

Town Tuitioning Explained

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With the goal of helping parents, lawmakers, taxpayers, and other stakeholders become better informed, this report describes town tuitioning, its history, private schools, and some guidance for leaving another arrangement so tuitioning can be enacted.

We hope this information will help parents whose children are not well-served by their local public school, as well as school board members who want to provide better options for their students. People do not tend to think about it like this, but it is the responsibility of school districts to provide the opportunity for an adequate education for all their students while overseeing their schools; it is not their responsibility to put things like buildings and jobs before the needs of students and taxpayers.

Definitions

A lot of people confuse the terms towns, districts, and school administrative units (SAUs), so let me try to provide some clarity. Every town is part of a school district. Often, one town has one school district, and in these cases they *can* be used interchangeably. However, some districts are not towns (e.g., Dresden school district is made up of a few towns, none of which is named Dresden) and some towns are part of cooperative districts, where each individual town does not have an independent school district (e.g., Timberlane school district is made up of the towns of Atkinson, Danville, Plaistow, and Sandown). Some towns maintain independent school districts and are part of a cooperative district for shared grades (e.g., Brentwood, East Kingston, Exeter, Kensington, Newfields, and Stratham maintain their own districts and are part of the Exeter cooperative district). SAUs simply supply administrative services to either one or a few districts, but that has no reflection on whether those towns are in the same district (e.g., Hampstead school district and Timberlane Cooperative school district are part of the same SAU).

While cities and large towns provide schools for all grade levels, smaller towns have not had the capacity to provide schools for every grade, so they use other methods to send all their students to school. The law provides a few options for such towns, with town tuitioning being the most flexible:

Options for Towns Missing Grades	
Cooperative District	Following RSA 195 a cooperative agreement applies only to a specified grade range, typically high school, rather than all grades. Usually, the districts remain distinct entities and have joint finances for the applicable grades and any shared SAU services. Sometimes the individual town districts merge to form a single district and share all costs.

Authorized Regional Enrollment Area (AREA)	Following RSA 195-A, an AREA agreement is a contract between two or more districts to allow for the sending of students from one district to another. AREAs typically require all students in particular grades from the sending district to attend the receiving district schools. In turn, the receiving district agrees to accept all students from the sending districts.
Tuition Agreement	Tuition agreements allow towns without district schools at a student’s grade level to use tax dollars for students to attend any public or non-religious private school in or outside New Hampshire.

History of Tuitioning

The New England states of New Hampshire, Vermont, and Maine all use town tuitioning. Since the vast majority of towns maintain an elementary school, high school was where town tuitioning originated. Vermont’s first tuitioning statute¹ was passed in 1869 and expanded in 1902 with Act 27 to cover tuition for out-of-state schools. In 1927, the Vermont Legislature enacted Act 31, stating that town school boards could send students to schools inside or outside the district at the parent’s request – even if the grade was offered in the district. Maine’s practice of tuitioning² was established in 1873, when the state said that towns without a high school must pay tuition at an approved secondary school, which could be public or private.

In New Hampshire, contracts with specific schools, even those in other states, have been used [as far back as 1874](#).³ Tuitioning in NH was formally established in 1901 for any district that did not offer all K-12 grades. In 1912 districts were formally given the authority to accept students from other districts.⁴ [Until 1949](#),⁵ districts could send their children to private schools inside or outside the state. While a 1949 change to one statute limited the choice to public schools and public academies,⁶ other statutes granted school districts the power to make contracts with “other literary institutions.” With the RSAs not being consistent, **the law was updated in 2017 to again allow school districts to choose nonsectarian private schools for their tuitioning options**. It is interesting to note that New Hampshire border towns have continuously tuitioned students to out-of-state public and private schools in Vermont and Maine, even before the 2017 clarification to the law.

¹ <http://www.cato.org/pubs/briefs/bp-067es.html>

² http://jrre.vtstate.edu/wp-content/uploads/2014/02/8-1_3.pdf

³ [Title XV Section 194:22](#)

⁴ [Title XV Section 194:14](#)

⁵ Chapter 139, page 131 of the NH Senate Journal 1949 scanned by the University of New Hampshire <http://www.library.unh.edu/digital/object/lawsnh:0040>

⁶ A public academy is a type of school not strictly defined by NHDOE but examples include Coe-Brown Northwood Academy and Pinkerton Academy. Each school has its own district and SAU to manage their own costs like a private school, while they also receive public funds. Like public schools, they are approved by the state for curriculum.

