



General Assembly

February Session, 2008

Raised Bill No. 647

LCO No. 2773

02773_____ED_

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING CHARTER SCHOOLS.

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

1 Section 1. Section 10-66aa of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 As used in sections 10-66aa to 10-66ff, inclusive, and section 10-66hh
4 of the 2008 supplement to the general statutes, as amended by this act:

5 (1) "Charter school" means a public, nonsectarian school which is
6 (A) established under a charter granted pursuant to section 10-66bb of
7 the 2008 supplement to the general statutes, amended by this act, (B)
8 organized as a nonprofit entity under state law, (C) a public agency for
9 purposes of the Freedom of Information Act, as defined in section 1-
10 200, and (D) operated independently of any local or regional board of
11 education in accordance with the terms of its charter and the
12 provisions of sections 10-66aa to 10-66ff, inclusive, provided no
13 member or employee of a governing council of a charter school shall
14 have a personal or financial interest in the assets, real or personal, of
15 the school;

16 (2) "Local charter school" means a public school or part of a public
17 school that is converted into a charter school and is approved by the
18 local or regional board of education of the school district in which it is
19 located and by the State Board of Education pursuant to subsection (e)
20 of section 10-66bb of the 2008 supplement to the general statutes, as
21 amended by this act; [and]

22 (3) "State charter school" means a new public school approved by
23 the State Board of Education pursuant to subsection (f) of section 10-
24 66bb of the 2008 supplement to the general statutes, as amended by
25 this act; and

26 (4) "Alternative charter school" means a new public school operated
27 by a public or independent institution of higher education and
28 approved by the State Board of Education pursuant to subsection (h) of
29 section 10-66bb of the 2008 supplement to the general statutes, as
30 amended by this act.

31 Sec. 2. Section 10-66bb of the 2008 supplement to the general
32 statutes is repealed and the following is substituted in lieu thereof
33 (*Effective July 1, 2008*):

34 (a) [On and after July 1, 1997, the] The State Board of Education may
35 grant, within available appropriations, charters for local, [and] state
36 and alternative charter schools in accordance with this section.

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

46 (c) The State Board of Education shall review, annually, all
47 applications and grant charters in accordance with subsection (f) of
48 this section. (1) Except as provided for in [subdivision] subdivisions
49 (2) to (5), inclusive, of this subsection, no state charter school shall
50 enroll (A) (i) more than two hundred fifty students, or (ii) in the case of
51 a kindergarten to grade eight, inclusive, school, more than three
52 hundred students, or (B) twenty-five per cent of the enrollment of the
53 school district in which the state charter school is to be located,
54 whichever is less. (2) In the case of a state charter school found by the
55 State Board of Education to have a demonstrated record of
56 achievement, such school may, upon application to and approval by
57 said board, enroll up to eighty-five students per grade, if within
58 available appropriations. 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 of
61 the 2008 supplement to the general statutes or in a district in which
62 seventy-five per cent or more of the enrolled students are members of
63 racial or ethnic minorities and to applicants for state charter schools
64 that will be located at a work-site or that are institutions of higher
65 education. In determining whether to grant a charter, the State Board
66 of Education shall consider the effect of the proposed charter school on
67 the reduction of racial, ethnic and economic isolation in the region in
68 which it is to be located, the regional distribution of charter schools in
69 the state and the potential of over-concentration of charter schools
70 within a school district or in contiguous school districts. (3) For the
71 2008-2009 school year, the State Board of Education shall approve a
72 minimum of two additional state charters, with an enrollment limit of
73 one hundred students per new charter school. (4) For the 2008-2009
74 school year, the State Board of Education shall permit the enrollment
75 of not fewer than five hundred seventy-five students in addition to the
76 number of students permitted pursuant to subdivision (1) of this
77 subsection, at state charter schools with initial charters approved on or
78 before July 1, 2008. Not later than July 1, 2008, such charter schools
79 shall submit plans concerning increased enrollment to the State Board

80 of Education. The increased enrollment numbers per state charter
81 school shall be determined in accordance with such plans. (5) For the
82 2009-2010 school year, the State Board of Education shall approve at
83 least one alternative charter pursuant to the provisions of subsection
84 (h) of this section, with an initial enrollment limit of one hundred
85 students.

