levels, pupil needs, or areas of academic focus such as at-risk pupils, vocational education pupils, mathematics, science, the arts, history, or languages. They may also select pupils based on aptitude, academic achievement, or need, if the criteria are directly related to the academic goals of the school.

If a charter school is over-subscribed (i.e., there are more qualified applicants than slots), then the school must use a lottery to allocate seats .

Relevant Legislation

[HB 125](#) – Requires that the governor appoint all members of boards of trustees for public chartered schools. Currently this is a school-level decision.

[HB 293](#) – Adds new requirements regarding the mission statement that chartered public school applicants must include and mandates that the mission statement count for not less than 25% of total evaluation criteria.

[HB 341](#) – Repeals the local option to reduce the taxes attributable to a chartered public school facility renting or leasing its building or facilities from a property owner which is not exempt from property taxes.

[HB 419](#) – Requires the refund of the pro rata share of property taxes paid by a chartered public school pursuant to a lease of property from a non-exempt owner.

[HB 494](#) – Amends the list of entities eligible to apply to establish a chartered public school to nonprofits *consisting of only New Hampshire residents...*, 2 or more New Hampshire certified teachers, and a group of 10 or more ~~parents~~ *New Hampshire residents*. [amended text in italics.]

[HB 505](#) – Establishes an independent chartered public school commission with the authority to grant charters.

Critical Questions for Consideration

Do students perform better in charter schools than in district schools?

This **varies**. In a comprehensive study in 2013, the [Center for Research on Education Outcomes](#) (CREDO) at Stanford examined data from 27 states and found that students in charter schools gained an additional eight days of learning each year in reading relative to students in district schools and were on par in math. The study found significant variance in performance across states, with students in charter schools in some states underperforming students in district schools in both reading and math, and outperforming in both in other states. High-performing charter schools tend to be in dense urban areas with large philanthropic bases. (For additional analysis, see [a 2015 presentation](#) compiled by Bellwether Education Partners that uses the CREDO data [among others] to describe the overall state of charter schools.) In New Hampshire, it is difficult to make direct comparisons as charter schools are mission-driven and tend to serve specific populations or focus on specific goals; however, the strong demand among parents indicates that New Hampshire's charter schools are providing positive educational experiences to their students.

What structural factors - state or local - contribute to positive charter school performance?

Authorizer quality, funding, and human capital are three factors critical to successful charter school performance. The National Association of Charter School Authorizers (NACSA) publishes regular reports outlining [best practices for authorizing](#) including upholding clear, rigorous standards for approving applications, executing perfor-

mance contracts that are legal and binding documents outlining clear roles and responsibilities for the authorizer and the charter school, and sanctioning poor-performing schools (to include closing schools).

Additionally, authorizers themselves must be held accountable if they approve a high proportion of poor performing schools. State and local laws can support such practices by mandating practices such as performance contracting and providing specifics regarding application criteria, oversight requirements, and requirements for transparency. Outside of authorizer practices, charter school performance often reflects two factors that also underpin successful district school performance: funding and human capital. Ensuring that charter schools have access to both reliable sources of funds and high-quality personnel, is critical to supporting positive performance.

What are the strengths and weaknesses of New Hampshire's current charter sector?

In 2015, the federal department of education conducted a monitoring review of New Hampshire's 2010 federal Charter School Program (CSP) grant. The report identified some areas of promise as well as areas of concern. Areas of promise include the comprehensiveness of state's charter school accountability reports and the dissemination of best practices across chartered public schools.

Areas of concern include the state department of education's limited authority to improve authorizers' (SBOE or local districts) capacity and to hold the authorizers

accountable; limited dissemination of best practices to district schools; lack of policies regarding procurement standards and conflict of interest; and lack of dissemination regarding chartered public schools' eligibility for federal funds.

NACSA's 2016 report on state practices identifies as strengths New Hampshire's authorizer structure (i.e., permitting the SBOE and districts to authorize chartered public schools) and renewal standards (i.e., state law requiring that chartered public schools must meet the academic goals in their charter by the end of their charter's term).

NACSA's report identifies several weaknesses including, the lack of legal standards for authorizers in terms of what constitutes quality authorizing practices, the lack of a legal requirement for performance contracts between the SBOE and chartered public schools, and the lack of standards for default closure due to failure to meet minimum academic standards.

Reaching Higher NH is a nonpartisan 501c3 public education policy resource for New Hampshire parents, educators and elected officials. We are dedicated to supporting public education and fostering high standards that give our students the opportunity to prepare for college, for immediate careers, and for the challenges of life in 21st century New Hampshire.

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