Tuition Agreements

Tuition agreements allow towns without district schools at a student's grade level to use tax dollars for students to attend any public or non-religious private school in or outside New Hampshire. A district can have as many tuition agreements as it sees fit for the grades it does not provide. Parents can choose any of the schools with which a district has a tuition agreement, and can even request a tuition agreement for schools that are not currently available.

Here's how it works. Local school districts decide on a set of schools (private schools need to be state-approved for attendance) and create tuitioning contracts with those schools, along with policies about how they are carried out. Some NH districts are willing to make agreements with any school that parents request, and some districts limit the set of schools by some criteria that might include historical reasons. SB8 summarizes the [RSAs that affect tuitioning](#).⁷

The sending and receiving entities decide and agree upon the terms of the contract. The sending district pays tuition directly to the receiving school or district. The contracts may be written or orally agreed upon. Tuition agreements can be set up to be renewed yearly, or can go for as long as the two districts or schools decide. These agreements sometimes require the sending district to send a minimum number of its students — for example, 90% of the student body — to the receiving district, and sometimes are put in place for just one student.

Examples:

- **Barrington** has a tuition agreement with Oyster River School District,⁸ but it also gives parents the option of sending their students to **Coe-Brown** Northwood Academy or **Dover** High School.
- After Candia, Auburn and Hooksett withdrew from an AREA agreement with Manchester, **Candia** and **Auburn** enacted tuition agreements only with **Pinkerton Academy**, while Hooksett chose to have tuition agreements with a number of schools, including **Manchester, Bow, Pembroke, Londonderry, and Pinkerton**.
- **Chatham** tuitions to Maine for grades K-8 and to **Coe-Brown Academy** for high school.
- **Croydon**, which has a K-4 school, withdrew from an AREA agreement with Newport, and now has tuition agreements with **Sunapee, Newport, Newport Montessori School** (private), **Lebanon, Claremont, and Crossroads Academy** (private). Croydon caps the amount of tuition dollars it will pay to Newport's tuition, and the parent is responsible for any remaining balance.
- **Cornish**, which has a K-8 school, ended an AREA agreement with Claremont over 25 years ago, when they had sent all their students to Stevens High School. At that point, the district allowed parents to send their children to *any high school* they chose using tuition agreements with a cap of tuition at the rate of Stevens.⁹ They have tuition agreements with **Hanover** High School and the private **Thetford Academy in Vermont**.

⁷ <https://legiscan.com/NH/text/SB8/id/1476362>

⁸ http://www.orcsd.org/images/documents/business_operations/WA_6_Barrington_Tuition_Agreement.pdf

⁹ <https://www.vnews.com/Cornish-NH-school-board-tuition-rates-questions-5422946>

- The town of **Dummer** left an AREA agreement with Berlin, and in 2009 started a tuition agreement with **Berlin** and **Gorham** instead.
- **Jackson** lacks grades 7-12. This K-6 district tuitions to **Josiah Bartlett** for grades 7-8 and maintains an AREA agreement with **Conway** for high school. Jackson is required to pay toward a 20-year bond that has inflated its cost to about \$23,000 per student.¹⁰
- **Lyme** provides the choices of **Hanover** High School, **Rivendell** in Vermont, and the private **Thetford** and **St Johnsbury Academies** in **Vermont** with tuition agreements.
- **Piermont** tuitions to **St Johnsbury Academy** for high school, a private school in **Vermont**.
- **Rollinsford** withdrew from an agreement with Somersworth and now tuitions out-of-state to **Marshwood** in **Maine**.

In addition to the towns listed above, **Pinkerton Academy**, a public/private academy that offers grades 9-12, additionally receives students from **Chester**, **Derry**, and **Hampstead**. Similarly, **Coe-Brown Academy**, also a high school, has contracts or memoranda of understanding with **Northwood**, **Strafford**, **Nottingham**, and **Barrington**. **Nottingham** additionally tuitions students to **Dover high school**. Nottingham also tuitioned a blind student without an IEP to a blind school in CT capping the tuition at Coe-Brown's with parents paying the rest.

