

Bill as Introduced

SB 386-FN - AS INTRODUCED

2010 SESSION

10-2747

04/03

SENATE BILL

386-FN

AN ACT

extending the pilot program for chartered public schools approved by the state board of education.

SPONSORS:

Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Gallus, Dist 1; Rep. Hunt, Ches 7; Rep. Stiles, Rock 15

COMMITTEE:

Education

ANALYSIS

This bill extends the repeal date of the pilot program for chartered public schools approved by the state board of education to July 1, 2023 and removes the limit on the number of chartered public schools that may be approved during that time.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT extending the pilot program for chartered public schools approved by the state board of education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Chartered Public Schools; Pilot Program. Amend RSA 194-B:3-a, I to read as follows:

2 I. There is established a [~~10-year~~] pilot program which authorizes the state board of
3 education to grant charter status under this section. Beginning July 1, 2003, the state board of
4 education [~~shall be authorized to~~] *may* grant [~~no more than 20 state~~] chartered public school
5 applications during the [~~10-year~~] pilot program.

6 2 Chartered Public Schools; Pilot Program Repeal Date Extended. Amend 2003, 273:9, I to read
7 as follows:

8 I. Section 7 of this act shall take effect July 1, [~~2013~~] **2023**.

9 3 Effective Date. This act shall take effect 60 days after its passage.

SB 386-FN - AS INTRODUCED

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LBAO
10-2747
01/04/10

SB 386-FN - FISCAL NOTE

AN ACT extending the pilot program for chartered public schools approved by the state board of education.

FISCAL IMPACT:

The Department of Education states this bill may increase state education trust fund expenditures by \$2,725,000 in FY 2012, \$2,725,000 in FY 2013, and \$2,725,000 in FY 2014. There will be no fiscal impact on state, county, and local revenue or county and local expenditures.

METHODOLOGY:

The Department of Education states this bill removes the limit on the State Board of Education's authority to grant charter status to chartered public schools. The Department estimates that 500 additional students would enroll in charter schools beginning in FY 2012 if limitations on establishing new charter schools are removed. The Department indicates the state would pay charter schools \$5,450 for each child (see RSA 194-B:11, I, RSA 198:40-a, RSA 198:40-c, I(d)), increasing state education trust fund expenditures for charter schools by \$2,725,000.

The 500 students leaving schools operated by school districts to attend charter schools beginning in FY 2012 will reduce the calculation of the cost of an opportunity for an adequate education for local school districts beginning in FY 2016.

Amendments

Senate Education
February 16, 2010
2010-0774s
04/03

Amendment to SB 386-FN

- 1 Amend the bill by replacing section 3 with the following:
- 2
- 3 3 Effective Date. This act shall take effect upon its passage.

Committee Minutes

**AMENDED
SENATE CALENDAR NOTICE
EDUCATION**

Printed: 02/01/2010 at 1:46 pm

- ✓ Senator Molly Kelly Chairman
- ✓ Senator Amanda Merrill V Chairman
- ✓ Senator Martha Fuller Clark
- ✓ Senator Bette Lasky
- ✓ Senator Peter Bragdon
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: February 1, 2010

HEARINGS

Tuesday

2/9/2010

EDUCATION

LOB 103

10:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: THE PURPOSE OF THIS AMENDED NOTICE IS TO POSTPONE THE HEARINGS, AS WELL AS THE DEPARTMENT OF EDUCATION PRESENTATION, SCHEDULED FOR 2/2/10 AND RESCHEDULE FOR 2/9/10.

- | | | |
|------------|----------|--|
| 10:30 AM | SCR2 | encouraging New Hampshire schools to adopt environmentally sound practices in their school cafeterias and school lunch programs. |
| 10:50 AM | SB347-FN | relative to ballot language for local adoption of a chartered public school. |
| ✓ 11:20 AM | SB386-FN | extending the pilot program for chartered public schools approved by the state board of education. |

Sponsors:

SCR2

Sen. Deborah Reynolds

Sen. Martha Fuller Clark

Rep. Suzanne Smith

SB347-FN

Sen. Jeb Bradley

Sen. Sharon Carson

SB386-FN

Sen. Sharon Carson

Sen. Jeb Bradley

Sen. John Gallus

Rep. John Hunt

Rep. Nancy Stiles

Donna Nelson 271-4151

Sen. Molly Kelly

Chairman

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Gregory Whitman, *Legislative Aide*

RE: Hearing report on **SB 386-FN**, extending the pilot program for chartered public schools approved by the state board of education.

HEARING DATE: February 9, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senator Kelly, Senator Merrill, Senator Lasky, Senator Bragdon, Senator Letourneau, Senator Fuller-Clark

MEMBERS OF THE COMMITTEE ABSENT: None

Sponsor(s): Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Gallus, Dist 1; Rep. Hunt, Ches 7; Rep. Stiles, Rock 15

What the bill does: This bill extends the repeal date of the pilot program for chartered public schools approved by the state board of education to July 1, 2023 and removes the limit on the number of chartered public schools that may be approved during that time.

Who supports the bill: Eileen Liponis, New Hampshire Public Charter School Association; Roberta E. C. Tenney, New Hampshire Department of Education; John Vorel, New Hampshire Center for Innovative Schools; Senator Jeb Bradley, District 3; Senator John Gallus, District 1; Representative Kim Casey, Rockingham 11

Who opposes the bill: None.

Who takes no position: None.

