



## COMPARISON OF CHARTER, MAGNET, AND INNOVATION SCHOOLS

By: John Moran, Principal Analyst

### QUESTION

Compare the state laws and funding for three types of public schools: charter schools, interdistrict magnet schools, and innovation schools. (This updates OLR Report [2011-R-0001](#).)

### SUMMARY

Table 1 compares the statutory provisions governing approval, programs, students, special education, and transportation requirements for each type of school. It also shows how each school is funded. The definition for each type follows.

1. A charter school is a public, nonsectarian, nonprofit school established under a charter that operates independently of any local or regional board of education, provided no member or employee of a governing council of a charter school shall have a personal or financial interest in the assets, real or personal, of the school (charters are granted by the State Board of Education (SBE) or by a local board and the SBE) ([CGS § 10-66aa](#)).
2. An interdistrict magnet school is a school designed to promote racial, ethnic, and economic diversity that draws students from more than one school district and offers a special or high quality curriculum and requires students to attend at least half time (magnets are operated by school districts, regional education service centers (RESCs), or other entities) ([CGS § 10-264\(a\)](#)).
3. An innovation school is a school that a local or regional school district chooses to operate under an innovation plan developed by district leaders or by an external partner for the purpose of improving school performance or student achievement ([CGS § 10-74h\(a\)](#)).

**Table 1: Charter, Interdistrict Magnet, and Innovation Schools Comparison of Laws and FY 15 Funding**

	<i>Charter Schools</i> <i>(CGS §§ 10-66aa-nn)</i>	<i>Interdistrict Magnet School</i> <i>(CGS §§ 10-264h-o)</i>	<i>Innovation Schools</i> <i>(CGS § 10-74h)</i>
<b>Eligible Operators</b>	<ul style="list-style-type: none"> <li>Any person, association, corporation, organization, or other entity</li> <li>Public or independent institution of higher education</li> <li>Local or regional board of education</li> <li>Two or more boards of education acting cooperatively</li> <li>Regional education service center (RESC) (<a href="#">CGS § 10-66bb(b)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>Local and regional board of education</li> <li>RESC</li> <li>Cooperative arrangement between two or more school boards</li> <li>For a school that helps meet the goals of the 2013 settlement of the <i>Sheff v. O'Neill</i> school desegregation case: (1) boards of trustees of state's higher education constituent units or independent colleges or universities and (2) any other nonprofit corporation approved by the education commissioner (<a href="#">CGS §§ 10-264h(a)</a>)</li> </ul>	Local or regional board of education for a priority school district by agreement with unions representing its teachers and school administrators ( <a href="#">CGS § 10-74h(a)</a> )
<b>Ineligible Operators</b>	<ul style="list-style-type: none"> <li>Nonpublic school</li> <li>Parent or group of parents providing home instruction (<a href="#">CGS § 10-66bb(b)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>Regional agricultural science and technology centers</li> <li>Regional technical high schools</li> <li>Regional special education centers (<a href="#">CGS § 10-264(a)</a>)</li> </ul>	Entities that are not local or regional boards of education for priority school districts ( <a href="#">CGS § 10-74h(a)</a> )

Table 1 (continued)

	<b>Charter Schools</b> <b>(<a href="#">CGS §§ 10-66aa-nn</a>)</b>	<b>Interdistrict Magnet School</b> <b>(<a href="#">CGS §§ 10-264h-o</a>)</b>	<b>Innovation Schools</b> <b>(<a href="#">CGS § 10-74h</a>)</b>
<b>Program Requirements</b>	<ul style="list-style-type: none"> <li>Student recruitment plan that includes how the school will attract and retain various types of student populations including those (1) with a history of low academic performance, (2) who receive free and reduced price lunches (FRPL), (3) with a history of behavioral and social problems, (4) who require special education, and (5) who are English language learners (ELL) (<a href="#">CGS § 10-66bb(d)(15)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>Support racial, ethnic, and economic diversity</li> <li>Offer a special and high quality curriculum</li> <li>Require students enrolled to attend at least half-time (<a href="#">CGS § 10-264(a)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>Operate under an innovation plan developed either by (1) the school faculty and district leadership or (2) an external partner, as determined by the local board of education</li> <li>Permitted external partners: (1) public or private higher education institution; (2) nonprofit charter school operator; (3) educational collaborative; or (4) educational consortium approved by the education commissioner that may include public or private colleges or universities, parents, teacher or administrator unions, or superintendents or boards of education organizations</li> <li>Innovation plan requirements: (1) specified elements of autonomy and flexibility for curriculum, budget, school schedules, staffing, policies and procedures, professional development, and (2) specified measurable annual goals for school performance and student success (<a href="#">CGS § 10-74h(a) &amp;(b)</a>)</li> </ul>
<b>Approval Granted By</b>	<ul style="list-style-type: none"> <li>For state charter school: State Board of Education (SBE) (<a href="#">CGS § 10-66bb(f)</a>)</li> <li>For local charter school: local board of education and SBE (<a href="#">CGS § 10-66bb(e)</a>)</li> </ul>	Education commissioner (currently a moratorium on new magnets unless they are part of <i>Sheff</i> , see "Approval Limits") ( <a href="#">CGS § 10-264(b)</a> )	Local or regional board of education for the priority school district ( <a href="#">CGS § 10-74h(a)</a> )