Because the law is somewhat unclear, some districts have tuition agreements with other schools even if they have all K-12 grades, presumably because the receiving school offers something their schools do not:

- **Timberlane**, a Cooperative district with all 12 grades, tuitions some students to **Pinkerton** if there are programs they do not offer, sometimes full time and sometimes just for a particular program. They typically tuition Career and Technical Education students to **Salem**.
- **Nashua**, a district with all 12 grades, tuitions some students to **Salem**.

Any district is allowed to tuition students to Career and Technology Education (CTE) programs even if they have those grades in their towns. The district is responsible for only 25% of the tuition; the state will reimburse the remaining amount, plus transportation.¹¹

Tuitioning to a Private School

New Hampshire towns that border other states have long tuitioned students to Vermont and Maine private (and public) schools, a practice that started long before SB 8 was enacted in 2017. An example of a border town is Lyme, shown in the list above. Lyme maintains its own K-8 school, and has historically maintained tuition agreements to send high school students to St. Johnsbury Academy (VT, private), Thetford Academy (VT, private), Rivendell (VT, public), and Hanover High School (NH, public).

SB 8 clarified that districts can tuition to non-religious private schools that are approved for attendance. Receiving private schools must use some standardized test (not necessarily the state-mandated test) to keep track of student progress, and report progress to the district.

¹⁰ Statement from Jackson School Board

¹¹ <http://www.gencourt.state.nh.us/rsa/html/xv/188-e/188-e-mrg.htm>

Leaving an AREA Agreement

There is a complex procedure for withdrawing from an AREA agreement described in detail in RSA 195-A:14. To summarize, an AREA agreement lasts for a minimum of 10 years. After three years, proceedings to end it can be initiated but with the approval of **all** involved school districts, and the exit process takes 7 years to complete. Moreover, if no steps are taken to end an AREA agreement, even at the end of the 10-year period, the arrangement continues until and if the 7-year exit process is completed. Even if a district starts the process for ending an AREA agreement, sending districts may find it difficult to end an AREA agreement that doesn't have an opt-out clause, and may face severe penalties for doing so.

Auburn, Candia, and Hooksett, for example, went through dramatic (and expensive) battles to withdraw from the AREA agreement each had with Manchester School District. The districts wished to end their contract early, citing a decline in the quality of education offered by Manchester schools. The three districts completed their withdrawal, with Hooksett having to pay Manchester a penalty of \$800,000 for four years.¹² All three districts moved to tuition agreements.

In contrast, Croydon recently exited an AREA agreement with Newport with little fanfare. The process started in 2007 when town residents were surveyed to see if they wanted to expand their school choices by ending their contract with the failing Newport school district. Two thirds of Croydon residents voted for school choice. Newport supported the withdrawal, which made the process easy, though it was still long -- the process took seven years, following the many steps outlined in RSA 195-A:14. In 2012 the town finally voted on the withdrawal, and a tuition-based school choice program started in the 2014-15 school year.

Leaving a Cooperative District

The rules for leaving a cooperative school district are detailed in RSA 195:25-30. The process is similar to withdrawing from an AREA agreement, with the addition of needing approval from the State Board of Education. Lempster and Goshen were able to dissolve their cooperative arrangement in 2015 by mutual agreement. They now both tuition students to nearby schools.

When the individual school districts merge to form a single cooperative district, a withdrawal needs approval from the entire district, including the largest town. But if the students in your town are forced to attend a failing school, a town might find it worth the effort to open the district to tuition agreements. In fact, some cooperative districts do tuition out students when a need is recognized by the school board (e.g., Timberlane).

Concluding Remarks

- If you're a **parent**, I hope you now realize that there are alternatives you may not have considered for finding a school that is better suited to your child's strengths and weaknesses than your district schools.

¹² Discussed in phone interview.

- If you're a **school board member**, I hope you now know more about the options that are available to you in carrying out your obligation to provide the best education for each child in your district.
- If you're a **taxpayer**, I hope you are now in a better position to move your school board towards using tuitioning to simultaneously improve student education and potentially lower your taxes.
- If you're a **school administrator or teacher**, I hope you now understand that, as parents, school board members, and taxpayers learn more about alternatives to business as usual, it will be in everyone's best interest to do whatever you can to make your school more competitive, in terms of both quality and price.