Testimony:

Senator Carson:

- SB386-FN, seeks to extend the pilot program for chartered public schools approved by the State Board of Education.
- In 1995, New Hampshire passed the Charter schools and Open Enrollment Act which authorized the creation of public charter schools. But, in the fall of 2003, eight years after the law was passed, not one

charter school had opened in the State. Later that same year, the legislature changed that law to create a 10 year pilot program that authorized the state Board of Education to grant up to 20 charter school applications during that same 10 year period. By August 2007, 15 charter schools had opened under the pilot program, 7 had opened for 1 year and remained open, 3 had been opened for at least 1 year but had closed, and 5 were scheduled to open in the 2007-2008 school year. But, on July 1, 2007, a law passed by the legislature was enacted that effectively halted the growth of charter schools in the State. This moratorium is still in place today, despite the efforts by the New Hampshire Department of Education's attempt in 2007 to receive a federal grant of 5 million dollars to re-start the program. The NEDOE did not get the grant. This is where we are at today.

- We now have the opportunity to reinvest in our State's charter schools program. President Obama and Secretary of Education Arne Duncan have created a new education initiative named "Race to the Top." Charter schools play a significant role in this new program. In a conference call on June 8, 2009, Secretary Duncan stated, "States that do not have public charter laws or put artificial caps on the growth of charter schools will jeopardize their applications under the "Race to the Top" fund...such actions are restricting reforms, limiting choices for parents and students, and denying children full access to new, high-quality instruction."
- It is time to lift the moratorium on charter schools and support the President's initiative to create more charter schools. We also put ourselves at a distinct disadvantage because we will be unable to compete for millions of federal dollars designed to embrace educational innovations.
- Passed out a brief synopsis of the federal public charter school program.
- Senator Bragdon asked, what should we look for in the handouts you distributed? Senator Carson stated that ED.gov is a description of the program and process. The other two speak to the Race-to-the-Top Program.
- Senator Lasky asked, is not the charter school initiative just one part of Race-to-the-Top? Senator Carson stated that it is a part and a specific amount of money has been set aside within Race-to-the-Top for charter schools.
- Senator Fuller Clark asked about multiple chartering agencies. Senator Carson deferred to other presenters.
- Senator Kelly stated that the fiscal note would increase the state education trust fund by 3 million each year. How can we afford that expense? Senator Carson stated that the costs would be offset by grants and that money from the federal government would be used to fund the programs. Senator Kelly followed-up asking, is there a guarantee the State would receive these grants? Senator Carson

stated that she cannot speak to the likelihood of us receiving the grants.

- Senator Letourneau asked if Senator Carson would be amendable to a change in the language to address some of the concerns raised here. Senator Carson stated that she trusts the judgment of the committee.

Roberta E. C. Tenney:

- The New Hampshire Department of Education and the State Board of Education's position is to lift the moratorium on state authorized charter schools. The Federal charter program assigns higher priority to states that have dual authorizers and with the pilot program and local authorizers we accomplish that goal. We support innovation in schools.
- The Department of Education is preparing a grant request for 8 million dollars to support Charter start-ups.
- Multiple authorization is awarded competitive points. In addition, the re-authorization of ESSA includes strong Charter support language.
- Senator Bragdon asked about the calculations within the fiscal note. Ms. Tenney stated that the difference are due to the fact that it takes time to catch-up.
- Ms. Tenney stated that lifting the moratorium is a good thing for the State.
- Senator Letourneau asked about the make-up of the states that beat us on the last report card, if they have more charter schools and if they have a better chance in receive grant monies? Ms. Tenney stated that these States, such as California are larger and therefore have a bigger story to tell, but New Hampshire has a good story. Senator Letourneau followed-up asking if we will be putting our self at risk of not receiving money if we don't take action? Ms. Tenney stated that we would.

Representative Casey:

- Stated that this bill is similar to her bill in the House. Her bill keeps the pilot program in place but does not extend the moratorium.
- Stated that stimulus money does not all need to be for Charter Schools. Stimulus money can also be applied to innovative programs.
- New Hampshire has two authorizers. The more authorizers the better the opportunities for stimulus money.
- Senator Kelly asked how different this bill is from her bill. Representative Casey stated that her bill removes the moratorium, but keeps the pilot program. The bill before you creates a new ten year pilot program.
- Senator Fuller Clark asked, why is it a good idea to keep the pilot program for 4 years versus 10 years? Representative Casey stated that her bill is a more moderate bill and keeps in place what seems to be working. She further added that it is not appropriate to re-up pilot

program before we assess if it is working. Senator Fuller Clark followed-up asking, what will be lose by having the pilot program disappear? Representative Casey stated that her concerns are about the fiscal note. The fiscal note represents 500 additional students, which the State Board of Education is not going to approve.

- Senator Lasky asked with regards to federal money, if lifting the moratorium would increase our chances? Representative Casey stated that she would be very happy to have more done.
- Senator Letourneau asked if Representative Casey's bill will pass the house? Representative Casey stated that she doesn't know.

Eileen Liponis:

- Stated that she supports the bill but not the fiscal note.
- An end point to pilot program is generally more favorable.
- Legislative intent has been satisfied, however there is no sustainable funding.
- The Race-to-the-Top grant applications are very competitive and that the first interview is in April.
- Having this bill pass the Senate and cross-over will provide more leverage.
- Currently there is an average of 166 students. However, next year that number will decrease.
- Maine and Vermont can not apply for Race-to-the-Top funds because of their existing statutes.
- 15 grants will be awarded, 40 have applied.

Action: None

Date: February 9, 2010
Time: 11:38 a.m.
Room: LOB 103

WD

The Senate Committee on Education held a hearing on the following:

SB386-FN extending the pilot program for chartered public schools approved by the state board of education.

