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High-Quality Charter Authorizing Policy Profiles: New Hampshire

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New Hampshire: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).¹ NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

NCSRC created eight additional profiles in the summer of 2021 for the seven states that were awarded CSP State Entities grants in FY 2020 and for New Hampshire:¹

- California
- District of Columbia
- Florida
- New Hampshire
- New Jersey
- Nevada
- Pennsylvania
- South Carolina

¹ New Hampshire was a 2019 grantee, but because of a delay in accepting grant funds, we created the profile in 2020. Also, Texas was a 2020 grantee, but we had already created its profile since it was a 2017 grantee, as well.

CSP State Entity (SE) Grants provide funding for state entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the state entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in state policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that want to learn about different states' policy contexts.

Each state profile includes (1) a Framework Snapshot, which is an assessment of a state's authorizing practices using the Framework described in the first paragraph above and (2) a more detailed description of the state context for each practice. The basis for the state profiles was a review of the charter law and significant state policies for applicable states. Significant state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the state. The profiles are not an exhaustive review of the state's authorizing policies and practices; they are intended to describe the key elements of the state's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain state policies are not reflected in the profiles and that individual authorizers within a state are implementing other practices, as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the focus of these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their states.

Overview of State Law

New Hampshire’s charter school law was passed in 1995.ⁱⁱ The law was intended, in part, to “improve pupil learning and increase opportunities for learning[;] establish results-driven accountability for public charter schools and require the measurement of learning[; and] encourage the establishment of public charter schools that meet the needs and interests of pupils, parents, communities, regions, and the state as a whole.”ⁱⁱⁱ State law permits for new and virtual charter schools, in addition to the conversion of traditional schools to charter schools. Under New Hampshire law, charter schools can be started by a nonprofit organization including, but not limited to, a college, university, museum, service club, or similar entity; a group of two or more New Hampshire certified teachers; or a group of 10 or more parents.^{iv}

In 2019, the state legislature established the Commission to Study School Funding to “research the current school funding model, explore alternative funding models, conduct focus groups with key stakeholders, and create policy recommendations.”^v In December 2021, the Committee released its final report which found that the state’s school funding formula was inequitable.^{vi}

State Authorizing Profile: New Hampshire

Framework Snapshot²

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Source(s): New Hampshire Administrative Rules, Part Ed 318 Chartered Public Schools; New Hampshire Chapter 194-B: Chartered Public Schools, et seq.

² As noted in the Introduction and Methodology, boxes checked in the framework snapshot indicate that aspects of an authorizing practice were included in state law or policy. If individual authorizers create and follow a certain policy that is not in state statute or policy, then the box will not be checked for the entire state.

Authorization

- ☒ Does not cap charter school growth
- ☒ Provides for more than one authorizing pathway

Does not cap charter school growth

New Hampshire law does not cap charter school growth.

Provides for more than one authorizing pathway

In New Hampshire, charter schools are authorized by the State Board of Education and local legislative bodies (i.e., voters or city council in the district where the proposed school will be located). Local legislative bodies vote to approve or deny applications and then forward approved applications to the State Board for authorization.^{vii}

Application includes the following:

- ☒ Specific application criteria
- ☒ Timelines
- ☒ Evaluation review process
- ☒ Process for denied applications

Specific application criteria

The law provides clear criteria on the format and content for charter school applications. A few criteria include

- “educational mission[;]
- governance and organizational structure and plan[;]
- methods by which trustees and their terms are determined[;]
- academic and other learning goals and objectives[;]” and
- “a pupil transportation plan, including reasonable provision from the chartered public school’s own resources for transportation of pupils residing outside the district in which the chartered public school is physically located.”^{viii}

The New Hampshire Department of Education also provides Charter School Application Guidelines on its website.^{ix}

Timelines

State statute also specifies application timelines. For example, proposed applications and contracts are due by July 1 from “the prospective board of trustees to the school board of the district in which the chartered public school intends to be located.”^x In addition, the prospective board is required to hold at least one public hearing on the application before September 15.^{xi} The Department of Education must notify the applicant of any missing information within 10 days after receiving the proposed application, as well.^{xii} Lastly, the State Board is required to review and grant or deny applications by December 31 each year.^{xiii}

Evaluation review process

New Hampshire law mandates that authorizers evaluate applications “using reasonable discretion in [their] assessment” based on the required application criteria components.^{xiv} It further specifies that a “lack of state funding alone shall not constitute grounds for the denial of an application.”^{xv} The Department of Education publishes the evaluation scoring guide on its website, as well.^{xvi}

Process for denied applications

The State Board of Education is required by law to notify all applicants of their decision; this notice must include a “written statement specifying any areas deemed deficient, the reasons for the denial, and explaining that the applicant may reapply in a subsequent year.”^{xvii}

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

A separate post-application agreement

New Hampshire law requires a separate post-application agreement and establishes the mandated application components, such as written policies, authority of trustees, method of reporting fiscal accounting and audit enrollment, and an outline of the proposed accountability plan.^{xviii}

