

TITLE XV EDUCATION

CHAPTER 194-B CHARTER SCHOOLS AND OPEN ENROLLMENT ACT

Section 194-B:1

194-B:1 Definitions. – In this chapter:

I. "Average cost per pupil" means the total of education expenditures in a particular district and at the elementary, middle/junior, and high school levels, less tuition, transportation, capital outlays, and net debt service, as compiled by the department of education. Kindergarten cost shall be calculated at 1/2 the cost of elementary school.

II. "Board of trustees" means the governing body of a charter school authorized by the state board of education to supervise and control the charter school.

III. "Charter school" means an open enrollment public school, operated independent of any school board and managed by a board of trustees. A charter school shall operate as a nonprofit secular organization under a charter granted by the state board and in conformance with this chapter.

IV. "Charter conversion school" means a public school which has been authorized to become a charter school. That school continues to be managed by the school board until and unless fully authorized to become a charter school in accordance with the provisions of RSA 194-B:3.

V. "Host school district" means the school district in which the charter school is physically located.

VI. "Open enrollment public school" or "open enrollment school" means any public school which, in addition to providing educational services to pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district.

VII. "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

VIII. "Pupil" means any child who is eligible for attendance in public schools in New Hampshire, and who lives with a parent.

IX. "Receiving district" means the school district to which a pupil is sent to attend a charter or open enrollment school.

X. "Resident district" means the school district in which the pupil resides.

XI. "School board" means the district school board.

XII. "Sending district" means the school district in which the pupil resides.

XIII. "State board" means the state board of education.

XIV. "Teacher" means any individual providing or capable of providing direct instructional services to pupils.

Source. 1995, 260:6, eff. July 1, 1995.

CHAPTER 194-B

CHARTER SCHOOLS AND OPEN ENROLLMENT ACT

Section 194-B:1-a

194-B:1-a Statement of Purpose. – It is the purpose of this chapter to:

I. Promote and encourage the establishment and operation of charter and open enrollment schools in New Hampshire.

II. Encourage school districts to allow public charter and open enrollment 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.

Source. 1997, 334:1, eff. June 23, 1997. 2004, 222:1, eff. June 11, 2004.

CHAPTER 194-B

CHARTER SCHOOLS AND OPEN ENROLLMENT ACT

Section 194-B:3-a

[RSA 194-B:3-a repealed effective July 1, 2013.]

194-B:3-a Charter School Approval by State Board of Education; Pilot Program.

- I.** There is established a 10-year pilot program which authorizes the state board of education to grant charter status under this section. Beginning July 1, 2003, the state board of education shall be authorized to grant no more than 20 state charter school applications during the 10-year pilot program.
- II.** The proposed charter school application shall be presented for approval directly to the state board of education by the applicant for the prospective charter school. The content of such application shall conform to the requirements set forth in RSA 194-B:3, II(a)-(bb) and (dd). The department of education shall notify an applicant of any missing information within 10 days of the initial filing. The applicant shall file any missing information before the department reviews the application.
- III.** The department of education may forward the proposed application to the applicant, along with a written statement detailing any suggested amendments or modifications.
- IV.** The state board of education shall either approve or deny an application using reasonable discretion in the assessment of the elements set forth in RSA 194-B:3, II, (a)-(bb) and (dd). Approval of an application constitutes the granting of charter status and the right to operate as a public charter school. The state board of education shall notify all applicants of its decision in writing, and shall include in any notice of denial a written statement specifying any areas deemed deficient, the reasons for the denial, and explaining that the applicant may reapply under RSA 194-B:3, RSA 194-B:4, or under this section in a subsequent year.
- V.** (a) The following provisions of law shall not apply to charter school applications proposed under this section, or to charter schools granted approval for operation under this section:
- (1) RSA 194-B:3, II(cc).
 - (2) RSA 194-B:3, III-IV.
 - (3) RSA 194-B:3, XI.
 - (4) RSA 194-B:4.
 - (5) RSA 194-B:15, II.
- (b) Except as provided in this paragraph, the provisions of RSA 194-B shall apply to charter schools approved for operation by the state board of education under this section.
- (c) Not more than 10 percent of the resident pupils in any grade shall be eligible to transfer to a charter school in any school year without the approval of the local school board.

Source. 2003, 273:1, eff. July 1, 2003. 2004, 222:4, 5, eff. June 11, 2004.