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## FOREWORD

*This report will enlighten people curious why charter schools did not emerge immediately after New Hampshire's charter school law was passed in 1995. It will provide helpful ideas for New Hampshire legislators seeking to improve New Hampshire's charter school law and guidance to those who want to pursue a charter school here.*

Nationwide, charter public schools are a school reform phenomenon of increasing local and federal importance. As of October 2002, 2700 charter schools are operating in 36 states and the District of Columbia, serving over 575,000 students.<sup>1</sup> But no charter schools have opened in New Hampshire since enabling legislation was enacted in 1995.

Legislative ink was not dry on the paper when the first groups attempted to work with New Hampshire's new charter school law. Administrative rules were not yet written and many guidelines were unclear when the first entrepreneurs attempted these schools. No doubt the early efforts failed, in part, due to general confusion about the charter school model and lack of familiarity with our state's legislation. Few east coast charter schools were in place at the time.

Interviews with New Hampshire's initial charter school proponents and founders suggest that their objectives were higher achievement standards and smaller school populations, cost-effective options for accommodating population growth and more effective ways of handling special education, and addressing parent apathy. Noble goals most readers could support.

In asking what factors in New Hampshire prevented support for their schools, respondents cited misleading and negative information, time-consuming approval procedures, lack of understanding of the charter school concept, and a system that requires the charter school to compete with other local school board improvement initiatives. Time, money, inability to counteract negative information or, as one person interviewed stated—it was just politics, plain and simple local politics that killed their charter school's approval.

Still, interest in this education option remains strong here and nationwide. Many New Hampshire communities are growth communities and need to expand their public schools one way or another. The charter public school alternative can be responsive to concerns of growth, taxation, bureaucracy, dropouts, transportation distance, and special education. Almost all current educational needs facing New Hampshire could find solutions in the chartered public school model:

- Fast growing New Hampshire cities and towns will likely find charter schools a lower cost alternative to accommodate growth than traditional building and bonding;
- Communities that tuition some or all students to neighboring communities can cut travel and transportation time while providing parents a desired local school option;
- Multiple schools districts could benefit from regional charter schools that serve at risk, dropout, or special student populations, and/or schools with specialty curriculum;
- Cities and regions could find specialized charter schools focusing on performing arts, technical education, or math and science curricula an attractive addition to their current array of traditional public schools;
- Businesses or colleges with special interests (e.g. technology, science/math, forest management, sports or health, elementary reading) can help design and run schools that parallel their own specialties.

New Hampshire citizens interested in opening charter schools can now benefit from lessons learned in other states. Education reform nonprofits, think tanks, foundations, and public officials across the country are eager to provide technical advice and sometimes funding. Federal funds are increasing to support charter school start-ups, with over \$300 million available this year. And there are now excellent, proven charter school models for all ages that can be easily replicated.

No early New Hampshire charter school designs involved partnerships with businesses, colleges, or non-profit organizations. Charter schools with these alliances are some of the best in the nation, however. In particular, colleges and universities in most states are sponsoring and/or hosting charter schools as part of their educational mission, collaborating on curriculum and teacher training. A charter school could even have a recruitment and training component to help our state with critical teacher shortages.

What's clear from the early charter school experiences in New Hampshire is that lack of statewide leadership to support a fair district-by-district review of charter schools, overly complicated approval procedures, and lack of accurate information all contributed to problems for the first entrepreneurial efforts. But all of these issues can be addressed, and the promise of charter schools is still very much present for districts in New Hampshire.

Today's charter schools are focused on accountability and achievement in exchange for increased autonomy. Accountability for achievement is an essential concern today, given the new federal focus on school performance. Concern for cost-effective, high quality, and innovative school models beckons us to give these schools more attention and to revise the complications in our enabling statute. Knowledge of exemplary charter schools and their accomplishments will become more well known as traditional public school personnel have unbiased information as to models and potential benefit of chartered public schools.

As we become more enlightened about factors that prevented charter school development in the 1990s and the benefits various charter school models would bring many communities, we can anticipate more citizens, teachers, superintendents, colleges, and businesses supporting the emergence of chartered public schools in New Hampshire.

*Susan D. Hollins, Ph.D., Director*

*New Hampshire Charter School Resource Center at  
The Josiah Bartlett Center for Public Policy*

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# FINDINGS

## Finding #1

Charter school efforts in New Hampshire primarily took place from 1995 through 1998 when limited research and information were available.

### Introduction

This report reviews key charter school efforts since passage of RSA 194-B in 1995 and makes findings for future strategic planning. It is important to note that most charter school development activity took place from 1995 through 1997 when the law was new, there was limited understanding of the school model, and positive longitudinal research was unavailable. Efforts in the first years following passage of New Hampshire's charter school law led to six charters being awarded: one in 1996, two each in 1997 and 1998, and one in 1999.

Information for this report was gathered from a variety of sources. Individuals involved in early charter school efforts were interviewed and consulted. This included founders of charter schools, school superintendents who interacted with charter school founders, and two administrators hired to work for charter school corporations. News clippings, charter school proposals, and actual state charter documents were reviewed. The story of early charter school efforts was revisited as chronicled in early New Hampshire Charter School Resource Center newsletters.

This report is not a summary of every charter school effort in New Hampshire. This report does include, however, all six projects that resulted in a five-year charter status certificate granted by the New Hampshire State Board of Education.<sup>2</sup>

### Review of New Hampshire's Charter School Procedures

By all accounts, New Hampshire's charter school procedures are confounding and time-consuming. Even so, they are workable. Six groups demonstrated that with stamina and perseverance it is possible to progress from idea to charter status in New Hampshire. Simplifying procedures certainly would likely encourage more response from colleges, non-profit organizations, and businesses. Less cumbersome procedures would greatly enhance quality charter school development in this state.

Familiarity with New Hampshire's charter school procedures is necessary to understand critical comments from citizens who tried to implement this law. The procedures for opening a charter school are not the same for every town and city in New Hampshire.

Seven cities, where the legislative authority is either the city council or school board (Concord only), have timelines that can be implemented within one year's time. The vast majority of communities in New Hampshire, however, have procedures and timelines requiring two referendum votes involving 18 to 24 months if all goes well, and 3 to 4 years if voters are asked to reconsider a negative vote. Most founding groups expressed difficulty sustaining their entrepreneurial momentum for 3 to 4 years.

Thus, New Hampshire's elongated procedures pose significant difficulty for the majority of communities. (See *Table A* for procedures and timelines currently used in towns).

Further, most founding groups consider the local voting procedure fraught with political problems. Interview comments include: "we weren't prepared for the intensity of efforts to assure the vote would fail," and "people spread negative information about founders," and "the business of the voting is going to twist any process for education reform in New Hampshire," and "the process keeps parents from getting involved."

For **communities** where voters decide legislative and budgetary school matters, the two required votes typically take place in March or April one year apart (or could take place at any time at a special district meeting). Accordingly, the typical minimum amount of time between the initial enabling vote and approved charter school opening would be 18 months. Adding in the initial petitioning timelines, founders typically have a 24-month process if the referendum question passes on the first vote. (*Table A*) Unless there is a special district meeting, each re-vote adds an additional 12 months.

In **cities** where city councilors vote the two required provisions, the timeline requirements described in *Table A* are irrelevant. Cities handle charter school votes according to their own city's hearing and petition guidelines. In seven of New Hampshire's cities the process can be completed in a much shorter time period.

**Finding #2**

A common feature of failed efforts allegedly was negative or fear-producing information just before the public voted.

**Finding #3**

Increased dissemination of accurate information about New Hampshire's charter school legislation is essential. Procedural guidelines, timelines provisions, timeline waivers, and differing requirements for towns and cities are not well known, even by school administrators and school boards.

**Finding #4**

Time-consuming statutory procedures with no benefit to charter school purposes should be revised. The required district vote enabling citizens to use an enabling law uses six to eight months of energy and impedes the development of charter schools. This provision discourages continued participation of planners and supporters.

<b>TABLE A</b>	
<b>Required Steps for Opening a Charter School in a Town</b>	
<b>Month of Likely Action<sup>3</sup></b>	<b>Action</b>
September-March of First Year Effort	Charter School initiators must plan and follow a variety of requirements for a petitioned enabling vote to take place at the annual district meeting <sup>4</sup> the following March/April.
March/April of First Year <sup>5</sup>	Voters approve enabling statute at annual school district meeting. <sup>6</sup> Specific warrant article wording is defined in the statute.
July of First Year	Completed charter school application is presented to school board for review.
September of Second Year	School board forwards application to state Board of Education with its recommendation to grant or deny based on compliance review--whether or not the application addresses required elements under RSA 194-B:3, II. The school board may suggest amendments or additions.
December of Second Year	State Board of Education completes a compliance review and grants or denies a charter. If the application is deemed complete, a charter is granted. The State Board may suggest amendments or additions.
March of Second Year	Voters are presented a warrant article, and decide if a specific charter school proposal will be ratified to open. Specific wording for this ratification vote is included in the statute.
July of Second Year	School's contract and approved charter become effective
September of Third Year	Charter school opens <u>or</u> initial time period for planning and recruitment begins. <sup>7</sup>

**Finding #5**

The district approval model should stay as one ratification system. The Tamworth experience demonstrates that local approval works well when the school board and superintendent desire to advance a proposal.

