



January 30, 2021

Rep. Rick Ladd, Chair  
House Education Committee  
Legislative Office Building  
Concord, NH 03301

RE: HB609

Dear Chairman Ladd and Members of House Education,

I am writing on behalf of the members of the New Hampshire School Administrators Association to oppose HB609 as it is currently written.

While NHSAA certainly applauds the effort to allow public schools more flexibility in their attempts to meet the needs of all students, this bill as written has several serious flaws, including:

- 1) the lack of a definition of "innovation";
- 2) the lack of metrics to adequately assess whether the schools or zones are actually improving student outcomes;
- 3) the potential fiscal impact on the state, local school districts, and local taxpayers; and
- 4) the open-ended waivers the bill would afford.

**1)** The first section of proposed RSA194-E:1 includes definitions. While there are several vague definitions in this section, the term "innovation" is never defined. Perhaps innovation is to be defined locally, but that is never clearly stated. Having worked in education for 30 years, I have seen many "innovations" during that time period. What one district might consider an innovation may simply be best practice in another, and that

practice was developed within existing statutes and regulations. Innovation is often in the eye of the beholder.

Without a clear definition and explanation of what constitutes innovation, we are concerned that it will be defined as, "I will know it when I see it". That makes determining goals and metrics for assessment problematic at best, impossible at worst.

**2) There is a clear lack of accountability in this proposed legislation.**

Throughout the wording of RSA194-E, proposals *may* submit a plan for assessment. There is no clear explanation or definition of what metrics would be used to assess the effectiveness of the plan or, more importantly, student outcomes.

The sponsor indicated that this bill is founded on Colorado's Innovation School Act of 2008. There has been significant concern from residents and parents of Colorado regarding the effectiveness of these innovation schools and whether they truly succeed over "traditional" public schools (*Denver Post*, Nov. 24, 2019 - attached). Part of the concern is that, once students were evaluated based on statewide assessment measures, they are not achieving at the rates or the consistency of their peers.

There are clear recommendations in place, but no concrete way in which to apply the brakes if issues such as this arise. In addition, as we have seen with failing charter schools, parents and students are reluctant to "give up" what they perceive as successful, regardless of the objective data.

**3) As was noted during the hearing, there is no fiscal note attached to this legislation.** While there are many questions about the impact on local budgets and taxpayers, one area of concern would be the notion of an "Innovation Zone", which could be created by multiple schools across a region. While there is a certain appeal to combining resources where possible and appropriate, upon which community would the burden of instruction and facility costs lie? Would the local community be responsible for an influx of special needs students (if they were to be included), or would the costs fall upon their sending districts? Would the "Innovation School" district be responsible for transportation, or would that add to the "sending" districts' overall costs?

Another area of concern is the capacity of the Department of Education to

review and monitor these programs. The Department currently does not have the manpower or resources to effectively review the existing public schools across the state, not to mention the charter schools and institutes of higher education. Additional bureaucracy would need to be created at the state level to oversee this program.

These are just a few of the many fiscal questions and concerns that this bill raises, with no clear answers.

4) Regarding the waiver provisions outlined in the bill, it is unclear which regulations could be waived and under what circumstances. Would this legislation allow “Innovation Schools” to waive Ed306 – Minimum Standards for School Approval? Or ED317 – Standards for Suspension & Expulsion? Ed500 – Certification of Professional Staff? Or perhaps Ed1200 – Seclusion? The sponsor indicated that regulations based on statute could not be waived. However, all state regulations are based on statute, so does that mean that there would actually be no waivers granted?

Finally, we are also deeply concerned that this bill is yet another step toward the privatization of public education in New Hampshire.

The bill sponsor indicated that HB609 is not patterned after the American Legislative Exchange Council (ALEC) model policy but rather Colorado’s Innovation School model. I would respectfully submit that Colorado’s Innovation Schools Act of 2008 is the exact replica of ALEC’s model legislation, except that Colorado education terms were inserted ([COStatute](#)).

I have attached a side-by-side comparison of the [ALEC model policy](#) and HB609. Even though the comparison document is four (4) pages (in table format), there is little of substance that separates the two. Often where there is a separation, HB609 is not always “better” than the model legislation.

ALEC has made it a goal to privatize public education, and this bill would open the door for this type of expansion into New Hampshire. With this bill as currently written, what would prevent a for-profit company contracting with an “Innovation School” to provide education for students? With the appropriate waivers in place, public schools could become corporate extensions.

Given that New Hampshire ranks among the highest states in the country for student achievement, and that we have a robust Public Charter School system to serve as incubators of innovation, I am unsure why we need to have a national agenda based on ideology thrust upon New Hampshire's public education system. This bill appears to be a solution in search of a problem.

We would respectfully request that, given all the policy and fiscal questions this proposed legislation raises, as well as the unnecessary complexity it creates, that you vote to oppose HB609.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carl M. Ladd".

Dr. Carl M. Ladd  
Executive Director of NHSAA