



Education Policy Brief

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New Hampshire Charter Schools Relevant 2019 Legislation - HB 222, HB 269, HB 375, HB 449

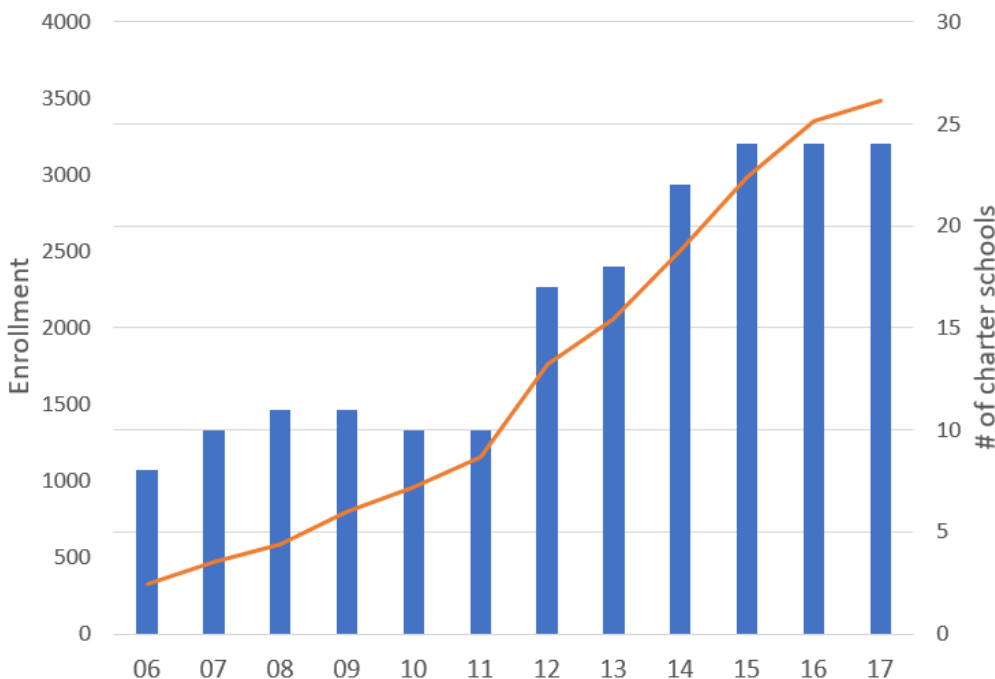
Background:

In New Hampshire, 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 authorizer—entities that can serve as authorizers vary significantly from state to state.

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 had amended the law to allow the State Board of Education (SBOE) to serve as an authorizer. Since 2005, the SBOE has authorized 33 charter schools and 5 of those schools have closed (due to lack of enrollment and finances); there is also 1 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 this growth of charter schools. 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 2018](#), New Hampshire’s 28 charter schools (including the Virtual Learning Academy Charter School (VLACS)) had 3,932 students enrolled (approximately 2% of total enrollment). Four charter schools opened in Fall 2018.

NH Charter School Growth



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 (for compliance with RSA 194-B) and a committee of peers (using application scoring guide provided by the department of education). The SBOE and department provide feedback to applicants and are empowered to 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 as calculated by the Department of Education. Charter schools authorized by the SBOE receive state adequacy funds (base adequacy plus differentiated aid for students qualifying for the federal Free or Reduced Lunch program, English Language Learners, and third grade students who did not score proficient on state assessments) on a per pupil basis, as well as an additional grant of \$3,286 for the Virtual Learning Academy Charter School and \$3,411 for all other charter schools in FY 2019. Charter schools do not receive differentiated aid for special education students. Instead, for students with an Individual Education Plan (IEP), the sending district is responsible for ensuring that the student receives the required services as per the IEP.

