



General Assembly

February Session, 2004

Substitute Bill No. 5370

* HB05370ED_APP030804 *

AN ACT CONCERNING CHARTER SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66hh of the general statutes, as amended by
2 section 50 of public act 03-76 and section 24 of public act 03-2 of the
3 September 8 special session, is repealed and the following is
4 substituted in lieu thereof (*Effective July 1, 2004*):

5 For the fiscal years ending June 30, 2002, ~~June 30, 2003, and June 30,~~
6 ~~2004] to June 30, 2005, inclusive,~~ the Commissioner of Education shall
7 establish, within available appropriations and bond authorizations, a
8 grant program to assist state charter schools in financing (1) school
9 building projects, as defined in section 10-282, as amended, (2) general
10 improvements to school buildings, as defined in subsection (a) of
11 section 10-265h, and (3) repayment of debt incurred for prior school
12 building projects. Eligibility for such grants shall be limited to state
13 charter schools whose charters were renewed in the fiscal years ending
14 June 30, 2001, ~~June 30, 2002, and June 30, 2003] to June 30, 2004,~~
15 inclusive, pursuant Section 1. Section 10-66hh of the general statutes,
16 as amended by section 50 of public act 03-76 and section 24 of public
17 act 03-2 of the September 8 special session, is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2004*):

19 For the fiscal years ending June 30, 2002, ~~June 30, 2003, and June 30,~~
20 ~~2004] to June 30, 2005, inclusive,~~ the Commissioner of Education shall

21 establish, within available appropriations and bond authorizations, a
22 grant program to assist state charter schools in financing (1) school
23 building projects, as defined in section 10-282, as amended, (2) general
24 improvements to school buildings, as defined in subsection (a) of
25 section 10-265h, and (3) repayment of debt incurred for prior school
26 building projects. Eligibility for such grants shall be limited to state
27 charter schools whose charters were renewed in the fiscal years ending
28 June 30, 2001, [June 30, 2002, and June 30, 2003] to June 30, 2004,
29 inclusive, pursuant to subsection (g) of section 10-66bb, as amended.
30 The governing authorities of such state charter schools may apply for
31 such grants to the Department of Education at such time and in such
32 manner as the commissioner prescribes. Each state charter school may
33 receive no more than one grant under this section and no grant under
34 this section shall exceed five hundred thousand dollars.

35 Sec. 2. Section 10-66bb of the general statutes, as amended by
36 section 7 of public act 03-76, is repealed and the following is
37 substituted in lieu thereof (*Effective July 1, 2004*):

38 (a) On and after July 1, 1997, the State Board of Education may
39 grant, within available appropriations, charters for local and state
40 charter schools in accordance with this section.

41 (b) Any person, association, corporation, organization or other
42 entity, public or independent institution of higher education, local or
43 regional board of education or two or more boards of education
44 cooperatively, or regional educational service center may apply to the
45 Commissioner of Education, at such time and in such manner as the
46 commissioner prescribes, to establish a charter school, provided no
47 nonpublic elementary or secondary school may be established as a
48 charter school and no parent or group of parents providing home
49 instruction may establish a charter school for such instruction.

50 (c) The State Board of Education shall review, annually, all
51 applications and grant charters, provided for the period from July 1,
52 1997, to June 30, 1999, no more than twenty-four charters for charter

53 schools are granted and, on and after July 1, [1999] 2004, no state
54 charter school enrolls (1) [(A) more than two hundred fifty students or
55 (B) in the case of a kindergarten to grade eight, inclusive, school,] more
56 than three hundred students, or (2) twenty-five per cent of the
57 enrollment of the school district in which the state charter school is to
58 be located, whichever is less. The State Board of Education shall give
59 preference to applicants for charter schools that will serve students
60 who reside in a priority school district pursuant to section 10-266p, as
61 amended, or in a district in which seventy-five per cent or more of the
62 enrolled students are members of racial or ethnic minorities and to
63 applicants for state charter schools that will be located at a work-site or
64 that are institutions of higher education. In determining whether to
65 grant a charter, the State Board of Education shall consider the effect of
66 the proposed charter school on the reduction of racial, ethnic and
67 economic isolation in the region in which it is to be located, the
68 regional distribution of charter schools in the state and the potential of
69 over concentration of charter schools within a school district or in
70 contiguous school districts.