**Finding #6**

A second ratification system is needed. Having only the school district as authorizer can discourage entrepreneurial and potentially beneficial schools due to alleged efforts by some districts to assure a negative vote outcome.

A second ratification system is also needed to facilitate charter school proposals that serve multiple school districts.

## **Charter School Efforts in New Hampshire**

This report reviews eight efforts to bring a chartered public school to a New Hampshire community. (Table B).

The State Board of Education granted six charters from 1996 through 1999: Bedford Academy Charter School, Bedford Charter High School, Kearsarge Charter Middle School, Londonderry Charter School, Pelham Charter School, and Tamworth Charter High School.

The Tamworth Charter High School was the only charter proposal to be ratified and approved to open. The Tamworth proposal was supported by its superintendent, school principal, and school board and, finally, by voters at the polls. The other five charter ratification votes failed.

Two efforts reviewed for this report—the Governor Wentworth Charter School District and the Dresden School District—did not proceed to a charter application being developed.<sup>8</sup> In the Governor Wentworth District no proposals came forward after the first required vote passed to allow proposals. In the Dresden District (1996 through 1997) voters were advised that charter proposals would raise taxes and/or that not enough was known about charter schools. The first required enabling vote did not pass. *Table A* summarizes the charter school initiatives investigated for this report. It is significant that initial charter efforts took place from 1996 through 1999 when so little information was generally known about charter schools.

A common feature of failed efforts in New Hampshire is fear-producing information provided just before a district vote. This does not allow time for proponents to counteract misinformation or misleading information. Subsequent public records show that in districts where voters were urged to vote down the charter school proposal due to tax impact, voters were shortly thereafter presented with a school building proposal with greater financial consequences (Londonderry, Pelham, Dresden, Kearsarge).

People interviewed recalled misleading information spread by a superintendent, lawyers hired to squash the effort, and founders being vilified in the community. Apparently efforts to assure a failed vote can become mean spirited. No proponent interviewed thought voters had accurate and fair information upon which to base their decision as to whether or not to support the enabling vote or the actual charter.

As one founder expressed, “The situation is impossible. You have to somehow court the administrative approval while simultaneously telling them that an aspect of the system needs improvement.”

**TABLE B****Summary of Eight NH Charter School Initiatives**

<b>School Name</b>	<b>School Type</b>	<b>Major Goal of School</b>	<b>Special Circumstances</b>	<b>Last Successful Step</b>	<b>Current Status<sup>9</sup></b>
<b>Londonderry Charter School</b>	Grade school/ middle school	Higher academic challenge in math/science	Growth community	State Board granted charter in 1996	No known effort at this time
<b>Pelham Charter School</b>	Various	Recreate the successes of MA charter schools	Growth community; needed another school	State Board granted charter in 1997	No known effort at this time
<b>Bedford Academy Charter School</b>	High school	To give Bedford its own high school	Bedford tuitions high school students to Manchester	State Board granted charter in 1996-1997	No known effort at this time
<b>Tamworth Charter High School</b>	High school	Create local option and town's first high school; to decrease student commute	Sends high school students to Conway as part of AREA agreement; regional school overcrowded	School district voters ratified the charter so school could open.	Charter renewed; board re-forming; Conway has voted to end AREA agreement
<b>Bedford Charter High School</b>	High school	To offer alternative to Bedford Academy	See above	State Board granted charter in 1998	No known effort at this time
<b>Kearsarge Charter Middle School</b>	Middle school	Address overcrowding; offer small school option	Cooperative school district, growth communities; needed another school	State Board granted charter in 1998-1999	Board re-forming; multi-million new district school proposal before voters
<b>Hanover Charter High School</b>	High school	Address overcrowding and school style option	Interstate school district, growth communities, overcrowded, high school accepts area tuition students	Enabling vote did not pass; petitioned warrant article brought to voters in 1996-1997	Multi-million dollar new district school proposal before voters
<b>Governor Wentworth Charter School</b>	No proposals to date	Overcrowding at area schools	Cooperative school district	Enabling vote passed in 1999	No known effort at this time

## **Finding #7**

The AREA agreement statute, RSA 195-A, should require each contractual agreement to include a component with the percentage of students that can be released to attend a charter school.

## **Finding #8**

In all situations reviewed for this report, the proponent group was motivated by a desire to improve options and opportunities in their public school system. Most groups believed that the charter school would, in addition, save taxpayers money in the long run.

## **The Tamworth Dilemma**

Even though Tamworth citizens voted to open Tamworth Charter Academy, Tamworth high school students were prohibited from attending the charter school. An existing long-term tuition AREA agreement required all Tamworth public high school students to attend high school in Conway, New Hampshire.<sup>10</sup> Although Tamworth requested that only 40 students be released from the requirement to attend Conway's high school, this represented 30 percent of Tamworth's high school enrollment. According to Conway school officials, allowing 30 percent of Tamworth's students out of the tuition arrangement might create a precedent for the other six schools that tuition students to Conway, with financial implications for Conway.<sup>11</sup> No other district was proposing a charter school, however.

Tamworth's contention was that the high school had become overcrowded with related class size and class option problems; many Tamworth parents were pulling their children from public school and leaving anyway, choosing private placements or moving because the situation was difficult and too far away. And the costs from overcrowding would have been lessened.

A further problem was lack of clarity as to what mechanism might allow certain Tamworth students to leave the tuition arrangement to attend the newly approved charter school. Tamworth's planning for start-up was totally diverted by these legal issues of student attendance.

When the charter school statute was passed, no corresponding provision of legislation was made to accommodate the many districts in New Hampshire whose students are tied into long-term tuition agreements, developed prior to the charter school statute. Attorney opinions disagreed over whether an amendment to the AREA agreement would be needed, or whether a separate mutual agreement of the sending and receiving districts would be sufficient. Given the eight school districts involved in either resolution by mutual agreement, the obstacles and tensions were high regarding release of up to 40 Tamworth students.

In March of 2002, Conway voters approved dissolution of the AREA agreement two years ahead. Tamworth's ratified charter high school still has a viable charter; however, the legal wrangling resulted in Tamworth losing federal start-up funding.

## **Motivation of Proponent Groups**

Proposed chartered schools from 1996 through 1999 covered elementary, middle, and high school levels. All proponent groups expressed being motivated by a desire to provide an option they believed would benefit the district, families, and students.

A majority of groups were aware that the charter school option would, in the end, be more cost-effective for taxpayers than eventual multi-million dollar building programs needed to accommodate their community's growth.

A majority of founders wanted to develop schools with higher achievement standards and more rigorous academic programs.

All groups saw potential benefits the charter school choice would offer residents:

- a smaller school option for students who would prefer a smaller learning environment
- a closer-to-home option for students with very long travel times
- a more structured setting for students who did not thrive in or whose parents did not support an open campus setting
- a more classical approach to curriculum for families with this belief system
- a subject-integrated curriculum to enhance learning

- a more individualized approach where students needing individual attention would not have to be considered “special.”

### **Finding # 9**

Start-up planning funds are needed. The absence of funding to support initial efforts of founding groups puts all financial expenses on the founders’ shoulders and, thus, discourages potential founders.

### **Finding # 10**

No early charter proposals involved partnering with business and industry, non-profit organizations, or colleges. These partnerships hold great promise and benefit: they can provide oversight, mentoring for students and staff, political capital needed to reassure voters and/or offset discrediting efforts, funding, space, and board leadership.

### **Funding for Planning and Promotion**

Charter school planners had little funding to cover their expenses, e.g. mail, phone, travel, informational programs. They generally met expenses with their own personal funds. Three groups applied for and received U.S. Department of Education start-up grants once these were available. This took away pressure to fund the required publicity requirements from their personal finances and founders were able to hire administrators for start-up tasks.

The majority of groups received technical assistance both from the New Hampshire Department of Education (several groups commented that this was not particularly helpful) and the New Hampshire Charter School Resource Center at the Josiah Bartlett Center for Public Policy (several groups commented that this was particularly helpful).

Several groups sought professional assistance from community members in areas of law, accounting, printing, and education planning. Most groups recruited board members with helpful expertise such as accounting, architecture, business planning, and education.

Charter school founding groups were typically made up of parents of students who, additionally, had professional training in pertinent fields. Not all founders had personal funding to dedicate to a charter school proposal, however.

Initial costs of marketing and planning a school proposal varied from project to project. Generally, initial costs related to informational expenses and attorney fees. Depending on the size of the district, costs for simple mailings were significant.

The absence of initial funds for informational bulletins and newsletters creates a financial burden for founding groups. School boards however have budgets and can fund newsletters and attorney fees, as needed. And, the school board has access to ample media and public meeting time where it controls the agenda and public comment.

Funding for planning grants is needed from local, state, or private sources. A mini grant program would likely stimulate charter school development. If the first required enabling vote is not deleted from the charter school statute, the statutory wording could be modified to allow optional funding for planning costs. This model exists in other statutes such as in RSA 195-A:3, concerning AREA agreements: “Any town, city or special school district pursuant to an article in the warrant ...may vote to create an area school planning committee.... The district may appropriate money expenses at the meeting at which it is created or at any subsequent district meeting...and such expenses may include the cost of publication and distribution of reports.”