Members of Committee present: Senator Kelly
Senator Merrill
Senator Fuller Clark
Senator Lasky
Senator Bragdon
Senator Letourneau

The Chair, Senator Molly Kelly, opened the hearing on SB386 and invited the prime sponsor, Senator Carson, to introduce the legislation.

Senator Sharon M. Carson, D. 14: Good morning, Madam Chair and members of the Committee. For the record, I'm Senator Sharon Carson and I have the pleasure to represent District 14 comprising the towns of Auburn, Hudson, and Londonderry. Today I present for your consideration Senate Bill 386-FN which seeks to extend the pilot program for chartered public schools approved by the State Board of Education.

Back in 1995, New Hampshire passed the Charter Schools and Open Enrollment Act, which authorized the creation of public charter schools. But, by the fall of 2003, eight years after the law was passed, not one charter school had opened in the state. Later that same year, the Legislature changed that law to create a ten-year pilot program that authorized the State Board of Education to grant up to twenty charter school applications during that same ten year period. By August of 2007, fifteen charter schools had opened up under the pilot program. Seven had been opened for one year and remained opened. Three had been opened for at least one year but had closed and five were scheduled to open in the 2007-2008 school year.

But, on July 1, 2007 a law passed by the Legislature was enacted that effectively halted the growth of charter schools in the state. This moratorium is still in place today despite the efforts of the New Hampshire Department of

Education's attempt in 2007 to receive a grant of \$5 million to restart the program. The New Hampshire DOE did not get the grant and this is where we're at today.

We now have the opportunity to reinvest in our state's charter school program. President Obama and Secretary of Education Arne Duncan have created a new education initiative called Race to the Top. Charter schools play a significant role in this new program. In a conference call on June 8, 2009, Secretary Duncan stated, "States that do not have public charter laws or put artificial caps on the growth of charter schools will jeopardize their applications under the Race to the Top fund." Such actions are restricting reforms, limiting choices for parents and students and denying children full access to high quality institutions.

It is time to lift the moratorium on charter schools and support the President's initiative to create more charter schools. We also put ourselves at a distinct disadvantage because we will be unable to compete for millions of federal dollars designed to embrace education innovation. I've passed out today a brief synopsis of the federal charter school program so all of you can see what we'll be missing out on if we keep the moratorium in place. But thank you very much, Madam Chair, and I will attempt to answer questions.

Senator Molly Kelly, D. 10: Thank you. Senator Bragdon.

Senator Peter E. Bragdon, D. 11: I'm sorry. What have you handed to us? Are there specific things on that we should look for, or just the entire thing?

Senator Molly Kelly, D. 10: Yes, thank you very much for the question. This here is from ed.gov. This is a newsletter that they put out and this is the description of the charter schools program and the process. And I don't think it tells you how much money is available, but it gives you an idea, a description of the program and the types of project, types of projects that are eligible for that. And the other two are just some information that I received this morning from the Center for Education Reform talking about the Race to the Top competition and just a checklist legislators should make education reform a new year's resolution for the new decade and a lot of it speaks to developing and supporting charter school programs.

Please See Attached #1- Ed.gov printout.

Senator Molly Kelly, D. 10: Yes.

Senator Bette R. Lasky, D. 13: Thank you Madam Chair. Good morning, Senator Carson.

Senator Sharon M. Carson, D. 14: Good morning.

Senator Bette R. Lasky, D. 13: Is not the charter school initiative part just one part of Race to the Top or is there specific amount if, you know, specific amount of money set aside specifically for charter schools?

Senator Sharon M. Carson, D. 14: It is. Thank you for the question. It is my understanding it is a part of the Race to the Top and specific, a specific amount of money has been set aside. I have not seen that, but I've seen it alluded to in a lot of the literature.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Molly Kelly, D. 10: Senator Fuller Clark.

Senator Martha Fuller Clark, D. 24: I'm not sure that this is a question for Senator Carson, but in reading over this ed.gov it says that, okay, in the third paragraph, the Department must give preference to states that have multiple chartering agencies. Can you speak to that? That's the third paragraph, the first sentence.

Senator Sharon M. Carson, D. 14: Okay, for appeals process for prospective that an initially failed to be approved by a single agency. I'm sure that the folks that are actually involved in the process will be able to speak to that better than I can.

Senator Molly Kelly, D. 10: And, I do have a question. I do understand that, the Race to the Top, that a lot of the grants will be rewarded to those programs that are successful and that are innovative and charter schools are certainly defined as innovative and successful schools. My question to you is more in the fiscal merit. And, as you, and this said, the impact the Department of Education said it would increase the state education trust fund by almost three million each year. And, I just wondered if you could address that and how we would be able to afford that expense.

Senator Sharon M. Carson, D. 14: Thank you, Madam Chair. It is my understanding that those costs would be offset by the grants, because I don't believe the grant money has been addressed here. The issue would really be the money that you, would be used from the federal government would be used to create the programs and they would flow into these programs. So, whatever initial costs that would initially be incurred by the state would be reimbursed by the grants.

Senator Molly Kelly, D. 10: And, my only question to you on that is that if in fact we took the, this, we have this law now that says no more of the pilot programs. If we decided to remove that, is there any guarantee that we would receive the grants from Race to the Top?

Senator Sharon M. Carson, D. 14: I really can't speak to that. All I know is the literature that I've read that says that if you have the moratorium or caps in place, you put yourselves in danger of not getting the money.

Senator Molly Kelly, D. 10: And I think my point is that, you know I agree with you in policy, I'm just concerned about the fiscal note and the fiscal responsibility on that dollar amount and, and as we're going forward with our budget.

