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# The ABCs of Charter School Statutes

*Presentation for the Department of Education*

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# Presentation Overview – Statutes & Regs

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# RSA 194-B



# RSA 194-B

- The purpose of this charter school statute is to establish a framework for the creation and operation of charter schools in New Hampshire.



# Charter Schools in New Hampshire

- Approved Public Charter Schools (open to students Fall 2023): 30
- Over 4,300 students served by these schools
- Most charter schools have a waiting list



# B:2 Transportation



- Students who reside in the school district in which the chartered public school is located should receive transportation to the charter school on the same terms and conditions as provided for non-chartered public schools in the district



# B:3 Charter Schools, generally



- Charter Schools v. Traditional Schools
- District authorized and State authorized charter schools

# B:5 Board Governance

- Board composition and membership
  - At least 5 trustees on the board at any time
  - Restrictions:
    - No greater than 25% of a school board, or one member, whichever number is greater, may simultaneously serve as members of the board of trustees of a charter or charter conversion school.
    - No greater than 25% of the board of trustees of a charter or charter conversion school, or one member, whichever is greater, may simultaneously serve as members of any school board.
    - At least 25% of the board of trustees, or 2 parents, whichever is greater, must be parents of pupils attending the chartered public school.



# B:5 Board Governance



- Responsibilities include:
  - Board must report to the school board at least quarterly and provide a written report.
  - Board must conduct its meetings in public session, except for those that can be designated as nonpublic sessions (under RSA 91-A:3, II)
  - Oversight of School Operational and Fiscal Policies

# B:5 Board Governance

- Conflict of Interest Policies
  - Any Board member who also is an employee, agent, or board member of any for-profit entity that contracts with the charter school must make public disclosure of such fact and recuse themselves from any business the charter school may have with the for-profit entity.

# B:5 Facilities & Service Sharing



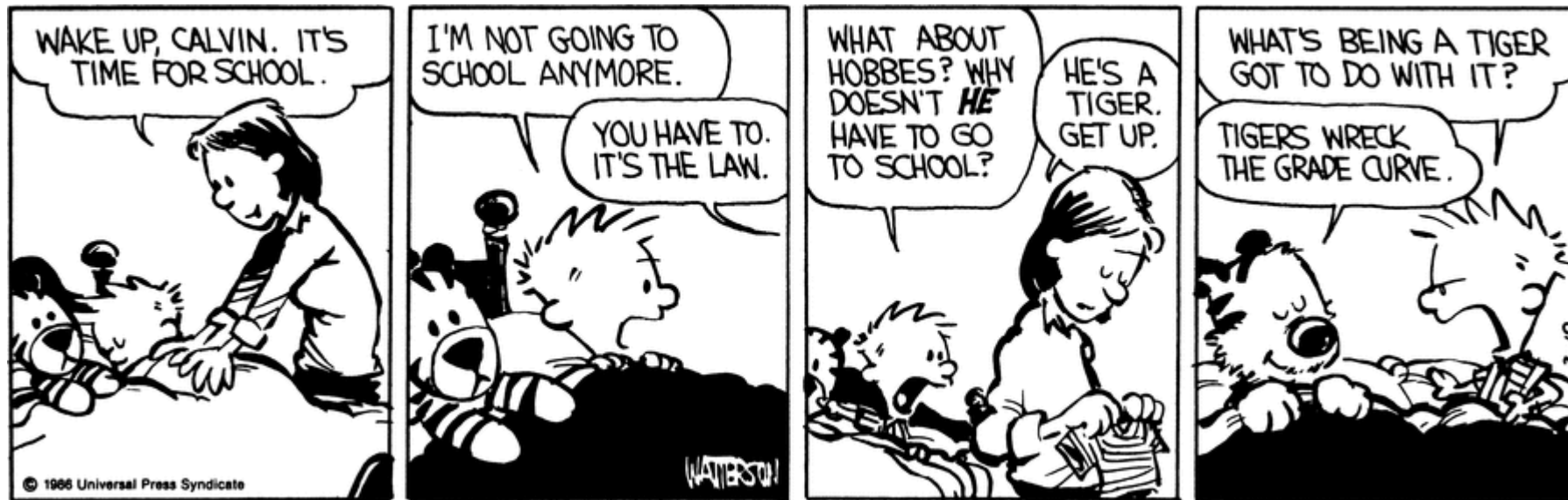
- Charter schools and host districts are *encouraged* to enter into contracts to share transportation, instructional, athletic, maintenance, and other services and facilities.