### **Partnerships**

Alliances with colleges, businesses, and non-profit organizations are an important feature of charter schools throughout the U.S.

Dozens of colleges and universities across the country are partnering with charter schools providing space, teacher training, management services, demonstration schools, and high-school/college combined course

options.

Businesses and business leaders throughout the country are partnering with charter schools providing board leadership, teacher training, and curriculum advisement in math, science, and technical fields. Charter schools have been offered space in available business settings and options to train students on the business location.

Non-profit groups are collaborating on services to at-risk and dropout students; human services agencies are streamlining services by collaborating on special programs for populations they serve.

In New Hampshire, however, none of the initial founding groups considered or designed their charters in partnership with colleges, businesses, or non-profit organizations. Design teams that include colleges, businesses, and non-profit organizations are apt to be stronger in terms of the actual charter plan and garnering community/city support.

### **Finding #11**

New Hampshire's charter school statute needs revision to eliminate provisions that make charter school development difficult. Provisions requiring teachers to give up seniority union status need revision if teacher talent is to be tapped in charter school development, as the law intends. The funding scheme and timeline should allow immediate funding response for dropout prevention and recovery. The one-authorizer/one-system for charter school ratification has features that inhibit the very purpose of the law, as stated in RSA 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
- II. open enrollment schools in New Hampshire."

### **Finding #12**

In growth communities, additional students require additional space, teachers, and taxes one way or another. Districts that argued "costs" in voting down a charter school subsequently proposed multi-million dollar building programs to accommodate growth.

## **Funding and Promise of Charter Schools**

This topic was not a subject of this report. It must be noted, however, that the current charter school funding scheme in RSA 194-B:11 was developed in 1995, prior to important changes in New Hampshire's overall school funding system. RSA 194-B funds charter schools in the following manner: "...the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department."

The most common argument against New Hampshire charter schools involves the system of funding, complicated by a three-year delay in state aid. State funding (based on the enrollment data for each year) currently comes to the district three years after data are submitted. Even if a charter school today were to bring back recent dropouts to assure them an adequate high school education, the new money these students would generate would, under today's school funding guidelines, be received by the school district three years later.

The argument that charter school funding will take money from the local school district can be challenged. In growth communities, increasing numbers of students will require school district funding one way or the other, e.g. increased numbers of teachers and increased facilities.<sup>12</sup> In fact, most charter school founders saw their school as a way to save taxpayers money related to growth as well as provide options for parents. Charter schools typically are more entrepreneurial and can receive philanthropic gifts and grants, making them cost efficient schools in the long run.

Many situations exist in New Hampshire where a charter school's creation would not adversely impact and could benefit district funding. Increased advocacy and information will advance this essential point. For example charter public schools hold promise for choice programs:

- serving students currently tuitioned to other districts,

- serving students the district has enrolled in private placement programs because public school program options do not exist,
- serving regions or the whole state where only one or two students from each community might attend,
- addressing growth and overcrowding where additional schools and teachers are needed one way or another,
- serving students with alternative program needs, including students at risk of dropping out or who recently dropped out of high school, and
- re-establishing choice village or community schools and thereby reducing costly transportation and tuition fees.

### **Political Realities**

The relationship between the school board and the charter school founders was reported as contentious in many cases. Several persons mentioned that the school district warrant before voters included costly initiatives proposed and promoted by the school board itself, for example, staff salary and benefit increases or facility projects. These competing, important needs put charter school proponents and school board in competition for district funding, even when the charter school proposal met an equally important district need—e.g., overcrowding.

The New Hampshire process for charter school development, whereby school boards have great influence, makes the emergence of charter schools dependent on visionary school board or administrative leaders motivated to add a charter school to the school system. The New Hampshire School Board Association’s resolution in 2000 makes their support for charter schools unlikely.<sup>13</sup>

In multiple circumstances, the time requirements and the toll of stressful political situations wore out charter school founders. As one founder commented, “after a while, we just simply had fatigue around the issue of the charter school. How long can you keep going back and have your head banged against a wall?”

Voters must be presented the total gross charter school budget and have no way to know the actual “net” cost. Thus, if the proposal includes two teachers for \$50,000 and the district can reduce two teachers for \$50,000, the voters will not be presented with the net budget of \$0.00. The inability for voters to know the actual net cost of the charter school is a problem charter school proponents have not been able to overcome.

### **Recommendations**

1. **Eliminate the first required vote of the legislative authority enabling the district to enable non-binding charter proposals to come forward.** The required language for the enabling vote is woefully confusing. It diverts tremendous energy from proponent groups and elongates the process so much that even pressing district needs cannot be met. The unclear wording has reportedly angered voters. Without the first required vote, the local school board would still receive and review a proposal before it is brought to the public. The local school board would still have significant influence on the outcome of any future charter school vote. There appears to be little reason for these frustrating procedures and the added time they require creates excessive bureaucracy and thwarts charter school proposals.
2. **Revise New Hampshire’s charter school law to allow a second authorizer.**<sup>14</sup> A second authorizer to ratify proposals would be appropriate for charter schools intended to serve multiple districts, a region, or the state as a whole. It would be appropriate for charter schools promoted by non-profit organizations and colleges. It is unclear how one school board, under the current law, could act on a charter proposal meant to serve multiple towns and/or regions.
3. **Revise New Hampshire’s charter school statute to address other identified barriers to charter school development.** Revisions needed will evolve from a review of other states’ successful charter school legislation. Areas currently known to need review include funding, timeline for state aid, more favorable conditions for teachers who want to promote a school, and various areas of procedural streamlining.

4. **Resources for planning would make charter school planning more viable.** Neither the State Department of Education nor the New Hampshire Charter School Resource Center at The Josiah Bartlett Center for Public Policy currently has sufficient funds to provide planning grants that help and promote founding groups.
  
5. **Special arrangements or provisions are needed to free students from long-term contractual agreements that require them to attend certain schools.** The contractual issues of Tamworth's high school AREA agreement prohibited any Tamworth students from attending Tamworth's charter high school. This situation and others like it can be remedied by requiring that all such agreements (often for 10 to 20 years in duration) have a choice provision, allowing a percentage of students to choose charter schools. Otherwise, charter school options are effectively denied to students from small school districts participating in long-term tuition agreements. Students in our state's smaller communities should be allowed the same high school choices as any other students in the state, once those choices are available.

## APPENDICES

**APPENDIX A**  
**Background Information on NH School Districts with Charter School Initiatives**

<b><u>Charter Initiative:</u></b>	<b><u>Bedford Academy</u></b>	<b><u>Gov. Wentworth</u></b>	<b><u>Hanover/Dresden</u></b>	<b><u>Kearsarge</u></b>	<b><u>Londonderry</u></b>	<b><u>Pelham</u></b>	<b><u>Tamworth</u></b>
<b>County</b>	Hillsboro	Carroll (New Durham is in Stafford County)	Grafton	Merrimack (Springfield is in Sullivan County)	Rockingham	Hillsboro	Carroll
<b>Town Population (District)</b>	18,274	(16,535)	10,850	(13,665)	23,236	10,914	2,510 (10,366)
<b>% Town Population Change 1990-2000 (District)</b>	45.5%	(22.5%)	17.8%	(18.6%)	17.5%	16%	15.9% (19.8%)
<b>Town in Square Miles (District)</b>	32.8 sq. miles	(263 sq. miles)	49.1 sq. miles	(264.2 sq. miles)	42 sq. miles	26.3 sq. miles	59.8 sq. miles (374.4 sq. miles)
<b># Towns in District</b>	1	6	2	7	1	1	1
<b>Number of Schools</b>	5	9	3	6	6	3	1
<b>Types of Schools (Enrollment)</b>	1 Preschool (36) 3 K1-5th (1,701) 1 6th - 8th (760)	1 Preschool (17) 2 K1-3rd (335) 3 K1-6th (834) 1 4th - 6th (274) 1 7th - 8th (458) 1 9th -12th (862)	K1-5th (488) 6th - 8th (432) 9th -12th (753)	4 1st - 5th (807) 1 6th -8th (536) 1 9th -12th (628)	Early Ed. (57) 3 1st - 5th (2181) 1 6th - 8th (1,360) 1 9th -12th (1,677)	K1 - 4th (635) 5th - 8th (647) 9th -12th (588)	K1- 8th (322)
<b>District Enrollment</b>	2,497	2,780	1,673	1,971	5,275	1,870	322
<b>Additional Information</b>	Bedford students attend high school in Manchester which has a population of 107,006, a 7.5% population change, and 33 sq. miles of land.	Governor Wentworth is a cooperative school district made up of Brookfield, Effingham, New Durham, Ossipee, Tuftonboro, and Wolfboro.	Dresden is an interstate district for Norwich, VT, & Hanover, NH, for grades 7-12. Dresden schools are Hanover High School and Richmond Middle School.	Kearsarge is a cooperative district made up of Bradford, Newbury, New London, Springfield, Sutton, Warner, and Wilmot.			Tamworth students attend Conway high school along with Albany, Bartlett, Eaton, Freedom, Jackson, and Madison under an AREA agreement. Conway population is 8,604, has an 8.4% change, and 69.7 square miles of land. 14.6 miles, 33 min.
<b>Distance to Receiver School (from the middle school)</b>	6.0 miles, 15 min.						
<b>Receiver School Enrollment</b>	1,967						881

## **APPENDIX B**

### **Legal Steps for Establishing a Charter School Under New Hampshire Law**

New Hampshire's charter school law is an enabling law and is designed with one authorizer—the legislative/budgetary authority of the town or district.