71 (d) Applications pursuant to this section shall include a description
72 of: (1) The mission, purpose and any specialized focus of the proposed
73 charter school; (2) the interest in the community for the establishment
74 of the charter school; (3) the school governance and procedures for the
75 establishment of a governing council that (A) includes teachers and
76 parents and guardians of students enrolled in the school, and (B) is
77 responsible for the oversight of charter school operations, provided no
78 member or employee of the governing council may have a personal or
79 financial interest in the assets, real or personal, of the school; (4) the
80 financial plan for operation of the school, provided no application fees
81 or other fees for attendance, except as provided in section 10-66ee, as
82 amended, may be charged; (5) the educational program, instructional
83 methodology and services to be offered to students; (6) the number
84 and qualifications of teachers and administrators to be employed in the
85 school; (7) the organization of the school in terms of the ages or grades
86 to be taught and the total estimated enrollment of the school; (8) the

87 student admission criteria and procedures to (A) ensure effective
88 public information, (B) ensure open access on a space available basis,
89 (C) promote a diverse student body, and (D) ensure that the school
90 complies with the provisions of section 10-15c and that it does not
91 discriminate on the basis of disability, athletic performance or
92 proficiency in the English language, provided the school may limit
93 enrollment to a particular grade level or specialized educational focus
94 and, if there is not space available for all students seeking enrollment,
95 the school may give preference to siblings but shall otherwise
96 determine enrollment by a lottery; (9) a means to assess student
97 performance that includes participation in state-wide mastery
98 examinations pursuant to chapter 163c; (10) procedures for teacher
99 evaluation and professional development for teachers and
100 administrators; (11) the provision of school facilities, pupil
101 transportation and student health and welfare services; (12)
102 procedures to encourage involvement by parents and guardians of
103 enrolled students in student learning, school activities and school
104 decision-making; (13) document efforts to increase the racial and
105 ethnic diversity of staff; and (14) a five-year plan to sustain the
106 maintenance and operation of the school, or a ten-year plan to sustain
107 the maintenance and operation of the school in the case of a state
108 charter school that seeks a renewal of its charter for a period of time
109 longer than five years pursuant to subsection (g) of this section. Subject
110 to the provisions of subsection (b) of section 10-66dd, an application
111 may include, or a charter school may file, requests to waive provisions
112 of the general statutes and regulations not required by sections 10-66aa
113 to 10-66ff, inclusive, and which are within the jurisdiction of the State
114 Board of Education.

115 (e) An application for the establishment of a local charter school
116 shall be submitted to the local or regional board of education of the
117 school district in which the local charter school is to be located for
118 approval pursuant to this subsection. The local or regional board of
119 education shall: (1) Review the application; (2) hold a public hearing in
120 the school district on such application; (3) survey teachers and parents

121 in the school district to determine if there is sufficient interest in the
122 establishment and operation of the local charter school; and (4) vote on
123 a complete application not later than sixty days after the date of receipt
124 of such application. Such board of education may approve the
125 application by a majority vote of the members of the board present and
126 voting at a regular or special meeting of the board called for such
127 purpose. If the application is approved, the board shall forward the
128 application to the State Board of Education. The State Board of
129 Education shall vote on the application not later than seventy-five days
130 after the date of receipt of such application. Subject to the provisions of
131 subsection (c) of this section, the State Board of Education may
132 approve the application and grant the charter for the local charter
133 school or reject such application by a majority vote of the members of
134 the state board present and voting at a regular or special meeting of
135 the state board called for such purpose. The State Board of Education
136 may condition the opening of such school on the school's meeting
137 certain conditions determined by the Commissioner of Education to be
138 necessary and may authorize the commissioner to release the charter
139 when the commissioner determines such conditions are met. The state
140 board may grant the charter for the local charter school for a period of
141 time of up to five years and may allow the applicant to delay its
142 opening for a period of up to one school year in order for the applicant
143 to fully prepare to provide appropriate instructional services.

