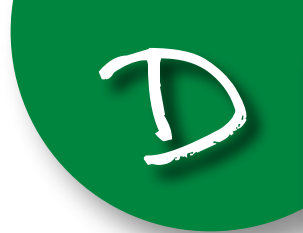# NEW HAMPSHIRE

(Law passed in 1995; 9th weakest of the nation's 43 charter laws)

New Hampshire's charter school law is weak mainly because of its massive charter funding inequities. The per-pupil funding guaranteed in law is only about half that of conventional public schools, making it nearly impossible to operate a successful charter school. Because of this and no independent authorizers, there are currently fewer than 25 charter schools in New Hampshire.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO

APPROVAL	School boards are authorizers, but applicants must also have final state board approval. Applicants may bypass this process and apply directly to the state. (Because of limitations on approval process this is not considered an independent authorizing route.) For conversion school applications, the local board can approve after 2/3 of teachers in a district or the majority of teachers in the school approve it, and the principal and district superintendent agree.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education. Appeal is binding.

OPERATIONAL AUTONOMY

STATE	Yes. Charters receive a blanket waiver from most state rules and regulations governing traditional public schools. Virtual schools are not addressed in law, and one is currently operating, so it is not prohibitive. Management contracts with ESPs are not restricted, but the contract must be included within the school charter. There are also new conflict of interest policies for only for-profit companies.
LOCAL	Limited. There is no general waiver for local rules and regulations. The school district makes decisions for charters regarding special education.
TEACHER FREEDOM	Yes. Teachers are not covered by the district collective bargaining agreement and may negotiate as a separate unit with the school governing body, or work independently. A charter school may choose to participate in the state teacher retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Ten charter schools allowed per year for those approved by the school board and state board. No cap for schools approved just by the state board. No more than ten percent of resident pupils shall be eligible to transfer to a state charter school in any school year without school board approval.

EQUITY	
STUDENT FUNDING	Funds pass through the state. Locally approved charters receive significantly less despite language in the law to the contrary guaranteeing a minimum of 80 percent of per-pupil expenditures. State approved charters receive the state's annual per-pupil funding plus adequacy and disparity aid to bridge some of the gap, but there is still a large inequity, mainly because guidance for categorical funding is unclear in law. Funding inequities have forced school closures in the past. "There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For a charter or open enrollment school authorized by the school district, 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. (b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a and RSA 198:40-c directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school." [NH 194-B:11.1]
FACILITIES FUNDS	No Additional Funds.
IMPLEMENTATION POINTS	
- 2	Two points are deducted because authorizing new charters has been slow and the funding disparity is estimated at 50 percent.

LINK TO THE NEW HAMPSHIRE CHARTER SCHOOL LAW