Senator Sharon M. Carson, D. 14: Correct, I think that there's going to be some people that will be to be able to speak to that much better than I can.

Senator Molly Kelly, D. 10: And you have a question Senator

Senator Robert J. Letourneau, D. 19: Yes. Following that same line of thought, would you be amenable to changing the language to say something to the effect that, if we do not get the grant that the, we don't extend for the ten year so that we don't put up that kind of money?

Senator Sharon M. Carson, D. 14: I would leave that to the wisdom of the Committee.

Senator Molly Kelly, D. 10: Any other questions? Thank you.

Senator Sharon M. Carson, D. 14: Thank you very much.

Senator Molly Kelly, D. 10: And I have Roberta Tenney here to speak, and in favor.

Roberta Tenney, Department of Education Program Administrator Charter/Home School School Improvement: Thank you, Madam Chair and Committee. The Department of Education State Board of Education position is to lift the moratorium on state authorized charter schools. The Federal Charter School Program assigns higher priority to states that have dual authorizers. And what that means would be the state and the state Department of Education through the State Board, would be one authorizer and the local area which exists in spite of the moratorium, there is no prohibition on having local districts doing authorizing. That would give us multiple authorizers and that's the optimum, place and you're correct in the

requirements that there are preferential points given for multiple authorizers and we are hurt by not having it.

And then to answer the question Race to the Top, we have submitted a grant application for \$85 million. We wouldn't have been eligible to make the application if we didn't have a vibrant and vigorous charter community already existing. There were some states that were prohibited from entering the first round because they were not as wholly invested in innovative education as the Department of Ed and the State Board and you all of public policy have been. We support innovation in schools.

In addition to the two grants that I just mentioned, the Elementary and Secondary Act reauthorization has strong charter language in it, too. So, it would be folly for us not to understand that the federal government has a position in this that is very much for options available to children and charter schools and that will be one of the priority areas as the grants are listed.

We are in the process of doing a grant for \$8 million for charter schools. It's developing into a pretty good grant. We're on the fourth rendition of it. I've given it to Senator Kelly's intern so that it's available for you all to see and as I said earlier we very much want support from the legislative body in making that application. The \$8 million- it's for startup costs and so that there is a cost incurred for the every day expense. You can't charge to the start up costs things that would be in the budget normally. But local districts could have the opportunity if they started up a charter school and brought their alternative children into a mission-based program for five hundred thousand dollars and that would be a wonderful start for innovative education. So there are lots of reasons to do it. We support lifting of the moratorium.

Senator Molly Kelly, D. 10: Senator Bragdon.

Senator Peter E. Bragdon, D. 11: Thank you, Madam Chair. I'm looking at the fiscal note. I want to make sure I understand how it's calculated. It says that for each charter school student, the state would be paying five thousand and four hundred fifty dollars.

Roberta Tenney: Right

Senator John S. Barnes, Jr., D. 17: And students in a non-charter public school the state adequacy or what we're calling the amount is...

Ms. Tenney: Three thousand...the base cost is three thousand four hundred and fifty. But then there are differential add-ons. It could be because they are

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in a low-income area they get stipend for that, special ed stipend, so it can add up to, to more money depending on what the need is in the district.

Senator Peter E. Bragdon, D. 11: Right. So I was initially thinking that it would just be the difference of these two, which would be two-thousand dollars for five hundred students, but that doesn't come up to two million. But, I think the issue is that what's going out to the school districts for the non-charter students is based on the prior three years so it really takes three or four years to catch up which is why the number is closer to three million.

Ms. Tenney: Exactly right, Senator Bragdon, it does eventually catch up.

Senator Peter E. Bragdon, D. 11: Thank you.

Roberta Tenney It is money following the child so, in the long run, it is a wash.

Senator Peter E. Bragdon, D. 11: Follows slowly.

Ms. Tenney: Follows more slowly. And, in lifting the moratorium, there could be, you know, you all could decide to do other things around that, but lifting the moratorium is a very good thing for the state. And, if there were other kinds of processes that it needed to go into besides the State Board, that would be a more acceptable thing than continuing the moratorium.

Senator Molly Kelly, D. 10: Senator Letourneau.

Senator Robert J. Letourneau, D. 19: Thank you. In reading the, the ALEC Education Report Card New Hampshire schools had come in the top five, in fact I think they even came in number two several times in a row.

Roberta Tenney: Right.

Senator Robert J. Letourneau, D. 19: And, what I had noticed between the school that beat us out in the first position was that they had a lot more charter schools than we did. And, I was just wondering if those types of states that have a lot more charter schools would have a better chance of getting that grant money than we would.

Ms. Tenney: They do. It's a much larger, it's a bigger story to tell when you're telling the California story. It's a bigger story to tell when you're telling the Florida story. But, we have a very good story to tell. And our percentages actually, if we do it by percentage, if we had twenty schools, we would be in striking distance of what California is doing. They just have such

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greater numbers that they, you know, it's just non-compete almost. But, our children deserve opportunity too, so rural states need to make a case for federal dollars.

Senator Robert J. Letourneau, D. 19: I just wanted to follow up. I hate to beleaguer it but I think it's an important question. Senaor Carson had said that we would be at risk without our grant applications if we didn't do something with this language. Do you find that to be accurate?

Ms. Tenney: I have, I do.

Senator Robert J. Letourneau, D. 19: All right, thank you.

Senator Molly Kelly, D. 10: Any questions?

Ms. Tenney: Thank you.