Rights and responsibilities of authorizer and school

Neither state law nor policy requires the contract to include the authorizer responsibilities. State law does, however, require the contract to include schools’ roles and responsibilities.^{xix}

Academic, financial, and operational performance expectations for schools

As noted above, state law requires post-application agreements to include the method for reporting fiscal accounting, including mandatory financial audits and “an outline of the proposed accountability plan which clarifies expectations for evaluating the school’s program.”^{xx}

An initial term of not more than five years

State law mandates an initial term of five years for new charter schools.^{xxi}

Fiscal, legal, and programmatic autonomy for schools

The law affords charter schools fiscal, legal, and programmatic autonomy, including the ability to acquire real property, enter into contracts and leases, and receive and disburse funds for school purposes.^{xxii}

Independent charter school governing boards

State law grants charter schools’ boards of trustees the authority to determine the chartered public school’s organization, methods, and goals.^{xxiii} It further states that the charter schools’

governance processes are to be determined by the school's charter in consultation with the teachers and the principal. The board of trustees is also responsible for determining the school's curriculum and developing the school's annual budget. Trustees are also considered the public employer for the purpose of collective bargaining.^{xxiv}

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

New Hampshire law requires local school boards to annually assess whether each charter school is meeting the goals of its charter. In order to facilitate the local board's review and secretary's report, each charter school must submit an annual report no later than August 1 of each year in the form prescribed by the secretary.^{xxv}

The law also requires charter schools to undergo a first-year program audit by the Department of Education within each school's first year of operation. Moving forward, charter schools are required to undergo a program audit at least every three years. During the program audit, a school representative must be present and prepared to report and answer questions on the annual school district budget process. The board of trustees is also responsible for reporting the school's progress achieving the goals in its charter to the school district board at least quarterly.^{xxvi}

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

As noted in the separate post-application agreement section, applicants must submit an outline of their proposed accountability plan in the draft contract submitted with their application.^{xxvii} On its website, the Department of Education provides (1) an accountability plan template that incorporates organizational, programmatic, and academic goals, and (2) an accountability requirements timeline.^{xxviii}

Minimizes schools' administrative and reporting burden

New Hampshire's charter school law established a joint legislative committee. One of the committee's tasks is to recommend how to reduce the administrative and reporting burden, including simplifying compliance and reducing paperwork requirements.^{xxix}

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

The law authorizes the State Board of Education to put a charter school on probationary status

for up to one year to allow the implementation of a remedial plan. If this plan is ultimately unsuccessful, the school’s charter will be revoked or nonrenewed.^{xxx}

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

The State Board of Education is authorized to nonrenew/revoke a charter if the school (1) commits a material violation of any of the conditions, standards, or procedures in its charter application and contract; (2) fails to meet generally accepted standards for fiscal management; (3) significantly violates the law; (4) makes a material misrepresentation in its application or contract; and/or (5) becomes insolvent or financially unstable. The Department of Education publishes renewal guidance on its website.^{xxxii}

Requires that decisions to renew/revoke be based on student academic achievement

In addition to the criteria set forth above, the law also requires that charter schools meet or exceed the objective academic test results or standards and goals in their applications by the end of their final contract year.^{xxxiii} If the school fails to meet this standard, the authorizer can then nonrenew or revoke the charter.^{xxxiii}

Requires clear school closure procedures

In the event a school’s charter is revoked or nonrenewed, the school will be dissolved pursuant to the provisions in its application and contract. If a school’s contract is either “silent or ambiguous as to disposition of any asset of the school,” the law indicates that the school’s assets will then revert to the school district in which the [charter school] is located at no cost to that district.”^{xxxiv} The law further provides that “the parent of a pupil attending that school may apply to any other chartered public school eligible to receive tuition under the provisions of this chapter adopted by the school district.”^{xxxv}

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers’ performance
- Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

As stated above, legislative bodies that authorize charter schools comprise individuals who must vote in order to participate. The law does not otherwise reference registration processes for local school boards or the State Board of Education to become authorizing entities.

Requires the state entity to review authorizers’ performance

New Hampshire law requires the State Board of Education to submit an annual report to the joint legislative oversight committee detailing charter school approvals and denials for the

preceding 12 months and the related reasons for these decisions. It also requires the State Board to (1) convene one or more working committees to study and make recommendations on the implementation and effectiveness of charter schools, and (2) submit these recommendations to the committee. The joint legislative oversight committee is then responsible for preparing an annual report in response to any recommended legislative changes.^{xxxvi}

Requires authorizers to adhere to standards for high-quality authorizing

Neither state law nor policy requires authorizers to adhere to standards for high-quality authorizing.

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

Neither state law nor policy requires a mission or strategic vision for authorizing.

