

Charter School News

CHARTER SCHOOL RESOURCE CENTER

THE JOSIAH BARTLETT CENTER FOR PUBLIC POLICY

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CHARTERED SCHOOLS IN NEW HAMPSHIRE: 18th Century and Today

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Today's concern for quality schools in New Hampshire communities is not new. Citizens have had similar concerns since colonial times. Public schools proposed and chartered by citizens are not new, either. Petitions for public academies emerged in the late 1800's based on the perceived needs and the vision of the founders.

Since 1991, 37 states including New Hampshire have passed laws supporting modern-day, chartered public schools.¹ Over 2,400 chartered public schools currently are operating alongside highly regulated, government public schools. New Hampshire does not yet have an operating charter public school.²

This article, based on historic New Hampshire documents, shows common features between public free academy charters in the late 18th to early 19th century and today's charter public school model.

New Hampshire's Education History

New Hampshire's history documents the concept of "public free schools" as early as 1635 when under the Massachusetts law (applied to the four established towns) taxes would be levied to establish town public grammar schools.³ Generally, New England had a compulsory system of public education by 1672.⁴

In 1693, a specific provincial law of New Hampshire required the public to pay for their schools: "the selectmen, in the respective Townes, Shall raise money by an equall rate, an assesm't upon the Inhabitants..." for a "school, Master for the Supply of the Towne." The penalty was ten pounds a year "...for

neglect there of..."⁵ New Hampshire's commitment to establishing schools and academies is thought to have "no parallel in the history of the other states of the Union."⁶

New Hampshire's state constitution, circa 1783, underscores the importance of education to citizens: "Knowledge and learning,... diffused through a community, [is] essential to the preservation of a free government." The state constitution mentions encouraging the establishment of both public and private institutions. "It shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interests of literature and science, and all seminaries and public schools, to encourage private and public institutions...for the promotion of sciences and natural history." Higher level academies were limited at the time, and petitions to charter academies soon followed.

Chartered Schools In The Late 1700's

New Hampshire's townspeople wanted their children to be educated. They selected school officers, housed instructors, based

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instruction in their homes and barns, and raised money in support of schools. Towns established grammar schools, based upon the English model under which boys were taught to read by parents, entered a free public grammar school between the ages of six and eight, were taught Latin and Greek until the age of 14 or 16, and then entered college.

Like today, the quality of 18th century grammar school programs varied greatly from town to town. And just like today, local citizens – generally educated, successful businessmen – initiated the development of new schools. Concerned about high enough standards to prepare for college admission, local citizens petitioned the legislature to incorporate public free schools and academies to better serve their town and the state.⁷ These petitions, if approved, became the charter for the school.⁸

Josiah Bartlett Signs Earliest Charters For Schools

As President of New Hampshire in 1791-92, **Josiah Bartlett** signed into law some of New Hampshire's earliest chartered public schools (e.g., Charlestown Academy, Atkinson Academy, and the Aurean Academy in Amherst).⁹

Some early chartered schools had endowments and grants sufficient to fund the school's teacher and school building. Other petitioners requested the ability to raise funds. But all early academies from 1781 through at least the 1820's were started by charter. And all school petitions to incorporate by charter were brought forward by a group of concerned citizens who typically became the school's first board of trustees. The chartered public school model is not new. In fact, most New Hampshire towns, public libraries, early institutions, and businesses were established by charter.

In 1790, for example, Peter Stone of **Chesterfield** "and sundry other persons" were granted their charter after contributing sums of money to establish "a public school or Academy in said Chesterfield." Land for the Academy was "exempted from all taxes whatsoever" so long as it remained for Academy purposes. Academy students were required by the legislature to be "exempted from paying a poll Tax."

Also in 1790, William Page "on behalf of the inhabitants of **Charlestown**" petitioned

the legislature to have "a free school or academy" in Charlestown. The petition stated that residents were not "able to raise a permanent fund sufficient to complete [a school] of so much importance to the community" and asked the legislature to allow a "lottery to raise one thousand pounds or more for the purpose aforesaid." These early school petitions show the intent to start "free" public schools for the good of communities, even though over time a few early public academies became private institutions.