For all towns, the legislative authority is the voters who take action by voting on warrant articles, prepared and annotated by the school board, at annual or special district meetings. For the state's 13 cities, the legislative authority varies—for most cities the legislative authority is the board of aldermen or city council. For some cities, the legislative authority for school district matters is the voters. For Concord, the Concord school board has legislative authority.

Although RSA 194-B is an enabling law, it is written so that the legislative authority must vote to enable the district to use the enabling law. This first vote is considered the “generic authorization.” It allows charter school proposals to come forward for review. The second vote to ratify the charter takes place after a charter is awarded by the State Board of Education, and is referred to as the “ratification” vote. The second vote allows the charter school to be funded and to open.

- I. The question of establishing a charter school will be placed on the warrant of a special or annual school district meeting for approval. In districts without annual meetings, a public vote shall be held for the passage of an enabling warrant.<sup>15</sup>

The required wording of this first vote has been a source of confusion everywhere it has been voted and adds to the difficulty of starting a charter school. The school board is obligated to use the statutory wording. An early Josiah Bartlett Center for Public Policy newsletter captured the frustration of voters leaving the polls in Lyme, New Hampshire. Voters could not understand what the wording meant:

“Shall we adopt the provisions of RSA 194-B, regarding charter and open enrollment schools?”; and “Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend charter and open enrollment schools located outside the school district?”; and

“Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for the tuition to attend charter and open enrollment schools located inside the school district?”; or

“Shall we adopt the provisions of RSA 194-B, regarding open enrollment schools?”; and

“Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend open enrollment schools located outside the school district?”; and

“Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend open enrollment schools located inside the school district?”

Regarding charter schools, the wording simply means—*shall we adopt the charter school enabling legislation, allowing proposals to come forward, but making no commitment at this time to any proposal?*

- II. A specific application for the charter school, when completed, must be submitted to the school board for review. The school board completes a compliance review, determining if all elements of the application are fulfilled. The school board can use this process to become familiar with the application and make suggestions; however, the school board cannot require changes in the charter application.

In New Hampshire towns, the charter application must be submitted to the school board by July 1 of the year preceding the opening of the charter school. There is no such timeline for charter applications submitted to city councils. New Hampshire's law includes a waiver provision for the statutory timelines outlined.

An application must include the following elements<sup>16</sup>:

- a. Educational mission

- b. Governance and organizational structure and plan
- c. Methods by which trustees and their terms are determined
- d. General description and proposed location of facilities to be used, if such information is available
- e. Maximum number, grade or age levels, and, as applicable, other information about pupils to be served
- f. Curriculum
- g. Academic and other learning goals and objectives
- h. Achievement tests to be used to measure pupil academic and other goal achievement
- i. For high schools, graduation requirements
- j. Staffing overview including qualifications for staff
- k. Personnel compensation plan
- l. Pupil transportation plan
- m. Statement of assurances of nondiscrimination
- n. Method of coordinating with pupil's local education agency (LEA)
- o. Admission procedures
- p. Philosophy of pupil governance and discipline
- q. Method of administering fiscal accounts and reporting
- r. Annual budget including sources of funding
- s. School calendar arrangement and the number and duration of days
- t. Provision for providing continuing evidence of adequate insurance coverage
- u. Identity of consultants to be used for various services, if known
- v. Philosophy of parent involvement and related plans and procedures
- w. A plan to develop and disseminate information to assist parents and pupils with decision-making about their choice of school
- x. A global hold-harmless clause<sup>17</sup>
- y. Severability provisions and statement of assurance that any provision of the charter school contract found by competent authority to be contrary to applicable law, rule, or regulation shall not be enforceable
- z. Provision for the dissolution of the charter school including disposition of its assets or amendment of its program plan
- aa. In the case of the conversion of a public school to a charter conversion school, provision for alternate arrangements for pupils who choose not to attend and teachers who choose not to teach at the charter school
- bb. A plan for the education of the school's pupils after the charter school may cease operation
- cc. In consultation with the local school board, the charter school applicant shall prepare a proposed contract. The contract shall include, but not be limited to<sup>18</sup>:
  - 1. Purpose
  - 2. Written policies
  - 3. Authority of trustees
  - 4. Reporting, fiscal accounting and fiscal audits to be performed by a certified public accountant
  - 5. Contract agreements
  - 6. Indemnification
  - 7. Secular orientation
  - 8. Non-discrimination
  - 9. Health and safety
  - 10. Enrollment
  - 11. Attendance
  - 12. Availability of services
  - 13. Assessment of pupils
  - 14. Tuition and funding
  - 15. Property ownership
  - 16. Records



<b>Number of Persons Interviewed by Category</b>			
<b>Charter Initiative</b>	<b>Founders</b>	<b>School District Officials</b>	<b>Project Administrators</b>
Bedford Academy	2	-	-
Bedford Charter	1	-	-
Dresden	2	1	-
Governor Wentworth	-	1	-
Kearsarge	3	1	1
Londonderry	2	-	-
Pelham	1	1	-
Tamworth	4	2	2

### **BEDFORD ACADEMY CHARTER SCHOOL**

**Demographics** Bedford lies along the southwestern edge of Manchester. Between 1990 and 2000, this 33 square-mile town had a population growth spurt of over 45 percent. As of 2000, the population was 18,274. Bedford currently has five schools: a pre-school, three kindergarten through fifth-grade schools, and one middle school. Bedford students attend high school in Manchester, which has a population of 107,006. Manchester has three high schools—Memorial, West and Central High Schools. Bedford sends its students to Manchester West High School, which is six miles away. Bedford is listed as having a 32.2 percent growth rate, the highest in New Hampshire.

**History** The Bedford Academy Charter School (BACS) planned for 400 students in grades 9 through 12. Resident and businessman Ed Kruger had the idea that a charter high school would be perfect for Bedford which had never had its own high school. By 1997, a founders' group had been organized, the enabling vote had taken place and passed, the State Department of Education had granted a charter, and a warrant article to ratify the charter had been placed on the annual school district meeting warrant.

The situation then became contentious. Some of the original founders were lobbying against BACS and a group of these disenchanted supporters formed their own charter school organization to prevent the BACS from winning its second vote. This group succeeded as the BACS lost both its first and second votes.

As in many communities where charter schools were not supported by the school board and/or voters, the Bedford school board subsequently proposed a \$44.9 million public high school. Enrollment growth in Bedford has strained the capacity of Manchester high schools. As of spring 2002, 25 percent of Manchester's high school students came from other towns that sent their high school students to Manchester under tuition agreements. In addition to Bedford, Auburn, Candia, Deerfield and Hooksett were sending high schools students to Manchester. The existing tuition agreement between Bedford and Manchester expires June 2003, and Manchester has offered a new tuition agreement. The proposed new tuition agreement does not include a provision for any students to attend a Bedford high school in the future. During the 2001-2002 school year, Bedford sent 782 students to Manchester's West High School.<sup>24</sup>

**The Charter School Mission** To enable students to acquire critical reasoning and communication skills and to explore the cultural and scientific achievements which are at the heart of the liberal arts and sciences.

#### **What benefits were originally envisioned from founding a charter school in your community?**

Bedford students would be able to attend high school in their own community for the first time in history.

Bedford would take pride in the fact that it could develop and build its own school after decades of ducking the issue.

There would be proof that citizens could develop an idea, approach the powers that be (the school board and district administration) with that idea, and then see the idea win approval at the polls.

#### **How did your group finance its efforts?**

A local fund drive spear-headed by the founders' group raised what few funds the group spent. Individuals also kicked in their own out-of-pocket support.

### **What types of individuals were in your group of founders?**

Kruger's friends and contacts including members of the PTA, church groups, and business professionals were the first people with whom he began to discuss his idea. Within a few months there were over 50 people interested and it was decided that a founders' board should be organized. This was done in a methodical way. A CPA was identified to fill the treasurer's position; a lawyer became the first secretary; and local leaders, former teachers, and a marketing person were invited to be on the first board. Incorporation with the state was followed by an application to the IRS for 501(c) 3 non-profit status. They made sure the founders' board was in line with the best practices for a 501(c) 3 educational corporation in New Hampshire.

### **Was a partnership ever considered?**

The founders' board saw their partnership as one between the school district and the voters of Bedford. There was no specific partnership with a business or college.

### **How involved was the New Hampshire Department of Education?**

The assigned Department of Education staff tried to be advocates but had very little knowledge about what BACS was going through. After BACS lost the first vote, the Department's support lessened.

### **Did you have difficulties in keeping the momentum going in your efforts?**

There was a real sense of depression after the first (ratification) vote was lost so decisively. Once a commitment was made to fight opposition from the school superintendent and school board, a rally took place. When some of the original founders split from the BACS and formed their own (charter) high school group, the remaining founders rallied behind the BACS and kept the idea alive.