# B:5 Special Education MOUs

- For any student with disabilities, the charter school and resident district must enter into an MOU:
  - How the district and charter school will cooperate
  - How district proposes to provide special education services and supports to student to ensure appropriate public education
  - Where the services will be provided (optional)
  - Whether district will provide the services directly or through a contract with charter school or outside provider (optional)
- Must be reviewed annually

# B:8 Educational Evaluation

- Every year, near the end of the school year, each charter school must evaluate the educational progress of each student.



# B:9 Admissions & Transparency

- Limiting Enrollment:
  - Specific grade or age levels;
  - Student needs
  - Areas of academic focus (e.g., science, the arts, at-risk pupils)
- Student Selection:
  - Aptitude, academic achievement, or need\*
  - Lottery System





## B:9 Admissions & Transparency (cont.)

- Students may withdraw from a charter school at any time and enroll in their district's public school. However, no student can change schools more than once a year (unless waived by the school board following a hearing).
- A student can be suspended or expelled from a chartered school based on board-approved criteria. A public school is not obligated to enroll an expelled student.

# B:9 Admissions & Transparency (cont.)

- Exemptions from the lottery system:
  - Students enrolled in public school (or eligible) at the time it is converted to a public charter school;
  - Siblings of students already admitted to or attending the same charter school;
  - Children of charter school founders, teachers, and staff (so long as a small percentage of total enrollment); and
  - Children of employees in a work-site charter school (so long as a small percentage of total enrollment).

# B:11 Access & Enrollment of Students with Special Needs

- When a child is enrolled by a parent in a chartered public school, the local education agency of the child's resident district shall convene a meeting of the individualized education program (IEP) team.
- A representative of the chartered public school must be invited to that meeting. For all subsequent meetings of the IEP team, the child's resident district shall provide prior notice to the representative of the chartered public school.
- The IEP team is responsible for setting out a plan that ensures the provision of a Free and Appropriate Public Education (FAPE).

# B:11 Access & Enrollment of Students with Special Needs

- Several methods can be utilized to provide the child's special education and related services:
  - The resident district may send staff to the chartered public school or may contract with a service provider to do so; or
  - The resident district may provide the services at the resident district school; or
  - The resident district may provide the services at the service provider's location; or
  - The resident district may contract with a chartered public school to provide the services.



# B:15 Grievance Procedure

- Individuals or groups can lodge complaints to the Board concerning any claimed violation of the school's charter or contracts.
- If these individuals/groups believe their complaint has not been adequately addressed after presenting it to the Board, they can submit the complaint to the school board, which will investigate the matter and issue a determination.
- Any school board determination as to grievances is appealable to the State board.

# RSA 91-A



# RSA 91-A Right to Know



- New Hampshire's right-to-know Act, RSA 91-A, is meant to ensure public access to the actions, discussions, and records of all public bodies.
- It also maintains transparency, and an opportunity for accountability of the government to the people.

# A:2 Public Meetings

- A “meeting” is any convening of a quorum of members of a public body whether in person, telephonically, or electronically for the purpose of discussing or acting within their authority.







## A:2 Public Meetings

- All meetings must be open to the public unless an exception applies.
- Any person can record the meeting and minutes of all meetings, including any nonpublic sessions, shall be posted within 5 business days after the meeting.
- Minutes must include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions.