144 (f) An application for the establishment of a state charter school
145 shall be (1) submitted to the State Board of Education for approval in
146 accordance with the provisions of this subsection, and (2) filed with the
147 local or regional board of education in the school district in which the
148 charter school is to be located. The state board shall: (A) Review such
149 application; (B) hold a public hearing on such application in the school
150 district in which such state charter school is to be located; (C) solicit
151 and review comments on the application from the local or regional
152 board of education for the school district in which such charter school
153 is to be located and from the local or regional boards of education for
154 school districts that are contiguous to the district in which such school

155 is to be located; and (D) vote on a complete application not later than
156 seventy-five days after the date of receipt of such application. The State
157 Board of Education may approve an application and grant the charter
158 for the state charter school by a majority vote of the members of the
159 state board present and voting at a regular or special meeting of the
160 state board called for such purpose. The State Board of Education may
161 condition the opening of such school on the school's meeting certain
162 conditions determined by the Commissioner of Education to be
163 necessary and may authorize the commissioner to release the charter
164 when the commissioner determines such conditions are met. Charters
165 shall be granted initially for a period of time of up to five years and
166 may be renewed for a period of time of up to ten years in accordance
167 with the provisions of subsection (g) of this section, and may allow the
168 applicant to delay its opening for a period of up to one school year in
169 order for the applicant to fully prepare to provide appropriate
170 instructional services.

171 (g) Charters may be renewed, upon application, in accordance with
172 the provisions of this section for the granting of such charters. Upon
173 application for such renewal, the State Board of Education may
174 commission an independent appraisal of the performance of the
175 charter school that includes, but is not limited to, an evaluation of the
176 school's compliance with the provisions of this section. The State Board
177 of Education shall consider the results of any such appraisal in
178 determining whether to renew such charter. Charters for local charter
179 schools may be renewed for a period of time of up to five years and
180 charters for state charter schools may be renewed for a period of time
181 of up to ten years. The State Board of Education may deny an
182 application for the renewal of a charter if (1) student progress has not
183 been sufficiently demonstrated, as determined by the commissioner,
184 (2) the governing council has not been sufficiently responsible for the
185 operation of the school or has misused or spent public funds in a
186 manner that is detrimental to the educational interests of the students
187 attending the charter school, or (3) the school has not been in
188 compliance with applicable laws and regulations. If the State Board of

189 Education does not renew a charter, it shall notify the governing
190 council of the charter school of the reasons for such nonrenewal.

191 (h) The Commissioner of Education may at any time place a charter
192 school on probation if (1) the school has failed to (A) adequately
193 demonstrate student progress, as determined by the commissioner, (B)
194 comply with the terms of its charter or with applicable laws and
195 regulations, (C) achieve measurable progress in reducing racial, ethnic
196 and economic isolation, or (D) maintain its nonsectarian status, or (2)
197 the governing council has demonstrated an inability to provide
198 effective leadership to oversee the operation of the charter school or
199 has not ensured that public funds are expended prudently or in a
200 manner required by law. If a charter school is placed on probation, the
201 commissioner shall provide written notice to the charter school of the
202 reasons for such placement, not later than five days after the
203 placement, and shall require the charter school to file with the
204 Department of Education a corrective action plan acceptable to the
205 commissioner not later than thirty-five days from the date of such
206 placement. The charter school shall implement a corrective action plan
207 accepted by the commissioner not later than thirty days after the date
208 of such acceptance. The commissioner may impose any additional
209 terms of probation on the school that the commissioner deems
210 necessary to protect the educational or financial interests of the state.
211 The charter school shall comply with any such additional terms not
212 later than thirty days after the date of their imposition. The
213 commissioner shall determine the length of time of the probationary
214 period, which may be up to one year, provided the commissioner may
215 extend such period, for up to one additional year, if the commissioner
216 deems it necessary. In the event that the charter school does not file or
217 implement the corrective action plan within the required time period
218 or does not comply with any additional terms within the required time
219 period, the Commissioner of Education may withhold grant funds
220 from the school until the plan is fully implemented or the school
221 complies with the terms of probation, provided the commissioner may
222 extend the time period for such implementation and compliance for