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

While the law allows local school boards and/or the State Board of Education to provide technical assistance designed to “improve a chartered public school’s application or to speed the approval process,” this is not a mandatory requirement.^{xxxvii}

Ensures equitable access for all students

New Hampshire law prohibits charter schools from discriminating against and violating individual civil rights; it also expressly prohibits discrimination against students with disabilities.^{xxxviii} Despite this, however, the law restricts student enrollment in other ways.^{xxxix} For example, charter schools are required to “accept qualified pupils from any school district” and must also give an absolute admission preference to those students that are district residents and meet admission requirements over nonresident pupils.^{xl}

The statute also permits limiting enrollment based on students’ needs or areas of “academic focus including...at-risk pupils, vocational education pupils, [and students focusing on] mathematics, science, the arts, history, or languages.”^{xli} To this end, 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.”^{xlii}

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

State law requires that charter applications include the proposed school’s methods for coordinating with a student’s local education agency that is responsible for “matters pertaining

to any required special education programs or services including method of compliance with all federal and state laws pertaining to children with disabilities.”^{xliii} As noted above, the law also permits charter schools to limit enrollment based on student need or areas of focus, including at-risk students.

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

Neither state law nor policy provides for authorizer funding.

Includes a process for holding authorizers accountable for how funding is used

As state law does not provide for authorizer funding, it also does not address funding accountability.

Endnotes

- ⁱ Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>
- ⁱⁱ N.H. Rev. Stat. Ann. § 194-B. See also Reaching Higher NH, Education Policy Brief, New Hampshire Charter Schools, https://reachinghighernh.org/wp-content/uploads/2017/04/2017_02_02RHNHCharterSchoolsIssueBrief.pdf
- ⁱⁱⁱ N.H. Rev. Stat. Ann. § 194-B:1-a.
- ^{iv} N.H. Rev. Stat. Ann. §194-B:3, V.
- ^v <http://reachinghighernh.org/2020/11/30/school-funding-commission-to-publish-final-report>
- ^{vi} https://carsey.unh.edu/sites/default/files/media/2020/12/final_report_forcommission_v5_12012020.pdf
- ^{vii} N.H. Rev. Stat. Ann. § 194-B:3, II.
- ^{viii} N.H. Rev. Stat. Ann. § 194-B:3.
- ^{ix} New Hampshire Department of Education, Charter School Application Guidelines, https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/csoapp_guidelines.pdf
- ^x N.H. Rev. Stat. Ann. §194-B:3, III(b).
- ^{xi} Id.
- ^{xii} N.H. Rev. Stat. Ann. § 194-B:3-a.
- ^{xiii} Id.
- ^{xiv} N.H. Rev. Stat. Ann. § 194-B:3, II, (a)-(bb) and (dd).
- ^{xv} N.H. Rev. Stat. Ann. § 194-B:3-a, IV.
- ^{xvi} https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/cseval_scoring_guide.pdf
- ^{xvii} N.H. Rev. Stat. Ann. § 194-B:3-a.
- ^{xviii} N.H. Rev. Stat. Ann. § 194-B:3,II(cc) and (dd).
- ^{xix} N.H. Rev. Stat. Ann. § 194-B:3, II(c).
- ^{xx} N.H. Rev. Stat. Ann. § 194-B:3, II(cc) and (dd).
- ^{xxi} N.H. Code Admin. R. Ed § 306.28(b)(1).
- ^{xxii} N.H. Rev. Stat. Ann. § 194-B:3, III.
- ^{xxiii} N.H. Rev. Stat. Ann. § 194-B:3.
- ^{xxiv} N.H. Rev. Stat. Ann. § 194-B:13.
- ^{xxv} N.H. Rev. Stat. Ann. § 194-B:3-a.

- ^{xxvi} N.H. Rev. Stat. Ann. § 194-B:10.
- ^{xxvii} N.H. Rev. Stat. Ann. § 194-B:3, II(dd).
- ^{xxviii} New Hampshire Department of Education, Charter School Accountability Plan Template, <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/charter-school-accountability-plan-template.docx>. See also <https://www.education.nh.gov/who-we-are/division-of-educator-and-analytic-resources/bureau-of-educational-opportunities/charter-schools/accountability-and-reporting-requirements>
- ^{xxix} N.H. Rev. Stat. Ann. § 194-B:219, I.
- ^{xxx} N.H. Rev. Stat. Ann. § 194-B:16
- ^{xxxi} New Hampshire Department of Education, Guidelines for the Charter Renewal Process, <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/charter-renewal-guide.pdf>
- ^{xxxii} N.H. Rev. Stat. Ann. § 194-B:16, II.
- ^{xxxiii} *Id.*
- ^{xxxiv} N.H. Rev. Stat. Ann. § 194-B:16.
- ^{xxxv} *Id.* The language regarding tuition is a holdover from the original law that is inapplicable in practice.
- ^{xxxvi} N.H. Rev. Stat. Ann. § 194-B:21
- ^{xxxvii} N.H. Rev. Stat. Ann. § 194-B:3, III.
- ^{xxxviii} N.H. Rev. Stat. Ann. § Section 194-B:8, I.
- ^{xxxix} N.H. Rev. Stat. Ann. § 194-B:3, II(cc).
- ^{xl} N.H. Rev. Stat. Ann. § 194-B:2, IV.
- ^{xli} N.H. Rev. Stat. Ann. § 194-B:9, I(b).
- ^{xlii} N.H. Rev. Stat. Ann. § 194-B:9, I(c)(1).
- ^{xliii} N.H. Rev. Stat. Ann. § 194-B:3.