The loss of the second ratification vote killed the idea.

### **If you could change New Hampshire's charter school legislation, what would you change?**

The community vote leads to rancor and moves the discussion away from the basic needs of the students. It was not this vote itself that led to the contentiousness and the defeat. It really was politics—good old-fashioned politics. The law can't really change that unless the vote is eliminated totally.

### **What were some of the political issues in your community?**

The biggest issue was "which one?" With two charter schools on the second ballot, that became the most obvious issue. It was a battleground. That was an issue in and of itself. A battleground in Bedford, New Hampshire – one of the wealthiest communities in the country – where the issue of starting a high school became a political football.

The founders questioned whether the legislature passed the original law as a joke. Did the legislature want to see those few people in Bedford who want to see change in education fighting with each other? Ultimately the political issue was "Should there be a charter school in New Hampshire?"

### **Any other comments you'd like to make?**

It has been a very difficult four years.

In Arizona there was a perfect model for what we wanted to do. Arizona must be more progressive than New Hampshire.

If BACS had gotten an endorsement from the school board and if the other school hadn't tried to get started, BACS probably would have won that second vote. If they'd won the second vote, they would be through the second year of Bedford's first high school right now.

## **BEDFORD CHARTER HIGH SCHOOL**

**Demographics** See demographic information for Bedford Academy Charter School on page A-6.

**History** This charter school proposal grew out of a negative response to the Bedford Academy charter proposal. In 1998, several founders of the Bedford Academy Charter School worried that the BACS was leaning towards a "religious-based school." (*Note: New Hampshire's charter school law requires that any charter school proposal be*

*secular in nature.*) Gregor gathered together some of the founders and a number of parents and put together a plan for a more modest charter school. Their main concern was that the BACS might win the vote the second time; they wanted to have another charter alternative available for the voters. (A few people have suggested that this second charter school warrant article on the same ballot as the BACS's second attempt at ratification split the vote and caused the BACS to lose the vote that they should have won.)

The second charter school proposal, Bedford Charter High School (BCHS), was going to be much more modest. After years of paying for Bedford students to go to Manchester high schools, a 75-student high school was proposed. The five-year plan was to have the school grow to 300 students. It was then projected that the majority of high school age students would be accommodated in Bedford.

**The Charter School Mission** To prepare students for success in a knowledge-based society by developing the individual's full intellect, integrity, and social responsibility through an individualized, rigorous, and integrated curriculum.

**What benefits were originally envisioned from founding a charter school in your community?**

A more realistic approach than the competition was a major benefit.

The background of the head of the founders' group in construction, land development and design was also seen as a benefit.

The overall benefit of seeing Bedford students going to school in Bedford was a goal that both charter schools shared.

**How did your group finance its efforts?**

A few founders made individual contributions, but they didn't spend much money.

**What types of individuals were in your group of founders?**

There never were more than a dozen people involved, mostly parents. They were people who had worked for the BACS project the year before.

**Was a partnership ever considered?**

No. Several people tried to get the two charter schools to merge before the vote so the warrant could be combined but the animosity was too deep to consider a partnership.

**How involved was the New Hampshire Department of Education?**

The assigned Department of Education staff seemed conflicted by the competition and did not do much for either group. Their attitude seemed to be "Let's wait and see which one wins before committing ourselves."

**Did you have difficulties in keeping the momentum going in your efforts?**

The last few months before the vote the competition between the two groups (with charter high school proposals in Bedford) became contentious, and the more contentious it got the more people dropped out of each group.

**If you could change New Hampshire's charter school legislation, what would you change?**

The business of the voting is going to twist any process of educational reform in New Hampshire. BCHS actually got an endorsement from the school board because of one person's skills as a politician, but that wasn't enough to convince the voters.

**What were some of the political issues in your community?**

The two competing charter schools definitely became an issue both before the vote and at the polls.

The question of whether the BACS was going to be a private, religious school paid for with public dollars was definitely an issue.

Editor's note: State and federal law require charter public schools to be secular schools.

**Any other comments you'd like to make?**

Looking back at that crazy year, probably the scariest of all thoughts was that BCHS came close to not only blocking the Bedford Academy charter school, but also to getting its own high school

approved.

## **GOVERNOR WENTWORTH CHARTER SCHOOL**

Editor's note: Governor Wentworth's enabling vote to allow charter school proposals did not result in any proposals coming forward. Governor Wentworth's experience is an example of a town that advanced and encouraged hearing from others about charter school possibilities for their district but then no proposals came forward. This happened in more than one New Hampshire community.

**Demographics** Covering close to 263 square miles, the Governor Wentworth district (SAU #49) is one of the largest districts in the state in terms of square miles. The district has experienced population growth of 23 percent between 1990 and 2000, resulting in a population of 16,535.

SAU #49 is composed of six communities in the Lakes region of the state: Brookfield, Effingham, New Durham, Ossipee, Tuftonboro and Wolfeboro. The district is comprised of nine schools: one pre-school, two kindergarten through third grades, three kindergarten through sixth grades, one fourth through sixth grade, one seventh and eighth grade, and one high school.

**History** In 1999 a school board member asked about the possibility of starting a charter school in SAU #49. The assistant superintendent did some research and prepared a warrant article that would enable a charter school to be proposed in the Governor Wentworth district. The warrant article passed and the school board supported starting discussion with district residents about creating one or more charter schools. To date, no group has stepped forward with a charter school proposal.

**The Charter School Mission** N/A

### **What benefits were originally envisioned from founding a charter school in your community?**

Over-crowding is a very real issue for SAU #49 and one or more charter schools might be a benefit in this area. There has always been concern about the long distances that the very young students must travel and charter schools may alleviate this.

Special education challenges might also be addressed more effectively by one or more charter schools than by the SAU. Getting more parents involved is a real concern and all of the research shows the key role the parents must take in such endeavors.

### **How did your group finance its efforts?**

The superintendent and the school board considered researching and writing the enabling warrant article as part of the assistant superintendent's job. No other financial resources have been needed to date.

### **What types of individuals were in your group of founders?**

N/A

### **Was a partnership ever considered?**

A partnership is one of the ideas that, hopefully, a founders' group would consider.

### **How involved was the New Hampshire Department of Education?**

They helped us clarify wording for the enabling warrant article.

### **Did you have difficulties in keeping the momentum going in your efforts?**

There has been difficulty in getting momentum started.

### **If you could change New Hampshire's charter school legislation, what would you change?**

Perhaps changing the election process would encourage parents in the district to get involved if they felt there was a possibility of actually getting a school started in the state.

### **What were some of the political issues in your community?**

None so far.

### **Any other comments you'd like to make?**

We'd really like to see if a charter school would be right for this district. If anyone who reads this from our district wants to start a discussion about this – call me!

## DRESDEN CHARTER HIGH SCHOOL

**Demographics** In 1998, SAU 22 split into different districts. SAU 22 was composed of five districts: Hanover, Lyme, and Orford, New Hampshire; Norwich, Vermont; and Dresden Interstate covering grades 7 through 12 for Hanover, NH, and Norwich, VT. The Upper Valley area of Vermont and New Hampshire is a growth area of the state where Dartmouth College, a major medical center, well-funded public schools, and many technology businesses draw in many people. Hanover High School (governed by Dresden Interstate School District) has been at capacity for many years. Ongoing school board issues have been capacity of the high school and whether or not to continue accepting out-of-district tuition students. The separate communities were each going in different directions, at least educationally, when the charter school idea began to be discussed by a group which included Dartmouth professors, physicians, and school personnel. Hanover itself had a population of 10,850 in 2000, an 18 percent population increase between 1990 and 2000, and covers 49 square miles.

In 2000, Hanover had three schools: a kindergarten through fifth grade school governed by the Hanover School Board, and a middle school and a high school governed by the Dresden Interstate School Board. The total enrollment for these three schools in 2000 was 1,673.

**History** The year before Dresden District (Hanover, NH, and Norwich, VT) became SAU #70, separating from Orford and Lyme, an attempt was made to promote a charter high school. A group of ten approached the school board to get assistance in planning a charter high school. The district staff worked on scenarios, enrollment numbers, projections, budgets, and needs assessments. The plan was for a high school that would draw from the four communities and the two states. There was interest in this multi-state approach. Unfortunately, at the Dresden District meeting, a political candidate, Elizabeth Croy of Hanover, spoke strongly to voters assembled urging non-support of the charter school concept due to costs and tax impact. The enabling vote failed.

By 2001, the school board was proposing a variety of new and renovated facility options for accommodating growth with at grades 7 through 12 with cost figures ranging from \$20 to \$45 million. As this paper goes to press, some residents of the area, concerned about extraordinary facility expenses, tax complications in the interstate district, and loss of the in-town location of the schools are again urging that a charter school solution to over-capacity of middle and high schools be considered.

**The Charter School Mission** No formal charter application with a mission statement was developed, but the group's goal was to develop a charter high school that reflected the multi-community character of the district. This high school would accommodate growth, have a smaller, more structured high school environment (in contrast to Hanover High's open campus), and use of established advanced courses such as Advanced Placement or International Baccalaureate programs. It would have met these parent interests and it was noted that many parents sent their high school students to more structured private schools.