Table 1 (continued)

	<p align="center"><b>Charter Schools</b> (<a href="#">CGS §§ 10-66aa-nn</a>)</p>	<p align="center"><b>Interdistrict Magnet School</b> (<a href="#">CGS §§ 10-264h-o</a>)</p>	<p align="center"><b>Innovation Schools</b> (<a href="#">CGS § 10-74h</a>)</p>
<p><b>Initial Approval Considerations</b></p>	<ul style="list-style-type: none"> <li>Effect of school on reducing racial, economic, or ethnic isolation in its region</li> <li>Regional distribution of charter schools in the state</li> <li>Potential for over-concentration of charter schools within a school district or contiguous districts (<a href="#">CGS § 10-66bb(c)</a>)</li> </ul>	<p>For annual operating grants:</p> <ul style="list-style-type: none"> <li>Whether program is likely to increase student achievement</li> <li>Whether program is likely to reduce racial, ethnic, and economic isolation</li> <li>Percentage of enrollment from each participating district</li> <li>The school's proposed operating budget and sources of funding</li> <li>For <i>Sheff</i> magnets, whether the school is meeting the desegregation goals of the 2013 <i>Sheff</i> stipulation (<a href="#">CGS § 10-264(b)</a>)</li> </ul>	<p>School's operating plan ("innovation plan") must be aimed at improving school performance and student achievement (<a href="#">CGS § 10-74h(a) &amp;(b)</a>)</p>
<p><b>Additional Approval Factors (Applicable to schools meeting initial considerations)</b></p>	<p>SBE must give preference to applicant schools:</p> <ul style="list-style-type: none"> <li>serving children who live in priority districts or in districts where 75% or more of the students are members of racial or ethnic minorities;</li> <li>whose primary purpose is serving students who (1) have a history of low academic performance, (2) receive free and reduced price lunches, (3) have a history of behavioral and social problems, (4) are special education students, (5) are ELL students, or (6) make up single-gender student bodies;</li> <li>whose primary purpose is to improve the performance of an existing low-performing school; or</li> <li>that demonstrate credible, specific strategies to attract and retain low performing or ELL students.</li> <li>State charters also receive preference if (1) located at work sites or (2) with applicants that are higher education institutions. (<a href="#">CGS § 10-66bb(c)</a>)</li> </ul>	<p>None</p>	<p>None</p>

Table 1 (continued)

	<b>Charter Schools</b> <i>(CGS §§ 10-66aa-nn)</i>	<b>Interdistrict Magnet School</b> <i>(CGS §§ 10-264h-o)</i>	<b>Innovation Schools</b> <i>(CGS § 10-74h)</i>
<b>Approval Process</b>	<ul style="list-style-type: none"> <li>• The level of approval depends on the type of charter: (1) SBE review for state charter schools and (2) local board of education and SBE for local charters.</li> <li>• Public hearings must be held in the district where school will be located.</li> <li>• For state charter school, SBE must solicit and review comments from board of education of district where school will be located and from contiguous districts.</li> <li>• For local charter schools, the local board must survey teachers and parents in the district to determine if there is enough interest.</li> <li>• SBE must vote on a state charter application within 90 days of receiving it; a local board must vote within 60 days of receiving a local charter application and forward an approved application to SBE, which must vote on it within 75 days.</li> <li>• SBE approval must be by majority vote and may be subject to conditions.</li> <li>• Charters may delay opening for up to one school year for the applicant to prepare. <a href="#">(CGS § 10-66bb(e)&amp;(f))</a></li> </ul>	<ul style="list-style-type: none"> <li>• The application must be approved by the education commissioner. <a href="#">(CGS § 10-264h(b))</a></li> </ul>	<ul style="list-style-type: none"> <li>• Approval is determined by local or regional board of education.</li> <li>• The innovation plan must be developed by an innovation committee of from nine to 11 members.</li> <li>• Members must include the superintendent; a board of education member; two parents with one or more children in the school; the school principal; two certified teachers at the school or in the district; two representing the external partner, if any; and additional appropriate members as determined by the board of education (if there is an external partner up to two, and, if not, up to four).</li> <li>• The innovation committee must approve the innovation plan by a majority vote.</li> <li>• Provisions of union agreements may be waived or modified by a two-thirds vote of the bargaining unit members employed or to be employed at the school. <a href="#">(CGS § 10-74h(a)&amp;(b))</a></li> </ul>
<b>Approval Limits</b>	<ul style="list-style-type: none"> <li>• SBE is banned from approving more than four new state charter schools between July 1, 2012 and July 1, 2017 unless two of the four are established with the special purpose to provide language acquisition to ELL students. <a href="#">(CGS § 10-66bb(f))</a></li> </ul>	<ul style="list-style-type: none"> <li>• There is a moratorium on approving state funding for any new magnet school until the education commissioner develops a comprehensive statewide magnet school plan or unless the new magnet serves to reduce racial isolation under the 2013 <i>Sheff</i> stipulation (commissioner has not yet finalized a plan). <a href="#">(CGS § 10-264(b))</a></li> </ul>	None