Early Historic Documents Provide Chartering Guidelines

The first early academy petition emerged in 1781 (Phillips Exeter Academy). This model of petition continued for at least 30 to 40 years. Early school charter documents include specific governance details, very similar to today's charter school applications. Typical early petitions specify: 1) number of trustees and how they are to be elected, 2) the school's mission and proposed educational program, 3) duties and powers of trustees, 4) name of the school and approval for the academy to be incorporated, 5) specific requirements that the school operate in accordance "to the laws of this State," and 6) flexibility with revenue allowing the school to receive gifts, grants, and bequests. These same provisions are components for charter school proposals under New Hampshire's 1995 law allowing for charter schools.

From 1781 and for several decades, the legislature was the body that received petitions for new academies and approved their incorporation. By 1833, at least 30 academies were in operation. During this period, petitions eloquently described citizen concern for schools of quality and for higher standards than available in existing public schools.

"Whereas a petition has been preferred to the General Court by a number of persons in **Amherst** where residents had erected and maintained a public school "for the instruction of youth...and it being of the greatest importance to every free government that encouragement be given to the cultivation of the human mind in early life...therefore be it enacted by the Senate and House of Representatives...that there be...an Academy

established at Amherst...by the name of the Aurean Academy.” (1791)

Chartered Schools In The 1990’s: What Are They?

As in earlier times, today’s chartered public schools are established by concerned community members, business leaders, parents, and philanthropists. Whether by standards of the 18th century or today, New Hampshire chartered public schools are designed to be independent public schools with a defined mission and curriculum.

They are required to operate under a charter authorized by the town’s or city’s legislative authority and to be governed by a board of trustees. They are accountable for meeting the goals and obligations of the charter and can survive by continuing to meet the needs and expectations of community consumers.

Whether by today’s or 18th-century standards, chartered public schools can accept gifts and grants and are tax exempt. They must follow essential public laws (e.g., today’s chartered public schools must follow public statutes for finance, immunizations, and civil rights but are free from many other state education regulations). Chartered public schools provide flexibility for entrepreneurial and innovative thinking as regards school program, budgeting, and management.

The basic principles of a chartered public school are not difficult to understand:

- individuals in a town or city see a need and have a vision for a school,
- that vision is shared – a group emerges who become proponents of a school,
 - the proponents conceive a school proposal – they decide the mission, purpose, and program often with input from stakeholders,
 - the proponents then make a formal request for the government to approve their proposal, using the state’s current approval process for charters,
 - proponents identify the first set of trustees who will be charged with governing the school,
 - the proponents pledge that the chartered school shall operate in accordance with its charter,
 - if the petition to open the school is granted or ratified, the trustees take over

from the proponents and run the school according to charter and the law, the trustees hire a school leader and staff; they must assure records are kept as to progress and expenditures to report on and be accountable for results,

- the success of the school, exemplified by the consumer demand for admission, accomplishments, and financial management, determines if the school continues.

Examples Of Early Charters

A simple 1808 petition for a chartered school read like this:

The undersigned petitioners,...for the purposes of supporting a school in the Town of Salisbury ...humbly...petition...the honorable legislature grant to them a charter as a corporation and body politic by the name of Salisbury Academical Association...and that said association may be vested with the power to make such bylaws and... regulations for the government of the (school) as shall be deemed advantageous to the grand object of the institution...The high importance of establishment of the proper education of youth...to cherish literature and the sciences. (Andrew Bowers, Moses Eastman, Joseph Bartlett, Thomas Worcester, Levi Bean, et al. November 24, 1808.)

Then and now, petitioners considered different and unique provisions, including length of day or number of days per year or residential schools, as in this 1808 request:

The subscribers, inhabitants of **Plymouth**, ...conceive it to be highly necessary...that a public school be founded...for the benefit of the rising generation – as there is no institution of the kind in any direction... (where) pupils can be accommodated with board not far from the (school). Wherefore, your petitioners, for themselves and the public, earnestly pray your honors to take the subject into conversation and grant that an Academy be instituted in... Plymouth. (James Little, Edmund Marsh, William Webster, Jonathan Robbins, Jr., et al. November 15, 1808.)