### **What benefits were originally envisioned from founding a charter school in your community?**

The founders hoped to have more parental involvement in the schools.

They also wanted to address what seemed to be apathy about the district, the larger changes being proposed, falling academic scores, etc.

One benefit that was somewhat lasting, even as the district split up, was to get founders involved in such areas as search committees, surveys, and budgeting.

### **How did your group finance its efforts?**

What little money that was used came from the founders' pockets.

### **What types of individuals were in your group of founders?**

Parents – it just worked out that the ten founders were all women. Many of these parents also worked in child psychiatry, sciences, home schooling and various other fields related to education.

### **Was a partnership ever considered?**

There was a discussion about approaching Dartmouth College but without the endorsement of the school board that idea also died.

### **How involved was the New Hampshire Department of Education?**

The Department of Education was no help.

**Did you have difficulties in keeping the momentum going in your efforts?**

The amount of time the school board was asking from the founders was wearing people out. When you add to that the lack of interest by the school board and the general sense that everything was all right with district schools, by 1998 it became obvious that the “movement was dead in the Upper Valley.”

**If you could change New Hampshire’s charter school legislation, what would you change?**

The relationship between the school board and the community has to be investigated. No school board has the vision to develop a new type of school within the district restrictions unless a clear mandate and financial support are given to encourage this.

**What were some of the political issues in your community?**

There was confusion about charter schools being public schools due to information about Edison and other private firms contracting to administer charter schools in other states. People who did not support a charter school advanced the idea that chartered schools were really private schools; limited information made understanding charter schools more difficult for the public.

The talk about splitting the district, especially the issues involved with the Vermont students, buried charter school planning.

**Any other comments you’d like to make?**

The idea came from Rindge and when that warrant got defeated interest waned in a Hanover charter school.

All of the founders ended up disenfranchised by the political process as practiced in Hanover.

Both the former superintendent and a founder felt that a visit to a successful charter school in a nearby state would have been a big help, especially in the early days of the charter school discussion.

**KEARSARGE CHARTER MIDDLE SCHOOL**

**Demographics** The Kearsarge Regional School District is, geographically, one of the largest districts in the state, covering 264 square miles. Seven communities make up this West Central district: Bradford, Newbury, New London, Springfield, Sutton, Warner and Wilmot. The tax rates and relative wealth of these towns varies considerably. Between 1990 and 2000, Kearsarge District saw a population increase of 19 percent. There were 13,665 inhabitants in 2000, and enrollment in district public schools was 1,971. The district has four schools: four first through fifth grades, one middle school and one high school. At the time of the charter school proposal, the Kearsarge Middle School was over capacity by approximately 100 students, but no district facility project was yet before the voters, for comparison.

**History** Mary Mead, an articulate artist and home schooling parent, developed an interest in charter schools through her involvement with the Josiah Bartlett Center for Public Policy, which she helped found. In 1997, Mead began discussing this idea with others. Eight individuals, consisting mostly of parents who were public school and college teachers began to meet regularly and by 1998 a founders’ board was organized. Initial meetings with the superintendent and the school board were cautious, but the enabling warrant article was approved at the district meeting. A charter school proposal was developed focusing on the over enrollment concerns at Kearsarge Middle School. This proposal was submitted to the State Board of Education and a charter was awarded in 1999.

In March 2000 the ratification warrant article was voted in each of the seven towns and defeated. The lengthy time period (3 years) for developing and marketing the proposal discouraged most members of the founders’ board. A reality for parents is their children, a strong motivator for parent involvement, get older as the process continues until middle school years have gone by. Founders spend tremendous effort only to feel vilified for making an effort to benefit students and taxpayers. Accordingly, as with other groups, initial founders lose interest.

The Kearsarge group took an interest in improving New Hampshire’s charter school legislation so that the process is streamlined and less politicized over issues of control and competition with the school board. As of press time for this report, the Kearsarge charter school board is reforming with new members. The school district

board has now advanced a proposal for an \$18 million new middle school to accommodate over enrollment and facility upgrades. While the board did not support the charter proposal, citing tax impact, the community now has an even greater tax burden to consider. At the time of the charter proposal ratification vote, there were no other proposals for voters to consider and compare.

**The Charter School Mission** To create a fiscally sound middle school that will use the best forward-thinking current practices in education to become a model for educating young adolescents. Objectives include developing an interdisciplinary, thematic curriculum in a small school environment, which would demonstrate increased family involvement and benefit the community as a whole.

**What benefits were originally envisioned from founding a charter school in your community?**

Improving the quality of the education being given our children was always the main benefit. The founders focused on the shortcomings of the middle school (a very old building that was having real issues with overcrowding as well as curriculum). The goal was to develop an alternative for those families who wanted their children to attend a public school that was different from the only other option. The small size of the proposed charter school and the flexibility in all things from staffing to curriculum to age-mingled classes were quite attractive to the founders' group and enough parents to fill the charter school and relieve the middle school overcrowding.

**How did your group finance its efforts?**

A start-up grant was funded by the U.S. Department of Education; however, the third year of grant funding was not continued because the Kearsarge charter school had not opened. Support also came from the Josiah Bartlett Center for Public Policy and private sources.

**What types of individuals were in your group of founders?**

An interest in school reform was the common link for many of the founders. Up until the vote the excitement and energy of the meetings and work of the founders was quite heady. The sense was that this work was really being done on behalf of not only the children of the founders, but also the larger community.

**Was a partnership ever considered?**

The idea of a partnership was discussed and the few corporations that are in the district were considered. It did not seem that there was much possibility for the type of partnership that other states were developing for some charter schools.

**How involved was the New Hampshire Department of Education?**

The Department of Education was contacted early on. Both then-Senator Jim Rubens and Susan Hollins recommended this. The Department of Education was helpful in getting the charter approved, but in retrospect there was a sense of fatalism behind all of their advice. It was as if the staff never really believed a charter school would get started in our district or anywhere else in New Hampshire. So far, three formal presentations have been made to the Board of Education. The last time was in the spring of 2001 when the rewritten charter school law still had a chance for passage. John Lewis, then chair of the board, seemed pessimistic about both the law and the possibilities for charter schools. This last presentation ended up being used as an example of the larger problems for funding in the state.

**Did you have difficulties in keeping the momentum going in your efforts?**

After losing the public ratification vote, the founder group's momentum lessened. A letter to all of the senators and representatives explaining how difficult it was for a charter school to win a local election helped bring about a study committee. This contributed to the recent proposed revision of New Hampshire's charter school law, HB 298, passed by the legislature and vetoed by Governor Shaheen.

Attendance at national charter school events helped to confirm how important a charter school could be in the district. Overall, however, most of the founders lost interest and either physically moved away from the district or emotionally distanced themselves from the charter school for middle grades as it would no longer offer hope or a viable option for their own children.

### **If you could change New Hampshire's charter school legislation, what would you change?**

The bottom line with any legislation has to be, "What do we have to do in this state to make it possible for charter schools to get started?" Keys to this are writing legislation that does not call for the local vote, setting up a funding mechanism that takes away the pocketbook fear of most voters, and looking at the oversight function of both local districts and the state Department of Education. Also, a separate state advisory board committee overseeing charter schools might also be a good "jump start" for the charter school movement in New Hampshire.

### **What were some of the political issues in your community?**

We learned that the school board attorney who composed the ten-page response challenging our proposal was the same attorney hired by the Bedford school board. Bedford's ten-page response to their charter proposal was an almost word-for-word copy of ours. This opened our eyes to the orchestrated opposition to charter schools in the state whereby a large school law firm was working for multiple school boards to assure charter schools did not emerge.

The former superintendent misled the voters about the district's needs as people were getting ready to vote. By the time we got to the point of advancing the ratification warrant article it was finally obvious that most of the school board also was against us.

Competing Kearsarge school district issues of pay increases for teachers and public kindergartens put our needed charter school in competitive and adversarial position with other school board initiatives requiring funding when it came time to vote. (The initiative for a pay increase had been turned down at the polls four times.)

### **Any other comments you'd like to make?**

We are optimistic that a new superintendent and changes in the charter school law concerning the local vote are good signs, but there is still a great deal of work to be done. The U.S. Department of Education's reconsideration of their rules concerning third-year support of start-up grants would also help. Given what we know about the rest of the country and their charter schools one would have to say that New Hampshire's charter school law does not have nationally recognized, best-practice provisions when it comes to starting charter schools.

## **Londonderry Charter School**

**Demographics** South of Manchester in Robert Frost country, Londonderry has gone from being a sleepy, rural town to a bustling, rapidly-growing, upper-middle class bedroom community for both Manchester and Nashua. Between 1990 and 2000, Londonderry experienced a population growth of 18 percent. The 23,236-person town has a student enrollment of 5,275. The district currently has six schools: an early education school, three elementary schools, one middle and one high school.

**History** Londonderry founders received their charter in 1996. The plan was for an elementary school with a total of 150 students after two years and a teacher-student ratio of 1:25. These plans were changed, as the process for approval got more and more contentious in order to have a more positive net cost. With the school board not supporting the charter school, the charter's ratification vote failed. Arguments against the charter school included additional facility rental/administration costs, even though the district had considerable and continuing projects for student enrollment growth. The lengthy time period for various approvals and political strain where original founders felt vilified by the district, took a toll on founders.