86 (d) Applications pursuant to this section shall include a description
87 of: (1) The mission, purpose and any specialized focus of the proposed
88 charter school; (2) the interest in the community for the establishment
89 of the charter school; (3) the school governance and procedures for the
90 establishment of a governing council that (A) includes (i) teachers and
91 parents and guardians of students enrolled in the school, and (ii) the
92 chairperson of the local or regional board of education of the town in
93 which the charter school is located and which has jurisdiction over a
94 school that resembles the approximate grade configuration of the
95 charter school, or the designee of such chairperson, provided such
96 designee is a member of the board of education or the superintendent
97 of schools for the school district, and (B) is responsible for the
98 oversight of charter school operations, provided no member or
99 employee of the governing council may have a personal or financial
100 interest in the assets, real or personal, of the school; (4) the financial
101 plan for operation of the school, provided no application fees or other
102 fees for attendance, except as provided in this section, may be charged;
103 (5) the educational program, instructional methodology and services to
104 be offered to students; (6) the number and qualifications of teachers
105 and administrators to be employed in the school; (7) the organization
106 of the school in terms of the ages or grades to be taught and the total
107 estimated enrollment of the school; (8) the student admission criteria
108 and procedures to (A) ensure effective public information, (B) ensure
109 open access on a space available basis, (C) promote a diverse student
110 body, and (D) ensure that the school complies with the provisions of
111 section 10-15c and that it does not discriminate on the basis of
112 disability, athletic performance or proficiency in the English language,
113 provided the school may limit enrollment to a particular grade level or

114 specialized educational focus and, if there is not space available for all
115 students seeking enrollment, the school may give preference to siblings
116 but shall otherwise determine enrollment by a lottery; (9) a means to
117 assess student performance that includes participation in state-wide
118 mastery examinations pursuant to chapter 163c; (10) procedures for
119 teacher evaluation and professional development for teachers and
120 administrators; (11) the provision of school facilities, pupil
121 transportation and student health and welfare services; (12)
122 procedures to encourage involvement by parents and guardians of
123 enrolled students in student learning, school activities and school
124 decision-making; (13) document efforts to increase the racial and
125 ethnic diversity of staff; and (14) a five-year plan to sustain the
126 maintenance and operation of the school. Subject to the provisions of
127 subsection (b) of section 10-66dd, an application may include, or a
128 charter school may file, requests to waive provisions of the general
129 statutes and regulations not required by sections 10-66aa to 10-66ff,
130 inclusive, and which are within the jurisdiction of the State Board of
131 Education.

132 (e) An application for the establishment of a local charter school
133 shall be submitted to the local or regional board of education of the
134 school district in which the local charter school is to be located for
135 approval pursuant to this subsection. The local or regional board of
136 education shall: (1) Review the application; (2) hold a public hearing in
137 the school district on such application; (3) survey teachers and parents
138 in the school district to determine if there is sufficient interest in the
139 establishment and operation of the local charter school; and (4) vote on
140 a complete application not later than sixty days after the date of receipt
141 of such application. Such board of education may approve the
142 application by a majority vote of the members of the board present and
143 voting at a regular or special meeting of the board called for such
144 purpose. If the application is approved, the board shall forward the
145 application to the State Board of Education. The State Board of
146 Education shall vote on the application not later than seventy-five days
147 after the date of receipt of such application. Subject to the provisions of

148 subsection (c) of this section, the State Board of Education may
149 approve the application and grant the charter for the local charter
150 school or reject such application by a majority vote of the members of
151 the state board present and voting at a regular or special meeting of
152 the state board called for such purpose. The State Board of Education
153 may condition the opening of such school on the school's meeting
154 certain conditions determined by the Commissioner of Education to be
155 necessary and may authorize the commissioner to release the charter
156 when the commissioner determines such conditions are met. The state
157 board may grant the charter for the local charter school for a period of
158 time of up to five years and may allow the applicant to delay its
159 opening for a period of up to one school year in order for the applicant
160 to fully prepare to provide appropriate instructional services.