223 good cause shown. Whenever a charter school is placed on probation,
224 the commissioner shall notify the parents or guardians of students
225 attending the school of the probationary status of the school and the
226 reasons for such status. During the term of probation, the
227 commissioner may require the school to file interim reports concerning
228 any matter the commissioner deems relevant to the probationary
229 status of the school, including financial reports or statements. No
230 charter school on probation may increase its student enrollment or
231 engage in the recruitment of new students without the consent of the
232 commissioner.

233 (i) The State Board of Education may revoke a charter if a charter
234 school has failed to: (1) Comply with the terms of probation, including
235 the failure to file or implement a corrective action plan; (2)
236 demonstrate satisfactory student progress, as determined by the
237 commissioner; (3) comply with the terms of its charter or applicable
238 laws and regulations; or (4) manage its public funds in a prudent or
239 legal manner. Unless an emergency exists, prior to revoking a charter,
240 the State Board of Education shall provide the governing council of the
241 charter school with a written notice of the reasons for the revocation,
242 including the identification of specific incidents of noncompliance with
243 the law, regulation or charter or other matters warranting revocation
244 of the charter. It shall also provide the governing council with the
245 opportunity to demonstrate compliance with all requirements for the
246 retention of its charter by providing the State Board of Education or a
247 subcommittee of the board, as determined by the State Board of
248 Education, with a written or oral presentation. Such presentation shall
249 include an opportunity for the governing council to present
250 documentary and testimonial evidence to refute the facts cited by the
251 State Board of Education for the proposed revocation or in justification
252 of its activities. Such opportunity shall not constitute a contested case
253 within the meaning of chapter 54. The State Board of Education shall
254 determine, not later than thirty days after the date of an oral
255 presentation or receipt of a written presentation, whether and when
256 the charter shall be revoked and notify the governing council of the

257 decision and the reasons therefor. A decision to revoke a charter shall
258 not constitute a final decision for purposes of chapter 54. In the event
259 an emergency exists in which the commissioner finds that there is
260 imminent harm to the students attending a charter school, the State
261 Board of Education may immediately revoke the charter of the school,
262 provided the notice concerning the reasons for the revocation is sent to
263 the governing council not later than ten days after the date of
264 revocation and the governing council is provided an opportunity to
265 make a presentation to the board not later than twenty days from the
266 date of such notice.

267 Sec. 3. (*Effective July 1, 2004*) The sum of one million dollars is
268 appropriated to the Department of Education for the fiscal year ending
269 June 30, 2005, from the General Fund, to provide funding for a new
270 state charter school. to subsection (g) of section 10-66bb, as amended.
271 The governing authorities of such state charter schools may apply for
272 such grants to the Department of Education at such time and in such
273 manner as the commissioner prescribes. Each state charter school may
274 receive no more than one grant under this section and no grant under
275 this section shall exceed five hundred thousand dollars.

276 Sec. 2. Section 10-66bb of the general statutes, as amended by
277 section 7 of public act 03-76, is repealed and the following is
278 substituted in lieu thereof (*Effective July 1, 2004*):

279 (a) On and after July 1, 1997, the State Board of Education may
280 grant, within available appropriations, charters for local and state
281 charter schools in accordance with this section.

282 (b) Any person, association, corporation, organization or other
283 entity, public or independent institution of higher education, local or
284 regional board of education or two or more boards of education
285 cooperatively, or regional educational service center may apply to the
286 Commissioner of Education, at such time and in such manner as the
287 commissioner prescribes, to establish a charter school, provided no
288 nonpublic elementary or secondary school may be established as a

289 charter school and no parent or group of parents providing home
290 instruction may establish a charter school for such instruction.