Relevant 2019 Legislation

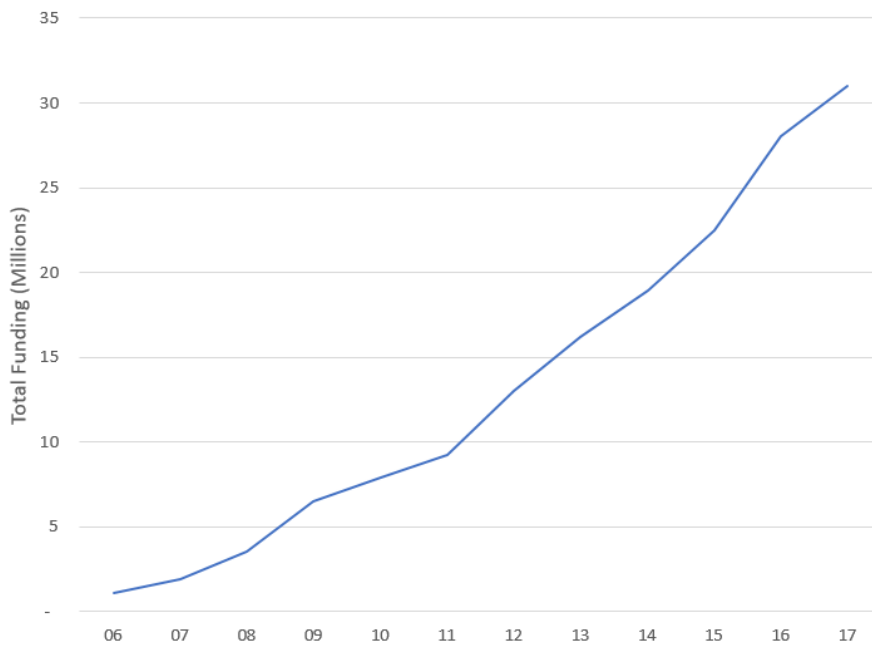
[HB 222](#): Requires at least 75% of charter school teachers to be licensed by the state of New Hampshire.

[HB 269](#): Deletes a provision which prohibits the State Board of Education from denying a chartered public school application based on lack of state funding.

[HB 375](#): Requires the State Board of Education oversight of charter school finances and requires charter schools to adopt policies similar to traditional public schools relating to student safety and academic procedures.

[HB 449](#): Relative to safe school zones and chartered public schools, including charter schools in the definition of safe school zones.

Total Charter School Funding (State)



Pupil Selection

In New Hampshire, charter schools are open to students from any area, although students who meet admission requirements for a charter school who are residents of the district in which the charter is located, shall be given preference over out-of-district students. Additionally, Charter schools may limit enrollment to specific grade or age levels, pupil needs, or areas of academic focus including, but not limited to, at-risk pupils, vocational education pupils, mathematics, science, the arts, history, or languages. Additionally, charter schools may select pupils on the basis of aptitude, academic achievement, or need, provided that such selection is 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), the charter school must use a lottery to allocate seats.

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 8 days of learning each year in reading relative to students in district schools and were on par in math. The study observed significant variance in performance across states, with students in charter schools in some states underperforming students in districts schools in both reading and math and outperforming in both in other states. High-performing charter schools tend to be located 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.)

What structural (state or local) factors 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 performance 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 reliable sources of funds and high-quality personnel are 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 NH 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 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) as strengths. NACSA's report identifies several weaknesses including lack of legal standards for authorizers in terms of what constitutes quality authorizing practices, lack of legal requirement for performance contracts between the SBOE and chartered public schools, and the lack of standards for default closure for failure to meet minimum academic standards.

¹Center for Research on Education Outcomes, 2013; available at <http://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf>


²National Association of Charter School Authorizers, 2015, available at http://www.qualitycharters.org/wp-content/uploads/2015/08/Principles-and-Standards_2015-Edition.pdf.


³Note: 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 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


⁴National Association of Charter School Authorizers, 2016, available at <http://www.qualitycharters.org/policy-research/state-policy-agenda/2016-spa-report/>.



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