Senator Molly Kelly, D. 10: Thank you. I have Representative Kim Casey here in favor and does she wish to speak?

Representative Casey: Ah yes, just a little time. I know you're behind schedule.

Senator Molly Kelly, D. 10: Thank you, appreciate it.

Representative Casey: I don't want to make it worse. I will though, for just a second. Hi, my name is Representative Kim Casey. I represent district, Rockingham District Eleven, East Kingston and Newton and I sit as the Charter School Oversight Committee Chairman with Molly and several others. So, this bill is very similar to the bill I have in the House that removes the moratorium. I however, do keep the charter school pilot program in place and don't extend it.

I just wanted to say a few things about both stimulus money and charter schools. Number one, stimulus money that comes to our state doesn't necessarily all have to be for charter schools. We receive a block grant stimulus money. So, even though it would be good that some of it and that, appropriate that some of it be applied to charter schools, it can also be applied to innovative programs in just, in all schools. So I think that's something we have to remember when we're looking at how important it is to make it as easy or as amenable to the federal government for us to receive federal dollars. The second thing I wanted to say is that authorizers, we do now have two authorizers. I would like to talk about, not through this legislation, but certainly the more authorizers a state has, the better their

opportunities are for stimulus money and I think that's a conversation that should be maybe started here. Not at this time or this moment but-

Senator Molly Kelly, D. 10: Not in this bill.

Representative Casey: Or at this bill but I think it's important and I just wanted to say that, I don't know, you know, the process of my bill being in the House and this bill being in the Senate. At some point or another do they put them in a room and duke it out, I don't know, but as long as the children are being served by one or the other bill I'm fine.

Senator Molly Kelly, D. 10: Kim, Representative, how different is your bill?

Representative Casey: Let me try to explain it again. There were two bills in the House, one removed the moratorium and removed the pilot program. It just opened, you know, just opens it up.

Senator Molly Kelly, D. 10: You mean removed the pilot program and just put a moratorium and not put a date of when it-

Representative Casey: No moratorium and no pilot program. You just have the State Board of Education going forward into the future. My bill removed the moratorium and kept the pilot program. It ends in 2013. You know in broad strokes, mine's in the middle, in the middle, right there in the middle, you know the moderate one in the middle there. This bill removes the pilot program- I'm sorry, excuse me, removes the moratorium and creates another ten year pilot program. You know I don't know where that goes, but those are the essential differences between the three bills that are in, of this ilk.

Senator Molly Kelly, D. 10: Thank you, thank you. Senator Fuller Clark.

Senator Martha Fuller Clark, D. 24: Yes, could you speak a little bit more as to why it's a good idea to keep the pilot program albeit, in your bill for four more years or in this bill for ten more years?

Representative Casey: Well, I don't think it's going to be an ideological answer you receive. I'm from Missouri and we're just common sense people. So I just thought that's a nice moderate bill. It keeps things that we started in place that seem to be working, and as we move forward, it seemed appropriate that we could relook at that and we could talk about re-upping the pilot program, or not removing it. But, I didn't think that it was appropriate with the sort of the crash of the symbols and all of the things that are happening, all of the exciting new innovations and this era of funds and Race to the Top funds to sort of just offhandedly discuss whether or not

we were going to re-do the pilot program. First of all we haven't really assessed whether the pilot program is working. I mean, I think that's a conversation that we ought to be having before we just re-up it. So, I thought it was a very, moderate middle of the road position to take. Keeping them more- keeping the pilot program as it is. Removing the moratorium and moving forward with pilot program in conversation and for future legislation.

Senator Molly Kelly, D. 10: Senator Lasky.

Senator Martha Fuller Clark, D. 24: If I could just have a follow-up. Could you tell us what we might lose by having the pilot program disappear?

Representative Casey: Well, I again, trying to be the common sense person I was, I was trying to imagine as we looked at the fiscal note, whether or not a bill will pass. And so, I just felt that there as more, you know, our concerns about the fiscal note are obvious to me. And I just felt that keeping the pilot program in place allowed for some comfort level for people who feel supporting the notion that we could at least get rid of the moratorium.

May I just say in reference, and I hope you'll give me just a moment. The fiscal note represents 500 additional students and I've been doing some math as we move forward even looking back at the, the success of the pilot program. And how many schools per year we approve, just even if we didn't have a pilot program and we didn't have a moratorium. The State Board of Education doesn't-isn't going to approve- if everything went away, it would years for us to develop 500 more students in, I mean a year, at least a year or two or three, at least. And, and they might not have any, I mean that's they always use the worst case scenario and I'm fully aware but even in the best case scenario, I don't think they would move at warp speed to, you know, increase the number of charter schools at that, at that pace. So I just, I find it to be, you know, keeping in mind this is a worst case scenario that might not even exist.

Senator Molly Kelly, D. 10: Senator Lasky.

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Good morning, Representative. It is nice to see you.

Representative Casey: Good morning, Senator Lasky.

Senator Bette R. Lasky, D. 13: I take it then that you agree with the premise that lifting the moratorium is the very least we should do in order to avail ourselves of the federal money.

Representative Casey: I agree with that premise. I would be very happy to have more done, but I didn't think that was politically tenable. That's my own position. I took a different position in my bill given the political exigencies that I exist under.

Senator Molly Kelly, D. 10: Thank you. Senator Letourneau.

Senator Robert J. Letourneau, D. 19: Just two questions. First one is what is the, how is your Bill doing in the House? Will it pass?

Representative Casey: I'm sorry?

Senator Robert J. Letourneau, D. 19: Will your bill pass in the House?