291 (c) The State Board of Education shall review, annually, all
292 applications and grant charters, provided for the period from July 1,
293 1997, to June 30, 1999, no more than twenty-four charters for charter
294 schools are granted and, on and after July 1, [1999] 2004, no state
295 charter school enrolls (1) [(A) more than two hundred fifty students or
296 (B) in the case of a kindergarten to grade eight, inclusive, school,] more
297 than three hundred students, or (2) twenty-five per cent of the
298 enrollment of the school district in which the state charter school is to
299 be located, whichever is less. The State Board of Education shall give
300 preference to applicants for charter schools that will serve students
301 who reside in a priority school district pursuant to section 10-266p, as
302 amended, or in a district in which seventy-five per cent or more of the
303 enrolled students are members of racial or ethnic minorities and to
304 applicants for state charter schools that will be located at a work-site or
305 that are institutions of higher education. In determining whether to
306 grant a charter, the State Board of Education shall consider the effect of
307 the proposed charter school on the reduction of racial, ethnic and
308 economic isolation in the region in which it is to be located, the
309 regional distribution of charter schools in the state and the potential of
310 over concentration of charter schools within a school district or in
311 contiguous school districts.

312 (d) Applications pursuant to this section shall include a description
313 of: (1) The mission, purpose and any specialized focus of the proposed
314 charter school; (2) the interest in the community for the establishment
315 of the charter school; (3) the school governance and procedures for the
316 establishment of a governing council that (A) includes teachers and
317 parents and guardians of students enrolled in the school, and (B) is
318 responsible for the oversight of charter school operations, provided no
319 member or employee of the governing council may have a personal or
320 financial interest in the assets, real or personal, of the school; (4) the
321 financial plan for operation of the school, provided no application fees
322 or other fees for attendance, except as provided in section 10-66ee, as

323 amended, may be charged; (5) the educational program, instructional
324 methodology and services to be offered to students; (6) the number
325 and qualifications of teachers and administrators to be employed in the
326 school; (7) the organization of the school in terms of the ages or grades
327 to be taught and the total estimated enrollment of the school; (8) the
328 student admission criteria and procedures to (A) ensure effective
329 public information, (B) ensure open access on a space available basis,
330 (C) promote a diverse student body, and (D) ensure that the school
331 complies with the provisions of section 10-15c and that it does not
332 discriminate on the basis of disability, athletic performance or
333 proficiency in the English language, provided the school may limit
334 enrollment to a particular grade level or specialized educational focus
335 and, if there is not space available for all students seeking enrollment,
336 the school may give preference to siblings but shall otherwise
337 determine enrollment by a lottery; (9) a means to assess student
338 performance that includes participation in state-wide mastery
339 examinations pursuant to chapter 163c; (10) procedures for teacher
340 evaluation and professional development for teachers and
341 administrators; (11) the provision of school facilities, pupil
342 transportation and student health and welfare services; (12)
343 procedures to encourage involvement by parents and guardians of
344 enrolled students in student learning, school activities and school
345 decision-making; (13) document efforts to increase the racial and
346 ethnic diversity of staff; and (14) a five-year plan to sustain the
347 maintenance and operation of the school, or a ten-year plan to sustain
348 the maintenance and operation of the school in the case of a state
349 charter school that seeks a renewal of its charter for a period of time
350 longer than five years pursuant to subsection (g) of this section. Subject
351 to the provisions of subsection (b) of section 10-66dd, an application
352 may include, or a charter school may file, requests to waive provisions
353 of the general statutes and regulations not required by sections 10-66aa
354 to 10-66ff, inclusive, and which are within the jurisdiction of the State
355 Board of Education.