New Hampshire’s 1995 charter school law allows for converting a public school to incorporated chartered school status. **Orford** apparently petitioned for a similar conversion in 1801:

This petition (shows) that a number of persons in the town of Orford have...for

four years...maintained a public school... and in order that the proprietors may be enabled to pursue their laudable design with success, your petitioners request that there be a public school established in...Orford and that the proprietors thereof, be constituted a body politic and corporate by the name of the Proprietors of Orford Public School and that power be vested in them to transact all business necessary for the well-being of said institution. Desirous to promote science and information, we request your honors to take into consideration this petition... (Samuel Morey, John Doubleday, Thomas Sawyer & others, 1801).

Then and now, the petitioners plead their case to the appropriate authority, which reviewed and responded to the proposal. Approximately eight charters have been approved since New Hampshire's 1995 enabling statute and in each case petitioners received review feedback by their school boards and the state. A review and response process was also in place 200 years ago. Consider this response to Orford in 1801:

Upon reading and considering the foregoing petition and the purpose of, a committee thereon voted that the prayer be granted and that the petitioners have leave to bring in a bill at this or the next session (Signed by the speaker).

Then and now, chartered public schools may receive financial aid, private gifts, grants, land, buildings, or revenue. Community and business leaders who care deeply about education opportunities have always made gifts to establish and maintain schools. Early and current charters explain sources of funding, and identify initial grants and gifts from private sources.

Whereas the education of youth has ever been considered by the wise and good,...of the highest consequence to the safety and happiness of a people...And whereas the honorable John Phillips of Exeter is desirous of giving to Trustees hereinafter to be appointed certain lands and personal estate to be...forever appropriated and expended for the support of a public free school or academy in the town of Exeter..., Be it therefore enacted by the Council and House of Representatives...that there is hereby established in the Town of Exeter...an Academy in the name of the Phillips Exeter Academy for the purpose of

promoting piety and virtue, and for the education of youth in the English, Latin, and Greek languages, in writing, arithmetic, musick, and the arts of speaking, practical geometry, logic, and geography, and such other of the liberal arts and sciences or languages as opportunity may hereafter permit and as the trustees hereinafter provided shall direct (1781).

Chartered public schools differ from government public schools in that they are governed by a board of trustees. The charter petition or application outlines how many trustees there will be and how the school will be governed. Then and now, the specific design of the school – all the provisions – vary from charter school proposal to charter school proposal. The chartered schools are unique. Early trustee provisions demonstrate the variation among schools:

...shall not at any time be more than sixteen nor less than twelve... (**Atkinson Academy**, 1791)

...shall at no time exceed ten,...(nor less than five) (**Haverhill Academy**, 1794)

...shall at no time exceed ten,...(nor less than seven) (**Franklin Academy in Dover**, 1805)

...shall not at any time be more than nine, nor less than five (**Pinkerton Academy, Londonderry**, 1814)

...shall not at any time be more than eleven nor less than seven, a majority of the whole number to constitute a quorum for doing business (**Chesterfield Academy**, 1790).

Then and now, a chartered school's trustees are given power to hire staff and make rules for the governance of the chartered school, much like the school board in the government public school system.

And be it further enacted...that...John Phillips Esquire and other...trustees...(have) the full power and authority to elect such officers of the said academy as they shall judge necessary and convenient, and to make and ordain such laws, orders, and rules, for the good government of said academy, as (they) shall from time to time (see) most fit...provided that the said rules, laws, and orders be no ways contrary to the laws of this State... (1781).

Today's proposals for chartered schools have a bottom line budget for their first year of operation. Historically, petitions for schools

identified an amount of value for land or buildings, which would be exempt from taxation. The school has to operate within these financial commitments until a different guideline is established. Examples follow:

The annual income of the estate shall not exceed the sum of five hundred pounds...valued in silver...(Phillips **Exeter Academy**, 1781)

...not exceeding Twenty Thousand Dollars in value... (Franklin Academy, **Dover**, 1805)

...not exceed the sum of Three thousand Dollars... (**Pembroke Academy**, 1818)

...to the amount of fifteen thousand dollars in value which shall be exempt from taxation. (Gilford Academy, **Meredith Bridge Village**, 1820)

...to the value of fifteen thousand dollars ...exempt from taxation... (**Wolfborough and Tuftonborough Academy**, 1820).

Legislative Support For Establishing 21st Century Charter Schools

Over 200 years ago, elected officials in New Hampshire encouraged schools established by charter. The legislature supported new schools that met the needs and interests of citizens. Then and now, wording of official documents embodies the belief that supporting new schools enhances New Hampshire's education program.