Representative Casey: Well, I don't have my turban on and I have been looking into my crystal ball and I killed a chicken this morning and I read its guts but I still don't know the answer to that question.

Senator Robert J. Letourneau, D. 19: Well, I didn't need a smartass remark. I just wanted to know what its chances were in the House.

Representative Casey: I honestly don't know, Senator, I honestly don't know. I think it will pass the policy committee which I sit on. I question whether, I don't know what will happen in Finance, which I sit on. I know it will get one vote. So, I didn't mean to be smartass, but as you described.

Senator Robert J. Letourneau, D. 19: So, the other question is, is this here takes away the 2013 which is three years away and when we were talking about the grant dollars coming from the federal government, I didn't know what the extent of the federal government grant money was. Was it over a period of two years, three years, five years, ten years. I don't know. And I was wondering if that was the reason why Senator Carson extended it out ten years, thinking this grant money goes out over that period of time and provides some predictability and some sustainability to the program. I just wanted to get your feelings on that.

Representative Casey: Yeah I, thank you for the question. And I don't. I really think that the grant experts are in the room, but they're not me. I can, I'm brushing the surface with a lot of this information and I admit that. You know. Ten-year grants, I don't think they exist anywhere do they in the federal government? I've never heard of a ten-year grant.

Ms. Tenney: Excuse me. It's thirty-six months and for each school it can be over three or four years because school might start in two years. And, in

addition, it wouldn't just be the moratorium schools; it would be the local schools, too. So we have a lot of people that need that money.

Senator Robert J. Letourneau, D. 19: Thank you for that.

Senator Molly Kelly, D. 10: Thank you. And thank you.

Representative Casey: Thank you. And I apologize, Senator Letourneau. I am nothing if not snarky.

Senator Robert J. Letourneau, D. 19: That's ok.

Representative Casey: I probably am the only one that appreciates that.

Senator Peter E. Bragdon, D. 11: We're going to Senator Roberge you killed a chicken and then you'll be in trouble.

Senator Molly Kelly, D. 10: No more questions on SB386 Eileen? Do you, are you down here to speak?

Eileen Leponis, Director of New Hampshire Public Charter School Association: I am.

Senator Molly Kelly, D. 10: Oh, I am so sorry, yes you are. Eileen you are. I'm sorry. I had crossed you off and I don't know why. That you were on the previous bill. I apologize.

Ms. Leponis: Thank you. No, no problem. I just wanted to be able to be the sweep. There's a few holes that I'd like to be able to fill in. Again, Eileen Leponis, Executive Director New Hampshire Public Charter School Association.

Removing the pilot program, having an end point removed from the pilot program and giving the State Board of Education the ability to be an authorizer without a limit and lifting the moratorium I support. Can I support the bill without supporting the fiscal note, 'Cause I've got issues with that two? I'll get to that. I believe the pilot program has proven itself successful since 2004. We've grown to around 1,500 students. Take out VLAC from that, you're looking at about 1,000 bricks and mortar students. That's about 166 students per average over that period. This growth occurred under challenging and uncertain times.

Now, with the inclusion in SB539, there's permanent and sustainable funding for charter students and generally a more supportive environment.

Having an end point to the pilot program, especially one that at this point is now three years out with an extension of it to ten years or having no extension to it, is generally more favorable to our receiving a federal startup grant for startup for charter schools. That says to the federal government that it gives them confidence in our state's support of charter schools. And we've already lost three years to the moratorium and two years of federal grants.

Most importantly I think the point to be made is that legislative intent has been satisfied. The moratorium was instituted in the Committee of Conference in 2007 under the influence of Representative Weyler and Senator Hassan. And that legislative intent was that there was no permanent sustainable funding. That the three year threat that we speak of those 36 months was over. And during that time, usually legislators have in place permanent sustainable funding. We hadn't at that point. We had to petition each year for two year transition grant, and then we got into 539. So, with permanent sustainable funding, legislative intent for that moratorium has been satisfied.

And while I appreciate the pressure of the Race to the Top funds, getting back to the fundamentals of why it was instituted has been satisfied. Specifically in Race to the Top, the part of the application that specifically speaks to charter schools is 8% of the Race to the Top application. It's been described by the National Alliance for Public Charter Schools as a very, very, very, very competitive grant where every single point, half a point however they calculate it, is crucial to each state. I think that since, if we were chosen by the feds to participate, the first interview process happens in beginning of April. So, our Commissioner would be invited at the beginning of April. If, at crossover time at the end of March, she can go down to Washington and say, "I got a bill coming out of the Senate; I got a bill coming out of the House. Both are looking to lift the moratorium, I think that's as good as gold to her position in saying that there, the moratorium has been lifted and we have restored this authorizer's ability. I wish Bud Fitch had testified to the House and to Representative Kim Casey's bill as to the importance of lifting the moratorium. I wish he was here now.

I can say, and again to the fiscal note, you know, taking the average of 166 students over that period of time, you're not going to have 166 students next year. I can tell you there's nothing in the pipeline for new schools. When you have a moratorium in place for three years, the sweat equity that people put into starting a charter school, it's not there right now. I think, once you lift the moratorium you're looking at least a year out before you're going to have any fiscal impact. And then I would say that it would follow the growth pattern of the previous five years. The State Board, it would have the

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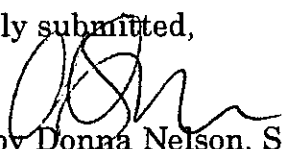
discretion and you know, in the years that it had in the years that it had the authorization approval process it didn't authorize everything that came to it. And I think they, since there is a bit of a I can hardly say saturation, but they are going to look very closely at any new charter school application that's going to come forward in relation to where it serves, the education needs in that area. So, I would not expect the State Board to be frivolous in their restoring or authorization.