356 (e) An application for the establishment of a local charter school

357 shall be submitted to the local or regional board of education of the
358 school district in which the local charter school is to be located for
359 approval pursuant to this subsection. The local or regional board of
360 education shall: (1) Review the application; (2) hold a public hearing in
361 the school district on such application; (3) survey teachers and parents
362 in the school district to determine if there is sufficient interest in the
363 establishment and operation of the local charter school; and (4) vote on
364 a complete application not later than sixty days after the date of receipt
365 of such application. Such board of education may approve the
366 application by a majority vote of the members of the board present and
367 voting at a regular or special meeting of the board called for such
368 purpose. If the application is approved, the board shall forward the
369 application to the State Board of Education. The State Board of
370 Education shall vote on the application not later than seventy-five days
371 after the date of receipt of such application. Subject to the provisions of
372 subsection (c) of this section, the State Board of Education may
373 approve the application and grant the charter for the local charter
374 school or reject such application by a majority vote of the members of
375 the state board present and voting at a regular or special meeting of
376 the state board called for such purpose. The State Board of Education
377 may condition the opening of such school on the school's meeting
378 certain conditions determined by the Commissioner of Education to be
379 necessary and may authorize the commissioner to release the charter
380 when the commissioner determines such conditions are met. The state
381 board may grant the charter for the local charter school for a period of
382 time of up to five years and may allow the applicant to delay its
383 opening for a period of up to one school year in order for the applicant
384 to fully prepare to provide appropriate instructional services.

385 (f) An application for the establishment of a state charter school
386 shall be (1) submitted to the State Board of Education for approval in
387 accordance with the provisions of this subsection, and (2) filed with the
388 local or regional board of education in the school district in which the
389 charter school is to be located. The state board shall: (A) Review such
390 application; (B) hold a public hearing on such application in the school

391 district in which such state charter school is to be located; (C) solicit
392 and review comments on the application from the local or regional
393 board of education for the school district in which such charter school
394 is to be located and from the local or regional boards of education for
395 school districts that are contiguous to the district in which such school
396 is to be located; and (D) vote on a complete application not later than
397 seventy-five days after the date of receipt of such application. The State
398 Board of Education may approve an application and grant the charter
399 for the state charter school by a majority vote of the members of the
400 state board present and voting at a regular or special meeting of the
401 state board called for such purpose. The State Board of Education may
402 condition the opening of such school on the school's meeting certain
403 conditions determined by the Commissioner of Education to be
404 necessary and may authorize the commissioner to release the charter
405 when the commissioner determines such conditions are met. Charters
406 shall be granted initially for a period of time of up to five years and
407 may be renewed for a period of time of up to ten years in accordance
408 with the provisions of subsection (g) of this section, and may allow the
409 applicant to delay its opening for a period of up to one school year in
410 order for the applicant to fully prepare to provide appropriate
411 instructional services.

412 (g) Charters may be renewed, upon application, in accordance with
413 the provisions of this section for the granting of such charters. Upon
414 application for such renewal, the State Board of Education may
415 commission an independent appraisal of the performance of the
416 charter school that includes, but is not limited to, an evaluation of the
417 school's compliance with the provisions of this section. The State Board
418 of Education shall consider the results of any such appraisal in
419 determining whether to renew such charter. Charters for local charter
420 schools may be renewed for a period of time of up to five years and
421 charters for state charter schools may be renewed for a period of time
422 of up to ten years. The State Board of Education may deny an
423 application for the renewal of a charter if (1) student progress has not
424 been sufficiently demonstrated, as determined by the commissioner,

425 (2) the governing council has not been sufficiently responsible for the
426 operation of the school or has misused or spent public funds in a
427 manner that is detrimental to the educational interests of the students
428 attending the charter school, or (3) the school has not been in
429 compliance with applicable laws and regulations. If the State Board of
430 Education does not renew a charter, it shall notify the governing
431 council of the charter school of the reasons for such nonrenewal.