161 (f) Annually on or before July fifteenth, the State Board of Education
162 shall issue a request for proposals to solicit charter applications from
163 any interested person, association, corporation, organization or other
164 entity, public or independent institution of higher education, local or
165 regional board of education or two or more boards of education
166 cooperatively, or regional educational service center. Any such
167 applicant may apply to the Commissioner of Education, at such time
168 and in such manner as the commissioner prescribes within the request
169 for proposals, to establish a charter school. An application for the
170 establishment of a state charter school shall be (1) submitted to the
171 State Board of Education for approval in accordance with the
172 provisions of this subsection and any requirements stated in the
173 request for proposals, and (2) filed with the local or regional board of
174 education in the school district in which the charter school is to be
175 located. The state board shall: (A) Review such application; (B) hold a
176 public hearing on such application in the school district in which such
177 state charter school is to be located; (C) solicit and review comments on
178 the application from the local or regional board of education for the
179 school district in which such charter school is to be located and from
180 the local or regional boards of education for school districts that are
181 contiguous to the district in which such school is to be located; and (D)

182 vote on a complete application [not later than seventy-five days after
183 the date of receipt of such application] on or before December first. The
184 State Board of Education may approve an application and grant the
185 charter for the state charter school by a majority vote of the members
186 of the state board present and voting at a regular or special meeting of
187 the state board called for such purpose. The State Board of Education
188 may condition the opening of such school on the school's meeting
189 certain conditions determined by the Commissioner of Education to be
190 necessary and may authorize the commissioner to release the charter
191 when the commissioner determines such conditions are met. Charters
192 shall be granted for a period of time of up to five years and may allow
193 the applicant to delay its opening for a period of up to one school year
194 in order for the applicant to fully prepare to provide appropriate
195 instructional services.

196 (g) Annually on or before July fifteenth, the State Board of
197 Education shall issue a request for proposals to solicit charter
198 applications for existing state charter school operators for additional
199 site charters to operate an additional state charter school or schools.
200 Only persons, associations, corporations, organizations or other
201 entities, public or independent institutions of higher education, local or
202 regional boards of education or two or more boards of education
203 cooperatively, or regional educational service centers operating an
204 existing charter school as of June 30, 2008, may apply for an additional
205 site charter. An application for the establishment of an additional site
206 charter school shall be (1) submitted to the State Board of Education for
207 approval in accordance with the provisions of this subsection and any
208 requirements stated in the request for proposals, and (2) filed with the
209 local or regional board of education in the school district in which the
210 additional site charter school is to be located. The state board shall:
211 (A) Review such application; (B) hold a public hearing on such
212 application in the school district in which such additional site state
213 charter school is to be located; (C) solicit and review comments on the
214 application from the local or regional board of education for the school
215 district in which such additional site state charter school is to be

216 located and from the local or regional boards of education for school
217 districts that are contiguous to the district in which such additional site
218 state charter school is to be located; and (D) vote on a complete
219 application on or before December first. The State Board of Education
220 may approve an application and grant the charter for the additional
221 site state charter school by a majority vote of the members of the state
222 board present and voting at a regular or special meeting of the state
223 board called for such purpose. The State Board of Education may
224 condition the opening of such additional site school on the school's or
225 the charter school operator's meeting certain conditions determined by
226 the Commissioner of Education to be necessary and may authorize the
227 commissioner to release the charter when the commissioner
228 determines such conditions are met. Charters shall be granted for a
229 period of time of up to five years and may allow the applicant to delay
230 the opening of the additional site charter school for a period of up to
231 one school year in order for the applicant to fully prepare to provide
232 appropriate instructional services. In considering whether to grant an
233 additional site charter to any existing state charter school operator, the
234 State Board of Education shall give preference in granting additional
235 site charters to existing state charter school operators who have a
236 demonstrated record of performance in raising examination scores,
237 with particular consideration being given to performance gains in
238 examination scores for black and Hispanic students, economically
239 disadvantaged students, students with disabilities and English
240 language learners.