Two years later Richard Evans, an initial founder, later became a school board member and attempted to revive the charter with a middle school proposal that would be a school-within-a-school and, thus, remove the facility cost issue. Neither the school board nor the Department of Education supported the revised charter proposal.

**The Charter School Mission** Twenty-first century preparation with a focus on language arts, science, math, technology and foreign languages.

### **What benefits were originally envisioned from founding a charter school in your community?**

A major benefit was battling apathy on the part of parents. Neither parents nor the school board wanted red flags.

Londonderry has one group that runs everything. The Londonderry Charter School (LCS) offered an alternative to what the status quo guardians wanted.

Some teachers allegedly had developed a system of weighted grading in the classroom that the LCS hoped to address.

The founders hoped to gain some statewide interest in how Londonderry was growing and evolving in all areas including education.

Math was one of the primary areas that several of us had an interest in improving with the LCS. Original founders were committed to a more rigorous curriculum for younger students, particularly in math and sciences areas.

Giving people a choice of the “traditional track” vs. “an accelerated curriculum” was also a key benefit.

### **How did your group finance its efforts?**

At first the founders and some friends made small contributions. There was talk about applying for JBC Charter Resource Center support but after that first vote this idea was forgotten.

### **What types of individuals were in your group of founders?**

Two families started looking into charter schools once the charter school law was passed by the legislature. They liked what they saw and invited another family to get involved; then a fourth, a fifth and a sixth got involved. All of the founders were united by an interest in starting a school for Londonderry.

### **Was a partnership ever considered?**

No.

### **How involved was the New Hampshire Department of Education?**

The Department of Education was unsure of their role the first time around. The second time they were one of the main reasons why there wasn't a second vote.

### **Did you have difficulties in keeping the momentum going in your efforts?**

The project basically died after the failed ratification vote. The vote was decisively against the charter school. Most of the founders never saw it coming.

The founders were warned as to how contentious politics would get but we weren't prepared for the intensity of efforts to assure the vote would fail. We weren't prepared for the opposition.

### **If you could change NH's charter school legislation, what would you change?**

The gray area of the legislation concerning dollars has to be fixed.

The process of getting the warrant article on the ballot will always be very tough because it makes it seem like the school district is asking for an extra \$500,000 for just 100 children.

There needs to be a way to combine a charter school warrant article with other education-related warrant articles.

### **What were some of the political issues in your community?**

A \$10 million bond issue for facility projects preceded the first effort; this led to some very real hostility at the school board level.

Public kindergarten definitely was an early issue.

Negative information being spread about the founders became an issue.

The opposition of the NEA was fierce. For some people that outside interference became an issue.

The proposal to share a building turned into an issue.

### **Any other comments you'd like to make?**

There was a real polarization over the charter school warrant article. This led to the largest voter turnout in the history of Londonderry for a local issue election. Education was brought to the forefront in the public's mind because of LCS.

We organized our thoughts for the second ratification vote (the one that never happened) and

realized that the following three key opportunities would have made LCS possible:

- Don't compete with a bond; have the charter school be a part of it. This comes off as the cheapest possibility.
- Isolate dollars that would otherwise leave the district and have them go towards a charter school.
- Explore the subdividing, school-within-a-school concept.

Others should realize that deep-rooted fears come bubbling to the surface when the term "charter school" is used in New Hampshire.

Evans eventually was elected to the school board. He said that he would have loved to continue as a school board member and as a charter school advocate; however, he cannot at this time.

## **PELHAM CHARTER SCHOOL**

**Demographics** Pelham, a town covering 26 square miles of land right on the Massachusetts border, has a total population of 10,914 after experiencing 16 percent growth from 1990 and 2000. The town has 1,870 students enrolled in its district, which has 3 schools: an elementary school, a grade 5 through 8 middle school, and a high school.

**History** In 1997, Pelham became the 2nd district in the state to be granted a charter. Pelham Charter School (PCS) tried for ratification three times and each time was defeated.

A group of parents petitioned for an enabling warrant article. At first the school board seemed to take the petition as a negative reflection on the district. Relationships improved as the three to four year process of starting a charter school got underway.

The original plan was to have an elementary school with a goal of 200 students in grades 1 to 4 modeling an existing, successful elementary charter school. A non-profit Pelham Charter School Corporation was formed. After discussions with the school board, the initial plan was modified to be a four-year high school with the 9th and 10th grade classes "looped" in the first year and 11th and 12th grades to be "looped" in the next year. The revised school-within-a-school proposal started with 60 students and increased to 240 by year 5. By the third vote several corporation board members became nervous about project involvement. In a last ditch effort to save the charter school idea, discussions included going back to elementary grades and perhaps getting middle school students involved.

In Spring 2001, Pelham voters approved a new elementary school for grades 1-5 serving 850 students.

**The Charter School Mission** The PCS mission evolved from an elementary school to a high school that would have been dedicated to creating a responsive learning community where everyone is receptive to learning and participates in teaching a child how to learn and learn well.

### **What benefits were originally envisioned from founding a charter school in your community?**

Recreating the successes of Massachusetts' charter schools in New Hampshire. Being close to the border, the founders had heard about and even observed charter schools in Massachusetts.

Starting a positive dialogue about the rights of Pelham children to the best possible education.

Getting parents to work with teachers, administrators and school board members in developing a positive attitude towards school reform in our district.

### **How did your group finance its efforts?**

When the idea was new and everyone was excited about it they asked for \$100 donations to get started. Several of the founders and some others gave these small donations which paid for postage and copying. The JBC Charter School Resource Center gave encouragement as well as information.

### **What types of individuals were in your group of founders?**

All were volunteers and all were parents. Parent Karen Cabral started talking with friends who were parents to get the idea "out there." There was still some angst on the part of the school board, but with the guidance of the superintendent and other staff members, the school seemed to have most people on their side.

### **Was a partnership ever considered?**

There was a sense that the school board would be the partner in this endeavor. No other partners were sought because there did not seem to be a need for other partners.

### **How involved was the New Hampshire Department of Education?**

The Department of Education did not have much information at first. The Department became more helpful as PCS got closer to the first vote. After the first ratification vote was lost the Department no longer seemed interested.

### **Did you have difficulties in keeping the momentum going in your efforts?**

Losing that initial ratification vote was the beginning of the end, although the charter school kept trying to alter its plan to try to determine what the voters wanted. By the time the third vote came around most founders were uncomfortable with their involvement.

### **If you could change New Hampshire's charter school legislation, what would you change?**

The superintendent in the district feels that the issue in Pelham, and probably in the rest of the state, is not necessarily a dollar issue. He thinks that getting the public to understand that a charter school is not an elite, private school is important.

The founders feel that the school board has too much power in shaping and presenting the warrant. The PCS was defeated at the polls by the failure of the school board to ever clearly endorse the idea. Without the school board's endorsement the voters will never vote a charter school in.

### **What were some of the political issues in your community?**

The failure of the school board to endorse the PCS.

The conflicting needs in the various warrant articles: new building vs. public kindergarten vs. a charter school, etc. This put the charter school in competition with other district initiatives.

The fact that the PCS never seemed to find a "niche."

The question existed as to why non-district dollars could not be used to start the charter school.

### **Any other comments you'd like to make?**

This should be one of the rights we guarantee our children. The right to be able to choose the best form of education.

It is too late for us. Maybe a change in the law will help another community. What will help most is getting the school board to understand charter schools are a good idea.

Pelham never had a bad school board. They just could not get the message that was coming from the grass-roots PCS organization.

## **Tamworth Charter High School**

**Demographics.** Tamworth covers 60 square miles and has a population of 2,510 with a 16 percent increase in population from 1990 to 2000. Tamworth has one K-8 school with 286 students. Tamworth students attend high school in Conway at the Kennett High School, 15 miles from Tamworth. Conway has a population of 8,609, and experienced a 9 percent growth in population between 1990 and 2000.

Seven towns use Conway's Kennett High School: Albany, Bartlett, Eaton, Freedom, Jackson, Madison and Tamworth. These communities are in the North Central area of the state nestled around the Lakes region and the southern parts of the White Mountains, covering 374 squares.

**History.** The need for a charter school in Tamworth was very clear. High school students from the Tamworth area had to attend Conway. Distance created hardships for many students who spent over two hours a day commuting back and forth. Furthermore, Tamworth had no effective say in the way Kennett High School was run. The charter school plan was to start a small high school, beginning with at least 50 students and increasing to no more than 250. The teacher student ratio was going to be 1:18.

Tamworth's superintendent, school board, and voters supported their charter high school application. And Tamworth voters ratified their charter, approving it to open. Unfortunately, Tamworth's AREA agreement had no provision allowing any Tamworth students to be funded by Tamworth other than at Kennet. This hurdle made voluntary attendance at a public charter high school in Tamworth a violation of the AREA contract. To extricate even a few Tamworth students, all school districts participating in the AREA agreement must approve an

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AREA amendment allowing students to attend a charter school rather than Kennett High School. Tamworth and the other sending districts have approved that amendment to the AREA agreement, but Conway has not approved it. Conway has recently voted to withdraw from the AREA agreement itself, making Tamworth's situation even more confusing.

