



HB 505 Analysis

Reaching Higher NH: A Public Education Policy Resource

What we do

Track, report on, and explain public education legislation in a way that stakeholders can understand and use to make informed decisions.



Convene and work with parents, students, educators, and business and community leaders to gather stories, different points of view, and information to share with the Granite State community.



Prepare and deliver issue briefs on critical topics in education.



Support local innovation through special projects in communities throughout NH.



Reaching Higher NH is a nonpartisan public education policy resource for New Hampshire families, educators, and elected officials.

Our mission is to support high quality public education for every student in New Hampshire.

We provide resources and analysis to help raise public awareness and engagement around efforts to bring together communities and create opportunities to develop and/or support the following:

- 21st century skills;
- Diminish dropout rates;
- Encourage the development of personalized career pathways; and,
- Reduce reliance on high stakes testing and expand innovative, locally-driven models of instruction and assessment.

HB 505 Briefing



Structure of the proposed independent chartered public school commission



Responsibilities of the proposed commission



Operational considerations



Merits, risks, and implications



Structure

9 Person Commission

Appointed by:

Governor and council x 3
Senate President x 3
Speaker of the House x 3

Staggered terms of office:

After initial appointments, all appointees will serve for terms of 3 years

initial term for 3 members will be 4 years
Initial term for 3 members will be 3 years
Initial term for 3 members will be 2 years

A member can be removed by a vote of 2/3 of the commission for any cause



No provision covering conflicts of interest

NH Statute – 194-B:1-a (Purpose)

- I. Promote and encourage the establishment and operation of chartered public schools in New Hampshire.
- II. Encourage school districts to allow chartered public schools.
- III. Encourage the establishment of public charter schools with specific or focused curriculum, instruction, methods, or target pupil groups.
- IV. Improve pupil learning and increase opportunities for learning.
- V. Exempt charter schools from state statutes and rules, other than where specified, to provide innovative learning and teaching in a unique environment.
- VI. Enhance professional opportunities for teachers.
- VII. Establish results-driven accountability for public charter schools and require the measurement of learning.
- VIII. Make school improvement a focus at the school level.
- IX. Encourage the establishment of public charter schools that meet the needs and interests of pupils, parents, communities, regions, and the state as a whole.



Mission of the Commission

“The mission of the commission shall be to authorize high-quality chartered public schools throughout the state, particularly schools designed to expand opportunities consistent with the purposes of this chapter.”



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Supporting Our Public Schools

Responsibilities

Develop and Implement Policies and Practices for Authorizing Charters

- shall develop and implement an application evaluation procedure...
- shall maintain policies and practices consistent with principles and standards of the National Association of Charter School Authorizers (NACSA) for quality authorizing including:
 - evaluation applications
 - performance contracting
 - performance frameworks
 - ongoing charter school oversight
 - charter school renewal decision-making
- shall develop and maintain written charter renewal criteria...
- shall either approve or deny an application using reasonable discretion...

Provide Technical Assistance and Support

- shall meet with prospective charter applicants prior to the submission of an application...
- shall notify an applicant of any missing information w/n 30 days of initial filing...
- shall develop technical advice and guidelines to applicants...shall offer training sessions

Report to the Public

- shall submit an annual report...relative to:
 - the performance of charter schools authorized
 - the authorizer’s activities and how well they comply with the provisions of NACSA’s principles and standards

Operational Considerations

Funding

- In addition to state appropriations, the commission may receive and expend gifts, grants, and donations from any public or private entity
- Members shall serve without compensation

Staff

- Commission may operate with resources and staff and may utilize expert panels on the review of applications

Additional Aspects of Authorizing

- Approved charters shall sign a renewable charter contract with the commission that outlines the roles, responsibilities, and performance expectations for each contract party
- Maintains existing prohibitions against granting charters to state approved nonpublic schools and home education programs
- The commission may withdraw a charter if substantial progress has not been made toward opening a charter school within 2 years of the issuance of a charter
- Applicants who are not approved by the commission will be able to present revised applications for reconsideration



Limited provisions on authorizer accountability, including financial audits



Note: under existing law, charter schools authorized via the district pathway are required to sign contracts; those authorized directly by the SBOE are not



Merits and Risks

An analysis of HB 505 that takes into consideration:

Best Practices – NACSA’s 2015 Principles and Standards, NACSA’s 2016 State Policy Analysis (NH), NAPCS Model Law, USDOE Federal Charter School 2015 Monitoring Report

Experience of other states (e.g., Maine, Ohio, and Washington)

Unique New Hampshire conditions (e.g., funding, special education)

Merits	Risks
Committed authorizer with sole focus on charter schools	No real authorizer accountability
Requires performance contracting	No prohibition against conflicts of interest
Statutory reference to best practices	No requirement for financial audits
Annual reporting with reference to performance of portfolio schools	No prohibition against “authorizer hopping”
	No requirement for coordination with districts
	No limits on educational service providers



NACSA's Principles & Standards

Principles

- Maintain High Standards
- Uphold School Autonomy
- Protect Student and Public Interest

Standards

- Agency Commitment and Capacity
- Application Process and Decision-Making
- Performance Contracting
- Ongoing Oversight and Evaluation
- Revocation and Renewal Decision-Making



HB 505 & National Best Practices

Aligned with Best Practices

Endorses professional standards for authorizing

Requires charter contracts and requires the commission to develop policies that include performance frameworks*