432 (h) The Commissioner of Education may at any time place a charter
433 school on probation if (1) the school has failed to (A) adequately
434 demonstrate student progress, as determined by the commissioner, (B)
435 comply with the terms of its charter or with applicable laws and
436 regulations, (C) achieve measurable progress in reducing racial, ethnic
437 and economic isolation, or (D) maintain its nonsectarian status, or (2)
438 the governing council has demonstrated an inability to provide
439 effective leadership to oversee the operation of the charter school or
440 has not ensured that public funds are expended prudently or in a
441 manner required by law. If a charter school is placed on probation, the
442 commissioner shall provide written notice to the charter school of the
443 reasons for such placement, not later than five days after the
444 placement, and shall require the charter school to file with the
445 Department of Education a corrective action plan acceptable to the
446 commissioner not later than thirty-five days from the date of such
447 placement. The charter school shall implement a corrective action plan
448 accepted by the commissioner not later than thirty days after the date
449 of such acceptance. The commissioner may impose any additional
450 terms of probation on the school that the commissioner deems
451 necessary to protect the educational or financial interests of the state.
452 The charter school shall comply with any such additional terms not
453 later than thirty days after the date of their imposition. The
454 commissioner shall determine the length of time of the probationary
455 period, which may be up to one year, provided the commissioner may
456 extend such period, for up to one additional year, if the commissioner
457 deems it necessary. In the event that the charter school does not file or
458 implement the corrective action plan within the required time period

459 or does not comply with any additional terms within the required time
460 period, the Commissioner of Education may withhold grant funds
461 from the school until the plan is fully implemented or the school
462 complies with the terms of probation, provided the commissioner may
463 extend the time period for such implementation and compliance for
464 good cause shown. Whenever a charter school is placed on probation,
465 the commissioner shall notify the parents or guardians of students
466 attending the school of the probationary status of the school and the
467 reasons for such status. During the term of probation, the
468 commissioner may require the school to file interim reports concerning
469 any matter the commissioner deems relevant to the probationary
470 status of the school, including financial reports or statements. No
471 charter school on probation may increase its student enrollment or
472 engage in the recruitment of new students without the consent of the
473 commissioner.

474 (i) The State Board of Education may revoke a charter if a charter
475 school has failed to: (1) Comply with the terms of probation, including
476 the failure to file or implement a corrective action plan; (2)
477 demonstrate satisfactory student progress, as determined by the
478 commissioner; (3) comply with the terms of its charter or applicable
479 laws and regulations; or (4) manage its public funds in a prudent or
480 legal manner. Unless an emergency exists, prior to revoking a charter,
481 the State Board of Education shall provide the governing council of the
482 charter school with a written notice of the reasons for the revocation,
483 including the identification of specific incidents of noncompliance with
484 the law, regulation or charter or other matters warranting revocation
485 of the charter. It shall also provide the governing council with the
486 opportunity to demonstrate compliance with all requirements for the
487 retention of its charter by providing the State Board of Education or a
488 subcommittee of the board, as determined by the State Board of
489 Education, with a written or oral presentation. Such presentation shall
490 include an opportunity for the governing council to present
491 documentary and testimonial evidence to refute the facts cited by the
492 State Board of Education for the proposed revocation or in justification

493 of its activities. Such opportunity shall not constitute a contested case
494 within the meaning of chapter 54. The State Board of Education shall
495 determine, not later than thirty days after the date of an oral
496 presentation or receipt of a written presentation, whether and when
497 the charter shall be revoked and notify the governing council of the
498 decision and the reasons therefor. A decision to revoke a charter shall
499 not constitute a final decision for purposes of chapter 54. In the event
500 an emergency exists in which the commissioner finds that there is
501 imminent harm to the students attending a charter school, the State
502 Board of Education may immediately revoke the charter of the school,
503 provided the notice concerning the reasons for the revocation is sent to
504 the governing council not later than ten days after the date of
505 revocation and the governing council is provided an opportunity to
506 make a presentation to the board not later than twenty days from the
507 date of such notice.

508 Sec. 3. (*Effective July 1, 2004*) The sum of one million dollars is
509 appropriated to the Department of Education, for the fiscal year
510 ending June 30, 2005, from the General Fund, to provide funding for a
511 new state charter school.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
For the	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>

ED

Joint Favorable Subst. C/R

APP