241 (h) Annually on or before July fifteenth, the State Board of
242 Education shall issue a request for proposals to solicit charter
243 applications from public or independent institutions of higher
244 education for the operation of alternative charter schools, as defined in
245 section 10-66aa, as amended by this act. Any such applicant may apply
246 to the Commissioner of Education, at such time and in such manner as
247 the commissioner prescribes within the request for proposals, to
248 establish an alternative charter school. An application for the
249 establishment of an alternative charter school shall be (1) submitted to

250 the State Board of Education for approval in accordance with the
251 provisions of this subsection and any requirements stated in the
252 request for proposals, and (2) filed with the local or regional board of
253 education in the school district in which the charter school is to be
254 located. The state board shall: (A) Review such application; (B) hold a
255 public hearing on such application in the school district in which such
256 alternative charter school is to be located; (C) solicit and review
257 comments on the application from the local or regional board of
258 education for the school district in which such alternative charter
259 school is to be located and from the local or regional boards of
260 education for school districts that are contiguous to the district in
261 which such school is to be located; and (D) vote on a complete
262 application on or before December first. The State Board of Education
263 may approve an application and grant the charter for the alternative
264 charter school by a majority vote of the members of the state board
265 present and voting at a regular or special meeting of the state board
266 called for such purpose. The State Board of Education may condition
267 the opening of such school on the school's meeting certain conditions
268 determined by the Commissioner of Education to be necessary and
269 may authorize the commissioner to release the charter when the
270 commissioner determines such conditions are met. Charters shall be
271 granted for a period of time of up to five years and may allow the
272 applicant to delay the opening of the school for a period of up to one
273 school year in order for the applicant to fully prepare to provide
274 appropriate instructional services.

275 [(g)] (i) Charters may be renewed, upon application, in accordance
276 with the provisions of this section for the granting of such charters.
277 Upon application for such renewal, the State Board of Education may
278 commission an independent appraisal of the performance of the
279 charter school that includes, but is not limited to, an evaluation of the
280 school's compliance with the provisions of this section. The State Board
281 of Education shall consider the results of any such appraisal in
282 determining whether to renew such charter. The State Board of
283 Education may deny an application for the renewal of a charter if (1)

284 student progress has not been sufficiently demonstrated, as
285 determined by the commissioner, (2) the governing council has not
286 been sufficiently responsible for the operation of the school or has
287 misused or spent public funds in a manner that is detrimental to the
288 educational interests of the students attending the charter school, or (3)
289 the school has not been in compliance with applicable laws and
290 regulations. If the State Board of Education does not renew a charter, it
291 shall notify the governing council of the charter school of the reasons
292 for such nonrenewal.

293 [(h)] (j) The Commissioner of Education may at any time place a
294 charter school on probation if (1) the school has failed to (A)
295 adequately demonstrate student progress, as determined by the
296 commissioner, (B) comply with the terms of its charter or with
297 applicable laws and regulations, (C) achieve measurable progress in
298 reducing racial, ethnic and economic isolation, or (D) maintain its
299 nonsectarian status, or (2) the governing council has demonstrated an
300 inability to provide effective leadership to oversee the operation of the
301 charter school or has not ensured that public funds are expended
302 prudently or in a manner required by law. If a charter school is placed
303 on probation, the commissioner shall provide written notice to the
304 charter school of the reasons for such placement, not later than five
305 days after the placement, and shall require the charter school to file
306 with the Department of Education a corrective action plan acceptable
307 to the commissioner not later than thirty-five days from the date of
308 such placement. The charter school shall implement a corrective action
309 plan accepted by the commissioner not later than thirty days after the
310 date of such acceptance. The commissioner may impose any additional
311 terms of probation on the school that the commissioner deems
312 necessary to protect the educational or financial interests of the state.
313 The charter school shall comply with any such additional terms not
314 later than thirty days after the date of their imposition. The
315 commissioner shall determine the length of time of the probationary
316 period, which may be up to one year, provided the commissioner may
317 extend such period, for up to one additional year, if the commissioner

