

**(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)**

*The extent to which—*

*(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;*

*(ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;*

*(iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;*

*(iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and*

*(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.*

*In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State’s success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.*

*Evidence for (F)(2)(i):*

- A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.*
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.*
- The number and types of charter schools currently operating in the State.*

*Evidence for (F)(2)(ii):*

- *A description of the State’s approach to charter school accountability and authorization, and a description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.*
- *For each of the last five years:*
- *The number of charter school applications made in the State.*
- *The number of charter school applications approved.*
- *The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).*
- *The number of charter schools closed (including charter schools that were not reauthorized to operate).*

*Evidence for (F)(2)(iii):*

- *A description of the State’s applicable statutes, regulations, or other relevant legal documents.*
- *A description of the State’s approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.*

*Evidence for (F)(2)(iv):*

- *A description of the State’s applicable statutes, regulations, or other relevant legal documents.*
- *A description of the statewide facilities supports provided to charter schools, if any.*

*Evidence for (F)(2)(v)*

- *A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.*

*Recommended maximum response length: Six pages*

### **(F)(2)(i) Description of laws, statutes, and regulations**

In 1995, the NH legislature enacted the Charter Schools and Open Enrollment Act (RSA 194-B), which authorized the creation of public charter schools in the state. Locally-approved charter school applications are submitted to the State Board of Education (the State Board) for consideration to determine if the obligations of the state statute are met. When approved by the State Board, schools are granted a five-year charter after ratification by a vote of the local school district's legislative authority, RSA 194B, section B:3 (X).

In 2003, the NH General Court amended the charter school law to create a ten-year pilot program authorizing the Board of Education to grant up to 20 state charter school applications during that period. The State Board's approval of an application constituted the granting of charter status and the right to operate as a public charter school.

There is no limit or restriction on the number of charter schools that can be established on the local level. This spring, the legislature lifted the moratorium it had placed on State Board-initiated charters<sup>1</sup>.

NH's charter schools provide an example to the state of the possibilities that exist for education. They are the R& D of the public schools and there are a variety of charter school models that have opened in the state. In addition, charters provide high-quality schools for students and their families, as well as for educators who are seeking options in education.

### **(F)(2)(ii) Regulation and management of charter schools**

Authorization of a charter school in NH requires an extensive application as well as submission of an accountability plan by December 1 of the opening year. This plan must follow the guidelines documented in the NHDOE's publication, *The New Hampshire Charter School Accountability Process*, which is posted on the NHDOE website.

The objectives of the charter program have been clear since its inception: 1) to increase the number of high-quality charter schools, particularly those serving educationally disadvantaged students most at-risk in rural and urban settings; and 2) to lower dropout rates and increase career/college-ready graduates. Among the performance measures for charter schools are: 1) inclusion of charter schools in redesign efforts; 2) at least 80% of charter school students

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<sup>1</sup> HB 1495 has been enrolled and anticipated to be signed by the Governor, June, 2010.

will meet or exceed statewide average assessment scores; 3) graduation rates will continue to meet or exceed the statewide average; 4) existing charter schools that have improved secondary student achievement will highlight and share their progress at an annual state conference; and 5) 85% of charter school students will meet or exceed personally established goals set by students themselves that are measurable and recorded in the annual report of their charter schools.

Under the charter school law, the State Board is responsible for assuring the completeness and compliance of all applications. It reviews the proposed charter school's application, using review standards specified in the law and can suggest amendments or additions to the application.

Application disapprovals by the State Board shall include a written statement. There is a rigorous appeals process if a charter school deems it has been treated unfairly.

To date, 16 charters have been approved via this program. Eleven state-authorized charter schools are currently in operation, while three have closed due to lack of students or financial challenges, one never opened, and one will open in the fall of 2010 (see Appendix F-1-1). This represents 6.7 percent of the total number of schools in the State. NH is the only northern New England state to support charters, and successful charters have made a significant impact on this small, rural state.

The State has been particularly successful in serving high-needs students at the high school level in charter schools. Each region in the state has a charter school, and together they demonstrate that offering project-based, competency-based, arts-based, or STEM-based learning can be an effective means to retain or reclaim disengaged students or students on the periphery.

Each charter school is held accountable by the State to the same academic achievement standards expected of all public schools. The NHDOE reviews all public schools, including charter schools, annually to determine their progress toward the State's four Annual Yearly Progress (AYP) objectives.

As part of the accountability process, all NH charter schools are required to report board minutes on a monthly basis, quarterly financial statements, and annual accountability evaluations to the NHDOE, which in turn is required to report to the State Board. Four questions serve as the framework for assessment of the State's charter schools:

- Is the school making progress toward achieving its mission?
- Is the school responsibly using public funds?

- Is the school promoting student attainment of expected knowledge/skills?
- Is the school sustainable?

By collecting information throughout the year from charter school periodic reports and annually in the charter school’s progress report, the NHDOE is able to monitor schools’ performance throughout the term of their charters.