And just to speak to, Roberta is correct in saying that there wouldn't be a possibility for to apply to the Race to the Top funds at all if we didn't have charter schools and that nationally we are looked to as a leader in the example, the need for rural innovation. A tremendous amount of attention has been paid to the urban schools the biggest bang for their sort of buck. And Maine and Vermont are not able to apply to Race to the Top because they have their charter school legislation and we are. They're really cheering us on nationally and other rural states that we set, that we are setting the example. And there's going to be fifteen states that are going to be awarded and forty that have applied for the 8.5 billion.

Senator Molly Kelly, D. 10: Thank you, thank you. Any questions? Thank you very much. I have John Vorel here not to speak, but in favor as well as Senator Gallus has signed in in favor, but not speaking. And also Senator Bradley in favor, but not speaking. So if there... Is there anyone else who wants to speak to this bill? If not, I'm going to close SB386.

Hearing concluded at 12:08 p.m.

Respectfully submitted,



Recorded by Donna Nelson, Senate Committee Secretary
Transcribed by Addie Shankle, Senate Committee Secretary
4/29/10

1 Attachment

ED.gov

Print

Close Window

Purpose**CFDA Number:** 84.282**Program Type:** Discretionary/Competitive Grants**Also Known As:** Charter Schools, Public Charter Schools Program, CSP**ED PROGRAMS**Search or print all
Department programs.**MORE RESOURCES**

Join Our Listserv

A Commitment to Quality
National Charter School
Policy Forum Report
PDF (1.28MB)**PROGRAM DESCRIPTION**

This program provides financial assistance for the planning, program design, and initial implementation of charter schools, and the dissemination of information on charter schools. Grants are available, on a competitive basis, to SEAs in states that have charter school laws; SEAs in turn make subgrants to developers of charter schools who have applied for a charter. If an eligible SEA elects not to participate or if its application for funding is not approved, the Department can make grants directly to charter school developers.

TYPES OF PROJECTS

An eligible applicant that receives a grant or subgrant may use the funds only for post-award planning and design of the education program of a charter school. It may carry out such activities as the refinement of the desired education results, the refinement of the methods for measuring progress toward achieving those results, and the initial implementation of the charter school. Implementation may include informing the community about the charter school and acquiring necessary equipment, materials, and supplies. Other eligible operational costs that cannot be met by state and local sources also may be covered. A state may reserve up to 10 percent of its allocation to support eligible charter schools for dissemination activities.

ADDITIONAL INFORMATION

The Public Charter Schools Program supports the planning, development, and initial implementation of charter schools. Charter schools provide enhanced parental choice and are exempt from many statutory and regulatory requirements. In exchange for increased flexibility, charter schools are held accountable for improving student academic achievement. The objective is to replace rules-based governance with performance-based accountability, thereby stimulating the creativity and commitment of teachers, parents, and citizens.

States--and specifically their State educational Agencies (SEAs)-- are eligible to compete for grants if they have a charter school law in place. If an eligible SEA does not participate, charter schools from the State may apply directly to the U.S. Department of Education. Grantees receive up to 3 years of assistance, of which the charter school may use not more than 18 months for planning and program design and not more than 2 years for the initial implementation of a charter school.

In awarding grants, the Department must give preference to States that have multiple chartering agencies (or an appeals process for prospective charter schools that initially fail to be approved by a single agency), that ensure accountability of public charter schools for reaching clear and measurable objectives, and that give public charter schools a high degree of autonomy over their budgets and expenditures.

In addition, States may reserve up to 10 percent of their grant for dissemination sub-grants to spread lessons learned from high-quality charter schools with a demonstrated history of success to other public schools, including other public charter schools, about how to create and sustain high-quality, accountable schools.

Page 1 of 2
 1
 Attachment 1

Center for Education Reform



910 Seventeenth Street, NW
Suite 1100 • Washington, DC 20006

4825 Bethesda Avenue
Suite 220 • Bethesda, MD 20814

January 29, 2010

Dear State Policymaker:

For two decades, charter schools have served students and their families throughout the United States, offering an educational option that has been closing achievement gaps, allowing teachers and administrators the ability to innovate in the classroom and beyond and successfully raising student performance. And for the past 11 years, The Center for Education Reform has been analyzing, scoring and grading the nation's charter school laws based on what we know works best for students, schools and states.

The US Department of Education's 'Race to the Top' competition has seen a handful of states revisit their state charter school laws, as well as policies regarding failing schools, teacher evaluation and standards and assessments. However, these exercises in most cases have not resulted in stronger policies, but have merely distracted many like you from a real opportunity to make a difference in students' lives.

While the Administration got the idea right, the real work lies with you, at the state level, to enact laws that ensure the ideas are achieved. There are four key components necessary for true education reform: parental choice, charter schools, standards and accountability. States employing a comprehensive reform package see results in increased student achievement.

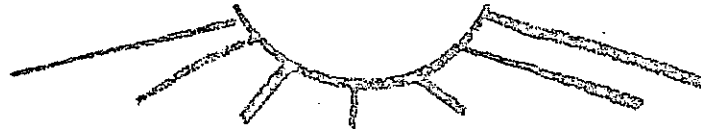
Such reforms must take legislative precedence in order to ensure America's competitiveness in a global society.

We've put together this package to help you do just that. I hope you find the enclosed guidance and data informative as you continue in this new legislative year and take on improving education in your state.