The Tamworth School District web page under the state of New Hampshire's school district profiles includes this discussion of Tamworth's position:

*Several committees are exploring options to solving Tamworth's Secondary Education problem. These committees are expected to report to the School Board by this coming fall which will allow the School Board with ample time to prepare a plan for voter approval in March of 2002.<sup>25</sup>*

**The Charter School Mission.** A school to address needs and aspirations of individual students through focus on learning contracts, accountability and responsibility; community congress-based self-government; community connections (apprenticeships, mentoring, community volunteers); experiential learning; and the utilization of the arts as basic learning tools.

### **What benefits were originally envisioned from founding a charter school in your community?**

The list is long. The charter high school was seen as a way to:

- End years of friction between Conway and the other communities;
- Save high school students from an unusually long commute;
- Address the apathy of the voters, parents, teachers, administrators, State Department of Education, and even the school board;
- See why the charter school law is on the books;
- Encourage those administrators, teachers and parents who did want to try something different and did not want to settle for the status quo;
- Give our smaller group of communities a sense of identity;
- Try to shape the school to a distinctly New Hampshire model;
- Be more individualized in our overall approach;
- Address accountability issues in a very public manner;
- Address needs that began to surface when families started registering their students (special education needs, financial needs, geographic needs, basic needs to express concerns or even just ask questions); and
- Show that there was a different way of educating young people and that a huge school was not the only way of doing this.

### **How did your group finance its efforts?**

Contributions from the founders, individuals and businesses the founders approached got everything going. The U.S. Department of Education start up grant was a great morale booster as well as a big help for the budget. The grant allowed them to be more professional in the way they dealt with school board members and administrators.

### **What types of individuals were in your group of founders?**

Tamworth Charter High School (TCHS) was in this for the long haul. They developed a board of founders that was in compliance with accepted standards for non-profit 501(c)3 boards of directors. Mostly parents were involved but there were also people who had a sense of long-term community education needs.

The first grant-funded administrator had a strong background in alternative and start-up schools in Massachusetts and other states.

### **Was a partnership ever considered?**

Ironically, now that the initiative is stalled, a partnership with teachers who also see the need for change is starting to take shape.

### **How involved was the New Hampshire Department of Education?**

There was no help from the Department of Education or the Governor. It was as if no one in the state really wanted a charter school. The “bloom” was definitely off. Tamworth was never part of the initial excitement in the state--the excitement that seemed to help the first few in their efforts. The general sense from the state was one of being stymied. They would give letter of the law advice but nothing else.

### **Did you have difficulties in keeping the momentum going in your efforts?**

After Tamworth was unable to leave the AREA agreement, all of the momentum that had been building came to a grinding halt. Susan Hollins from the JBC Charter Resource Center was very smart and helped shape the model they were presenting into more of a New Hampshire one. Jim Rubens also came to help but after that roadblock developed none of this outside help was very well received.

They tried to get back to basics, and to argue that this new school wouldn't take money away from the district, especially money that was being sent to Conway for high school students anyway. Negotiating with school administrators and school board members opened up many possibilities if the AREA amendment vote could be won. Taking more of a grass roots approach got the optimism started again.

When the AREA amendment vote lost again the momentum came to a final halt. Most original founders and their supporters became discouraged and disengaged.

### **If you could change New Hampshire's charter school legislation, what would you change?**

Figure out a way to overcome the fear of taking dollars out of people's pockets.

Really take a long, hard look at the steps a charter school has to take to not only get on the ballot but also to become a reality.

### **What were some of the political issues in your community?**

The dollar issue was a real one. Even the school board never understood that this would have been less expensive for everyone than sending students and dollars to Conway.

The issue of control became quite political. Both the superintendents and the school boards involved got more caught up in who would be in charge than in what this school could do for the district.

The issue of quality was frustrating. They tried very carefully not to say that the current school was lacking so that TCHS would not be seen as negative, but this became an issue especially for school board members.

The lease for the building, the negotiations about accountability, and other aspects were meant to show that this was not a speculative idea. It didn't work. Many voters said that they were not sure of the long-term viability of the charter school which was a reason to vote “no.”

The idea that it was Conway against the rest of the district definitely was an issue that nothing could make go away.

It was one community, a community that didn't want to lose the income from 50 students, which kept TCHS from winning the vote.

### **Any other comments you'd like to make?**

Looking at this long, draining process optimistically, one could say that the new school (whenever and whatever that might be) will be built upon the good ideas and the public discussion that came about because of the extended charter school debate in this district.

The hope is that a group of entrepreneurial teachers working with parents and administrators can develop an idea that takes us out of the charter school restrictions.

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## Endnotes

- <sup>1</sup> Data from the Center For Education Reform website, [www.edreform.com](http://www.edreform.com), Charter School Statistics. September 2002. Across the United States, 37 States and the District of Columbia have enacted charter school legislation. In September 2002, 77 additional schools were approved to open with approximately 300 more being reviewed. New Hampshire is now the only state with a charter school law under which no charter schools have emerged.
- <sup>2</sup> Under New Hampshire law, the State Board of Education reviews applications for completeness and awards a five-year charter. This does not ratify the charter and approve its opening, however. Ratification is by vote of the legislative/budgetary authority of the specific New Hampshire city or town.
- <sup>3</sup> Although specific timelines are listed in statute, New Hampshire's charter school law includes a provision allowing the school board and state board to waive any deadlines applying to their respective actions. (RSA 194-B:3, XII). In fact, there is no prohibition against both enabling votes taking place on the same day, one after the other, if the review and charter-granting process has already taken place.
- <sup>4</sup> The generic authorization vote can also take place at a special district meeting called at any time by petition. Since this vote does not require raising money as per RSA 197:3, the courts do not need to be petitioned to hold the special district meeting.
- <sup>5</sup> See footnote 5 for an explanation.
- <sup>6</sup> Under RSA 197:2: A special meeting of a school district shall be held whenever, in the opinion of the school board, there is occasion therefore, or whenever 50 or more voters, or one quarter of the voters of the district, whichever is less, shall have made written application to the school board therefore, setting forth the subject matter upon which action is desired.
- <sup>7</sup> Generous start-up funds are now available from the U.S. Department of Education. These 36-month grants allow for up to 18 months of planning and preparation. A ratified charter proposal might include up to 6 to 12 months for planning, recruitment, and facility and staff readiness, as would be the case with other large school openings.
- <sup>8</sup> Twelve other districts are on record with the New Hampshire Department of Education as having considered the law.
- <sup>9</sup> If the charter is still valid, e.g. within the five-year timeframe, a failed ratification vote could be brought forward again to the legislative body.
- <sup>10</sup> Authorized Regional Enrollment Area (AREA) agreements are special contracts whereby receiving school districts educate students of particular sending school districts. These contracts are governed by New Hampshire law under RSA 195-A. Currently there are 19 AREA agreements in the state with 39 school districts sending some or all of their students to the 19 receiving districts. It should be noted that many additional districts have comparable but non-AREA long-term tuition arrangements.
- <sup>11</sup> Billings, Loren. 2000. "Conway Slams the Door on Tamworth Charter School." *The Conway Daily Sun*, Aug. 16.
- <sup>12</sup> For a treatment of this concept, read Richard F. Evans, 1999, "Public-Private Co-op Schools—A New Type of School Format to Address School Choice within the Framework of the New Hampshire Financial System," in *Ideas for New Hampshire, Book Six*, The Josiah Bartlett Center for Public Policy.
- <sup>13</sup> The New Hampshire School Boards Association has resolved to oppose use of public education monies if not under control of the local school board. "NHSBA supports the utilization of public funds solely for public school purposes as determined by the local school boards." October 28, 2000, Minutes of the New Hampshire School Boards Association 2000 Delegate Assembly, p. 8.
- <sup>14</sup> In essence, this is what was accomplished by HB298, which was passed by both houses of the New Hampshire legislature in the 2002 legislative session, but vetoed by Governor Shaheen.

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<sup>15</sup> Section 194-B:4, I. The wording of the required adoption and limitation questions is specified under RSA 194-B:4,I(d). Annual meetings typically take place in March.

<sup>16</sup> RSA 194-B:3, II.

<sup>17</sup> The language of the clause is mandated by RSA 194-B:3, II(x).

<sup>18</sup> RSA 194-B:3, II(cc).

<sup>19</sup> RSA 194-B:3, II(y).

<sup>20</sup> RSA 194-B:3, III(c). The charter school's board of trustees may appeal a denial to the state board. Under House Bill 298-FN-Local (HB 298), an applicant may submit the proposed application and contract directly to the state board.

<sup>21</sup> RSA 194-B:3, III(d).

<sup>22</sup> RSA 194-B:3, III(e). Again, this vote will generally take place in March for school districts with annual meetings.

<sup>23</sup> RSA 194-B:3, III(f).

<sup>24</sup> McKeon, 2002; McQuaid, 2002; "Where the students come from," *The Union Leader*.

<sup>25</sup> [www.measuredprogress.org/nhprofile/](http://www.measuredprogress.org/nhprofile/). Accessed March 11, 2002.