318 deems it necessary. In the event that the charter school does not file or
319 implement the corrective action plan within the required time period
320 or does not comply with any additional terms within the required time
321 period, the Commissioner of Education may withhold grant funds
322 from the school until the plan is fully implemented or the school
323 complies with the terms of probation, provided the commissioner may
324 extend the time period for such implementation and compliance for
325 good cause shown. Whenever a charter school is placed on probation,
326 the commissioner shall notify the parents or guardians of students
327 attending the school of the probationary status of the school and the
328 reasons for such status. During the term of probation, the
329 commissioner may require the school to file interim reports concerning
330 any matter the commissioner deems relevant to the probationary
331 status of the school, including financial reports or statements. No
332 charter school on probation may increase its student enrollment or
333 engage in the recruitment of new students without the consent of the
334 commissioner.

335 [(i)] (k) The State Board of Education may revoke a charter if a
336 charter school has failed to: (1) Comply with the terms of probation,
337 including the failure to file or implement a corrective action plan; (2)
338 demonstrate satisfactory student progress, as determined by the
339 commissioner; (3) comply with the terms of its charter or applicable
340 laws and regulations; or (4) manage its public funds in a prudent or
341 legal manner. Unless an emergency exists, prior to revoking a charter,
342 the State Board of Education shall provide the governing council of the
343 charter school with a written notice of the reasons for the revocation,
344 including the identification of specific incidents of noncompliance with
345 the law, regulation or charter or other matters warranting revocation
346 of the charter. It shall also provide the governing council with the
347 opportunity to demonstrate compliance with all requirements for the
348 retention of its charter by providing the State Board of Education or a
349 subcommittee of the board, as determined by the State Board of
350 Education, with a written or oral presentation. Such presentation shall
351 include an opportunity for the governing council to present

352 documentary and testimonial evidence to refute the facts cited by the
353 State Board of Education for the proposed revocation or in justification
354 of its activities. Such opportunity shall not constitute a contested case
355 within the meaning of chapter 54. The State Board of Education shall
356 determine, not later than thirty days after the date of an oral
357 presentation or receipt of a written presentation, whether and when
358 the charter shall be revoked and notify the governing council of the
359 decision and the reasons therefor. A decision to revoke a charter shall
360 not constitute a final decision for purposes of chapter 54. In the event
361 an emergency exists in which the commissioner finds that there is
362 imminent harm to the students attending a charter school, the State
363 Board of Education may immediately revoke the charter of the school,
364 provided the notice concerning the reasons for the revocation is sent to
365 the governing council not later than ten days after the date of
366 revocation and the governing council is provided an opportunity to
367 make a presentation to the board not later than twenty days from the
368 date of such notice.