Best Regards,

Jeanne Allen
President

Center for Education Reform



910 Seventeenth Street, NW
Suite 1100 • Washington, DC 20006

4825 Bethesda Avenue
Suite 220 • Bethesda, MD 20814

FOR IMMEDIATE RELEASE

Contact: Andrew Campanella
(800) 521-2118
andrew@edreform.com

LEGISLATORS SHOULD MAKE EDUCATION REFORM A "NEW YEAR'S RESOLUTION" FOR THE NEW DECADE

WASHINGTON, DC - State legislators looking to make a lasting impact in the new decade should introduce a package of education reform legislation that will improve quality educational options for children, enhance the teaching profession, and promote and protect the US and its citizens by becoming an international leader in student achievement, according to the nonprofit Center for Education Reform.

The Center today encouraged legislators to adopt its list of "10 Steps to Education Reform in 2010," as their individual legislative New Year's Resolutions.

"As 2010 begins, the Center for Education Reform is keeping score again - this time of state legislatures and whether they work to pass 10 critical reforms," said Jeanne Allen, The Center's president.

At the conclusion of the year, CER will rate each state on their attempts to pass legislation and their success to create new laws that would:

1. Increase the ability of higher education, mayors and other independent entities to authorize charter schools so more children have access to quality public school options.
2. Eliminate arbitrary and unnecessary caps on the number of charter schools that can operate in a state and on the number of students who can attend charter schools.
3. Close the gap between the funding for traditional public schools and public charter schools.
4. Allow charter schools to operate with operational autonomy and teacher freedom — freeing these schools to innovate and develop new best practices that serve our children.
5. Develop a school voucher program or a scholarship tax credit program to provide private school choice for children with special needs.
6. Begin the process of creating data systems that allow teachers, principals, district officials and state officials to link student achievement to teacher performance.

7. Protect teacher's paychecks by prohibiting automatic deductions of union expenses that aren't related to collective bargaining.
8. Create a teacher merit pay pilot program that allows great teachers — ones who improve student achievement—to receive extra pay in recognition of their hard work.
9. Increase pay for teachers willing to teach high-needs subject areas and in high-needs schools.
10. Develop meaningful alternative routes to teacher certification for talented midcareer changers who want to become teachers.

The Center also encouraged candidates for political office to use the "10 Steps to Education Reform" as a model for education campaign platforms.

"These 10 reforms would make a significant difference in the quality of education provided to children, and it is essential that lawmakers act quickly to make real education reform — not reformist rhetoric — a priority for the new decade," Allen said.

CER is currently the only independent national organization that scores each state on its charter school laws. CER's *Charter Laws Across the States* book is now in its eleventh year and, in December, received coverage in more than 100 publications. Based on the feedback of *Charter Laws* fans, the Center plans additional scoring reports on additional education reform topics for 2010.

###

*The Center for Education Reform drives the creation of better educational opportunities for all children.
CER changes laws, minds and cultures to allow good schools to flourish.*

Speakers

Voting Sheets

Senate Education Committee

EXECUTIVE SESSION

Bill # SB 386

Hearing date: 2/9/10

Executive session date: 2/16/10

Motion of: OTP/A

VOTE: 5-0

<u>Made by</u> Kelly <input type="checkbox"/>	<u>Seconded</u> Kelly <input type="checkbox"/>	<u>Reported</u> Kelly <input checked="" type="checkbox"/>
<u>Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>
Fuller Clark <input type="checkbox"/>	Fuller Clark <input checked="" type="checkbox"/>	Fuller Clark <input type="checkbox"/>
Lasky <input type="checkbox"/>	Lasky <input type="checkbox"/>	Lasky <input type="checkbox"/>
Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>
Letourneau <input checked="" type="checkbox"/>	Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Kelly <input type="checkbox"/>	<u>Seconded</u> Kelly <input type="checkbox"/>	<u>Reported</u> Kelly <input type="checkbox"/>
<u>Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>	<u>by Senator:</u> Merrill <input type="checkbox"/>
Fuller Clark <input type="checkbox"/>	Fuller Clark <input type="checkbox"/>	Fuller Clark <input type="checkbox"/>
Lasky <input type="checkbox"/>	Lasky <input type="checkbox"/>	Lasky <input type="checkbox"/>
Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>	Bragdon <input type="checkbox"/>
Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>	Letourneau <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Kelly, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bragdon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 23, 2010

THE COMMITTEE ON Education

to which was referred Senate Bill 386-FN

AN ACT extending the pilot program for chartered public schools
approved by the state board of education.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0774s

Senator Molly Kelly
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of SB386

Docket Abbreviations

Bill Title: extending the pilot program for chartered public schools approved by the state board of education.

Official Docket of SB386:

Date	Body	Description
01/06/2010	S	Introduced and Referred to Education; SJ 1 , Pg.13
01/26/2010	S	Hearing: February 2, 2010, Room 103, LOB, 11:20 a.m.; SC5
02/01/2010	S	Hearing: === CANCELLED === February 2, 2010, Room 103, LOB, 11:20 a.m.; SC5A
02/01/2010	S	Hearing: === RESCHEDULED === February 9, 2010, Room 103, LOB, 11:20 a.m.; SC5A
02/17/2010	S	Committee Report: Ought to Pass with Amendment 0774s, 3/3/10; SC9 , Pg.12
03/03/2010	S	Committee Amendment 0774s, Not Voted On; SJ 8 , Pg.99
03/03/2010	S	Sen. Kelly Moved Laid on Table, MA, VV; SJ 8 , Pg.99

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 386 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # 7743 ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/30/2010



COMMITTEE SECRETARY