New Hampshire's 1995 charter school statute states...:

It is the purpose of this (law)

I. To promote and encourage the establishment and operation of charter... schools in New Hampshire,

II. To encourage school districts to allow public charter...schools,

III. To encourage establishment of public charter schools with specific or focused curriculum, instruction, methods, or target pupil groups,

IV. To improve learning and increase opportunities for learning,

V. To exempt charter schools from state statutes and rules...to provide innovative learning and teaching...,

VI. To enhance professional opportunities for teachers,

VII. To establish results-driven accountability for public charter schools...,

VIII. To make school improvement a focus...¹⁰

Current Research Supporting Charter Schools

Six years of nationwide research concerning modern day chartered public schools conclude that today's trustee-governed, focused, and highly accountable chartered public are successful. Studies show that today's charter public schools overall provide higher achievement, positive opportunities, and greater parent satisfaction than government public schools serving the same populations. The Center for Education Reform has gathered, analyzed, and summarized 53 major studies of charter schools from across the nation with 49 studies demonstrating these positive outcomes.¹¹

Summary

From 1781 and for at least 30 to 40 years, New Hampshire citizens and legislatures cherished and supported education through the development of schools, essentially established by charter. The process encouraged entrepreneurial thinking about school design and management, as with today's charter public school model. Historic petitions show that establishing a good school was the goal of many, many successful businessmen and prominent community leaders.

The idea of chartered public schools is sometimes portrayed as a radical approach to providing public education services. The model is not new, however. New Hampshire archives demonstrate that beginning in the 18th century, well-known and well-educated leaders supported, developed, and managed unique chartered public schools.

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Mission of The Josiah Bartlett Center for Public Policy

The Josiah Bartlett Center for Public Policy is a non-profit, non-partisan, independent think tank focused on state and local public policy issues that affect the quality of life for New Hampshire's citizens. To improve economic prosperity and the general welfare, the Center provides information, research, and analysis to decision makers. The Center has as its core beliefs individual freedom and responsibility, limited and accountable government, and an appreciation of the role of the free enterprise system.

¹ National Charter Schools Directory, 2000, 6th Edition. Center for Education Reform, Washington, DC.

² Although approximately eight school charters have been granted in New Hampshire since the 1995 enabling legislation, no school has yet opened. Town of Tamworth voters ratified opening their proposed Tamworth Charter High School Academy, but the school district could not extricate Tamworth high school students from its high school AREA agreement. The state's first ratified charter school could not open. As of December 2001, New Hampshire has not yet realized the potential of modern charter public schools, unlike most states with charter school enabling legislation.

³ Bush, Ph.D., George. The History of Education in New Hampshire. Washington, DC, U.S. Government Printing Office, 1898.

⁴ Morison, Samuel Eliot. The Intellectual Life of Colonial New England. New York University, New York 1936.

⁵ "An Act For Maintenance & Supply Of The Ministrey [And Schools] Within This Province," Passed, August 5, 1693. The Compendium of New Hampshire Province Laws, 1693. [Chapter 2.]

⁶ Bush, 1898.

⁷ State of New Hampshire archival records include the original petitions, responses of the legislature, and subsequent communications regarding requests for tax-exempt status, establishing lotteries for the support of

schools, and or other related matters. These early approved petitions and charters are also typed in various volumes of the Laws of New Hampshire, located at the New Hampshire Archives Building and also the New Hampshire State Library at Concord.

⁸ In 1827, The Standing Committee on Education which included Samuel C. Bartlett, promoted the first comprehensive law of public education, embracing superintending school committees, qualifications of instructors, money to be raised, building school houses, and dividing towns into districts. Around this time, legislative acts allowing for the incorporation of schools and academies no longer resemble the elongated petitions or the late 1700's and early 1800's, which were de facto charters for new schools.

⁹ All quoted materials as to wording or early petitions for new schools are excerpts from original documents located at the State Archives building in Concord. The underlining in the quotations has been added by the author of this newsletter for emphasis.

¹⁰ New Hampshire Education Laws: Chapter 194-B: Charter School and Open Enrollment Act, Section B:1A Statement of Purpose.

¹¹ Center for Education Reform. "What the Research Reveals About Charter Schools." Washington, DC, Nov. 2000. <<http://www.edreform.com/pubs/#Reports>>.