In addition, the NHDOE has established Grade Level Expectations (GLE) at the elementary level and Grade Span Expectations (GSE) at the high school level as part of the State’s Curriculum Frameworks. Charter schools must meet or exceed these academic requirements, ensuring that all NH charters maintain a high level of quality. All public as well as charter schools must administer the New England Common Assessment Program, per RSA 104-B:3, II(h); 8, V; 10, II; 16, VI. These results are available to the general public on the NHDOE website.

NH charter school law, RSA 194B, was changed this legislative session to require that all charter schools in NH be reviewed and evaluated at least once every five years. This review and evaluation is used to determine whether the school is meeting the terms of the school's charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law.

No later than one year before the end of its five-year Charter, the NHDOE will arrange to conduct a comprehensive on-site review and evaluation of the charter school before renewal. The reauthorization process will begin by July 1 of the fourth year of operation and culminate in the State Board’s decision by April 1 of the fifth year of operation. The Department considers the growing body of evidence from each year of the school’s operation, along with the on-site renewal evaluation, to determine if the school has adequately fulfilled the promises of its original charter.

**Table F-3. Timeline for Accountability Checks in Years 1-4**

<b>Years 1 through 4</b>	<b>Charter School Submits:</b>	<b>NHDOE Conducts:</b>
December 1 of opening year	Accountability plan	Review and feedback on measurability of goals
Fall reports: October 1 October 15	Staff qualifications Enrollment Health, fire and safety inspection reports Evidence of insurance coverage Calendar of instructional days	Compliance check Compliance check Compliance check Review to determine compliance with state requirements
Monthly (or as defined in charter)	Board minutes	Review to assure effective

		governance practices
Quarterly: November 15 January 30 April 15 June 30	Progress toward school goals  Financial report	Compare with targets in accountability plan  Check to see if complies with standards
Annually (August 1)	Year-end summary of school performance	Review and verification as needed to assess performance
End of Year Reports (August 1)	Attendance, graduation, etc.	
Annually (September 30)	Independent financial audit	Request for action if any material defects

The charter school law defines the conditions for renewal of charter schools. By the end of its final contract year, the charter school shall meet or exceed the objective academic test results or standards and goals as set forth in its application. If the school does not meet these results or standards and goals, it shall not be eligible for its charter.

In assessing a charter school’s attainment of performance targets for renewal, the Department considers the school’s cumulative performance over the last five years. In the event that a school is not eligible for renewal, arrangements will be made to bring the school’s operations to an orderly termination in accordance with the charter school law. Consideration would be given to discontinuing school operations in a way that is least disruptive to students and families.

The State Board may revoke a charter before the end of its term in accordance with RSA 194-B. Some of the major factors that could lead to early revocation include extraordinary risk to students, material violations of the charter, financial instability or legal violations.

**(F)(2)(iii) Equitable funding of charter schools**

In 1995, RSA 194-B required each charter school pupil’s resident school district to pay the charter school an amount equal to at least 80 percent of that district’s average cost per pupil for the prior fiscal year. The current charter school law retains this funding requirement for charter schools approved by the local school district. In addition, the current charter school law provides that charter schools that are eligible for grants “shall match funds provided by the state through private contributions in order to receive funding that exceeds the state’s average per pupil cost for the grade level weight of the pupil.”

In FY 2010, the State allocated a \$3,450 adequacy payment for each student in the state. Charter schools in the NH Charter School Pilot program (State Board-initiated charter schools),

receive an additional \$2,000 per student, or \$5,450 per student. They also receive additional payments based on need. For example, for each special needs student, there is an additional payment of \$1,800. They are also eligible for all entitlements.

**(F)(2)(iv) Funding for Facilities**

The State does not provide funding for any school facilities. It did provide funding to local districts at a 28-42 percent rate. A legislative study committee has been appointed to examine the issue of providing funding for all school facilities, including equal access to facilities funding for charter schools.

**(F)(2)(v) Innovative, autonomous public schools**

The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools. In 2009, a powerful and promising consortium of innovation was established by five New England states, the New England Secondary School Consortium, aimed at "empowering the next generation of citizens, workers, and leaders to be prosperous, knowledgeable, and responsible participants in our global community."

With funding from the Nellie Mae Foundation and the Bill and Melinda Gates Foundation, a year of planning for this consortium effort is drawing to a close. The next stage will involve schools in New England working together as a League of Innovative Schools, with the specific aim of supporting graduating students who are career- and college-ready. The consortium has established a website at [www.newenglandssc.org](http://www.newenglandssc.org) to help in rapid dissemination of its mission, has garnered public policy support, and is moving to its next stage. Funding from RttT will leverage this work, increasing the momentum to provide all students with skills they need in the 21st century and creating learning communities in which every participant is actively involved in the learning process. NH's goal is that each student will receive a rigorous and personalized education. Every student deserves a course of study that allows him or her to learn in a deep, meaningful and practical way.