# A:3 Nonpublic Meetings



- Only specific topics can warrant a non-public meeting, these include:
  - The hiring, dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against them.\*
  - Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.\*
  - Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

# A:4 Records Available to Public

- Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release.
- If not immediately available, the public body or agency shall within 5 business days of a request:
  - Make such record available;
  - Deny the request; or
  - Provide a written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay.

# A:4 Records Available to Public

- If the request is denied (in any part), the public body or agency must provide a written statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.
- You may charge the actual cost of providing the copy.
  - No cost or fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form.



# A:5 Exemption from Public Records



- Personal school records of pupils and unique pupil identification information.
- Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data.

# RSA 193



# RSA 193 – School Attendance

- School attendance for children ages 6-17 is compulsory in the State of New Hampshire.
- Enrollment must be within the child's resident district unless the child is attending another school outside their resident district, such as a N.H. charter school in another district.



# 193:1-c Charter School Access to District Materials

- Charter schools shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides.
- The local school board shall adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy is not more restrictive for charter school pupils than the policy governing the school district's resident pupils.



# 193:13 Suspension and Expulsion

- A charter school director can suspend students from school for a period of 10 days or less for:
  - Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or
  - Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions.



# 193:13 Suspension and Expulsion



*^Note:* The representative cannot be the same person that suspended the student for the first 10 days.

- A charter school board (or their representative<sup>^</sup>) can, after a hearing, suspend students from school for another period of 10 days or less for:
  - An act of theft, destruction, or violence;
  - Bullying, including cyberbullying, pursuant to the school district policy\*; or
  - Possession of a firearm, BB gun, or paintball gun.

# 193:13 Suspension and Expulsion

- Certain suspensions in excess of 10 school days are appealable;
- Expulsion permitted when student commits an act that poses an ongoing threat and constitutes:
  - A repeated act that could result in more than a 10-day suspension;
  - Any act of physical or sexual assault that would be a felony if an adult;
  - Any act of violence under RSA 651:5, XIII; or
  - Criminal threatening.
- Parent/Guardian can appeal to State board at any time while expulsion is in place.

Ed 300 & 318



# Ed 300 Minimum Standards for Public Schools



- While Ed 318 specifically outlines charter school standards, additional information is available in the full chapter of regulations.
- Outlines duties for school boards, the superintendent, and school principals (including associate principals).

# Ed 318 Charter Schools

- Ed 318.13 - Charter Renewal: Board must submit renewal application to State board by end of 4<sup>th</sup> year (one year before charter is set to expire).
- Ed 318.17 - Annual Report Requirements: Provides additional elements than those outlined in RSA 194-B:10.



# RSA 186-C



# RSA 186- C Special Education

- IEPs are the responsibility of the child's resident school district, which also bears the financial responsibility for education (C:7)
- A request for a due process hearing (C:16-b) is a parent's relief to seek to enforce their child's special education rights against the district.
  - Must occur within 2 years of the alleged violation (or knowledge of same)
  - School district has the burden of proof, including burden of persuasion and production, of the appropriateness of the child's program.





Questions?



# Additional Resources:

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/bullying-cyber-bullying>  
<https://www.doj.nh.gov/civil/documents/right-to-know.pdf>  
<https://www.gencourt.state.nh.us/rsa/html/xv/186-c/186-c-mrg.htm>  
[https://www.gencourt.state.nh.us/rules/state\\_agencies/ed300.html](https://www.gencourt.state.nh.us/rules/state_agencies/ed300.html)  
<https://www.gencourt.state.nh.us/rsa/html/XV/193/193-1-c.htm>  
<https://www.gencourt.state.nh.us/rsa/html/xv/194-b/194-b-mrg.htm>  
[https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sample\\_quarterly\\_report.xlsx](https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sample_quarterly_report.xlsx)  
<https://www.education.nh.gov/education-pathways/public-charter-schools/charter-school-resources-and-links>

See also included materials with this presentation.

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# Thank You

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