Endorses a clear process for application, evaluation, oversight, renewal, and revocation*

Annual reporting that includes performance of schools

Not Aligned with Best Practices

The bill does not provide for evaluation of the commission based upon standards for quality authorizing (commission reports on this for itself)

The bill does not specify an office or department which will have authority to sanction the commission

The bill does not provide for default closure of charter schools for failure to meet minimum academic standards (i.e., default standards)

The bill does not require the commission to have annual, independent audits conducted by professionals

**Note: HB 505 stipulates that the commission shall develop such policies and procedures; however, the bill does not stipulate the exact parameters – this undermines the intent of the bill as it leaves the commission significant discretion with what constitutes “consistent” with NACSA’s principles and standards*

Charters in Ohio



Ohio

Among lowest-performing charter schools sectors but significantly strengthened charter school law in 2015 (with particular attention on authorizer quality)

Ohio – Multi-authorizer state (65 authorizers evaluated for SY 2015-2016)

- Department of Education oversees an authorizer evaluation framework based upon academic performance, quality practices, & compliance with laws/rules
- Authorizers rated as “poor” or “ineffective” are prohibited from authorizing schools
- Incentives for authorizers rated as “exemplary”
- Restricts opportunity for “authorizer hopping” by poor performing schools

Charters in Washington



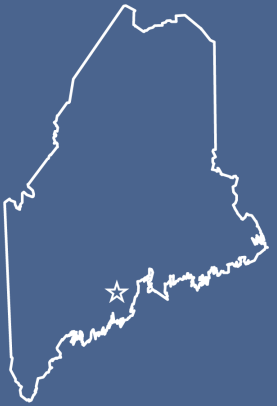
Washington State

Ranked #1 by NACSA in 2016 (tied w/Nevada and Indiana)
and received a US DOE CSP State Grant in FY 2016)

2 categories of authorizers (Independent commission & local schools boards)

- 9 appointed members + superintendent of public instruction + state board chair
- State Board oversees authorizers and has the power to revoke authorizing authority
- Authorizers submit annual report that includes audited financial statements
- 40 school cap w/8 school annual cap

Charters in Maine



Neighbor; passed charter law in 2011; uses an independent commission; ranked higher than NH by NACSA (16 vs. 32)

2 categories of authorizers (Independent commission & local school boards)

Maine's Charter School Commission

- 7 members appointed by state board (3 members must also be members of the state board)
- Department of Education has oversight (determines whether practices comply with NACSA's principles and standards) and can sanction the commission (to include suspending authorizing authority)
- 10 school cap during 10-year transition period
- Parameters on conflicts of interest and on education service providers
- Specifies minimum components of the performance framework
- Requirement for a public hearing during the application evaluation process

New Hampshire's Charter Sector

As part of NH's 2010 Federal Charter School Grant, US DOE oversaw a 2015 monitoring report that assessed NH's performance with the grant and provided a comprehensive look at NH's charter sector

Authorizer Accountability – the SEA has limited statutory or operational authority to monitor and hold accountable other authorized public chartering agencies to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools

Conflicts of Interest – Lack of policies regarding procurement standards and conflict of interest


Federal Funding – Lack of formal process/requirements to notify and ensure distribution to charter schools of available federal funds (e.g., Title I, Title II)

General Funding – low overall state funding for education make local school districts and communities highly vulnerable to changes in enrollment (i.e., funding); for example, a serious concern is that a town or locality will invest in a school expansion or maintenance effort and then a charter school will subsequently be approved to open within the district => need for intensive public involvement in the charter school application/approval process

Special Education – sending districts retain obligation to service students with IEP => underscores importance of requiring district-charter collaboration (e.g., a best practice would be a charter school approval process that involves working with the department and local districts to discuss how special education services will be provided)*

**Note: NH chartered public schools are public schools and cannot discriminate or in any way violate civil rights; however, they are allowed to have admission criteria – this may create additional obstacles for students with an IEP*

Implications



Introduces entity with sole focus on authorizing, monitoring, and supporting high-quality chartered public schools => develops NH's capacity for high-quality practices

Requirement for best practices such as performance contracting and performance frameworks could lift up performance across the sector over time

Fundamentally changes the nature of New Hampshire's charter sector – invites large, out-of-state chains which may disadvantage local groups that require more support with planning

Significantly expands demand on education trust fund

Lack of authorizer accountability exacerbates existing deficiencies in NH's charter landscape

Low-quality operators (e.g., for-profit chains) seek locations with weak authorizer accountability standards and high-quality operators stay away from such locations

Financial misconduct is a well-documented risk in situations where there are no provisions covering conflicts of interest and where there are no restrictions on contracting with for-profit providers for educational services

Increased volume of charter school starts could have significant negative ramifications for districts if there is no requirement for charter-district coordination during planning phases


Additional Thoughts


The FY 2017 US DOE CSP State Entities competition should publish the grant announcement this spring – this will provide additional insight into critical provisions that NH will need in order to be competitive for federal funding


Questions?

For additional information, contact:
Dan Vallone, Director of Engagement at
dan@ReachingHigherNH.org


For more information on public education issues:


 ReachingHigherNH.org


 603-715-9696

 40 N. Main Street
Concord, NH 03301

 ReachingHigherNH.org

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