369 Sec. 3. Subsection (c) of section 10-66ee of the 2008 supplement to
370 the general statutes is repealed and the following is substituted in lieu
371 thereof (*Effective July 1, 2008*):

372 (c) (1) The state shall pay in accordance with this subsection, to the
373 fiscal authority for a state charter school approved by the State Board
374 of Education pursuant to section 10-66bb of the 2008 supplement to the
375 general statutes, as amended by this act, for each student enrolled in
376 such [school, for the fiscal year ending June 30, 2006, seven thousand
377 six hundred twenty-five dollars, for the fiscal year ending June 30,
378 2007, eight thousand dollars, for the fiscal year ending June 30, 2008,
379 eight thousand six hundred fifty dollars, for the fiscal year ending June
380 30, 2009, nine thousand three hundred dollars. Such payments shall be
381 made as follows: Twenty-five per cent of the amount not later than
382 July fifteenth and September fifteenth based on estimated student
383 enrollment on May first, and twenty-five per cent of the amount not
384 later than January fifteenth and the remaining amount not later than

385 April fifteenth, each based on student enrollment on October first. If
386 the total amount appropriated for grants pursuant to this subdivision
387 exceeds eight thousand six hundred fifty dollars per student for the
388 fiscal year ending June 30, 2008, and exceeds nine thousand three
389 hundred dollars for the fiscal year ending June 30, 2009, the amount of
390 such grants payable per student shall be increased proportionately,
391 except that such per student increase shall not exceed seventy dollars]
392 school an amount equal to the state-wide net current expenditures per
393 student as defined in subdivision (3) of this subsection for the previous
394 year increased by the amount of the average annual increase in the
395 state-wide net current expenditures per student over the previous
396 three years, plus an amount that is the average of all state charter
397 schools' per student facilities expenditure for the previous year, as
398 determined by the Commissioner of Education on an annual basis, less
399 an amount determined by the Commissioner of Education on an
400 annual basis to be the average costs paid during the previous year on a
401 state-wide basis by local and regional boards of education for special
402 education costs in excess of the average per pupil educational costs of
403 such boards of education. Any amount of such appropriation
404 remaining after such per student increase may be used by the
405 Department of Education for supplemental grants to interdistrict
406 magnet schools pursuant to subdivision (2) of subsection (c) of section
407 10-264l of the 2008 supplement to the general statutes to pay for a
408 portion of the audit required pursuant to section 10-66ll of the 2008
409 supplement to the general statutes, to pay for expenses incurred by the
410 Department of Education to ensure the continuity of a charter school
411 where required by a court of competent jurisdiction and, in
412 consultation with the Secretary of the Office of Policy and
413 Management, to pay expenses incurred in the creation of a school
414 pursuant to section 10-74g of the 2008 supplement to the general
415 statutes. For the fiscal year ending June 30, 2005, such increase shall be
416 limited to one hundred ten dollars per student. (2) In the case of a
417 student identified as requiring special education, the school district in
418 which the student resides shall: (A) Hold the planning and placement

419 team meeting for such student and shall invite representatives from
 420 the charter school to participate in such meeting; and (B) pay the state
 421 charter school, on a quarterly basis, an amount equal to the difference
 422 between the reasonable cost of educating such student and the sum of
 423 the amount received by the state charter school for such student
 424 pursuant to subdivision (1) of this subsection and amounts received
 425 from other state, federal, local or private sources calculated on a per
 426 pupil basis. Such school district shall be eligible for reimbursement
 427 pursuant to section 10-76g. The charter school a student requiring
 428 special education attends shall be responsible for ensuring that such
 429 student receives the services mandated by the student's individualized
 430 education program whether such services are provided by the charter
 431 school or by the school district in which the student resides. (3) For
 432 purposes of subdivision (1) of this subsection, "net current
 433 expenditures per student" means the average of the net current
 434 expenditures of a town, as defined in subdivision (3) of subsection (a)
 435 of section 10-261, divided by the number of resident students of a
 436 town, as defined in subdivision (22) of section 10-262f of the 2008
 437 supplement to the general statutes. The "state-wide net current
 438 expenditures per student" means the average of the net current
 439 expenditures per student of all towns.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	10-66aa
Sec.	<i>July 1, 2008</i>	10-66bb
Sec. 3	<i>July 1, 2008</i>	10-66ee(c)

Statement of Purpose:

To create an alternative charter school and to amend the charter application process per pupil grant.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]