Table 1 (continued)

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<b>Enrollment Limits</b>	<ul style="list-style-type: none"> <li>• Each school may enroll no more than the lesser of               <ul style="list-style-type: none"> <li>○ 250 students or, if a K-8 school, no more than 300 or</li> <li>○ 25% of the enrollment of the school district where it is located.</li> </ul> </li> <li>• If SBE finds a state charter school has a demonstrated record of achievement, it must waive the enrollment limits. (<a href="#">CGS § 10-66bb(c)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>• Schools that begin operating before July 1, 2005 may have no more than 80% of enrolled students from one participating district.</li> <li>• Schools that begin operating on or after July 1, 2005 must (1) have no more than 75% of enrolled students from one participating district and (2) maintain a minority enrollment of at least 25% but no more than 75% . (CGS § 10-264l(b)(3))</li> <li>• Private school students may enroll in public part-time programs so long as they (1) make up no more than 5% of the magnet school's full-time equivalent enrollment and (2) are not counted for purposes of the state magnet school transportation grant. (<a href="#">CGS § 10-264(i)</a>)</li> </ul>	None
<b>Student Admission Criteria</b>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Provide open access on a space-available basis</li> <li>• If applicants exceed space available, must distribute places by lottery</li> <li>• Promote a diverse student body</li> <li>• Not discriminate on the basis of race, color, sex, religion, national origin, sexual orientation, disability, or English proficiency (<a href="#">CGS § 10-66bb(d)</a>)</li> <li>• May not recruit for purpose of interscholastic athletic competition (<a href="#">CGS § 10-220d</a>)</li> </ul> <p><i>Optional</i></p> <ul style="list-style-type: none"> <li>• May limit enrollment to particular grade level or specialized educational focus</li> <li>• May give preference to siblings if applicants exceed space available (<a href="#">CGS § 10-66bb(d)</a>)</li> </ul> <p><i>Waiver</i></p> <ul style="list-style-type: none"> <li>• May seek enrollment lottery waiver if (1) school's primary purpose is to serve student populations with behavioral or social difficulties, needing special education, who are ELL, or of a single gender or (2) a local charter is established at a school among the lowest 5% when all schools ranked by school performance index (<a href="#">CGS § 10-66bb(j)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>• May not recruit for purpose of interscholastic athletic competition (<a href="#">CGS § 10-220d</a>)</li> <li>• After accommodating students from participating districts according to an approved enrollment agreement, may enroll any interested student on a space-available basis</li> <li>• In enrolling individual students directly, must give preference to a student from a district not participating in a magnet school or the Open Choice interdistrict attendance program (<a href="#">CGS § 10-264(j)</a>)</li> </ul>	Any student enrolled in an innovation school when it is established must be allowed to stay if the student and his or her parents choose. ( <a href="#">CGS § 10-74h(e)</a> ).

Table 1 (continued)

	<b>Charter Schools</b> <i>(CGS §§ 10-66aa-nn)</i>	<b>Interdistrict Magnet School</b> <i>(CGS §§ 10-264h-o)</i>	<b>Innovation Schools</b> <i>(CGS § 10-74h)</i>
<b>Special Education</b>	<p><i>State charters</i></p> <ul style="list-style-type: none"> <li>The school district where student lives must hold the planning and placement team meeting.</li> <li>The district must invite representatives of the charter school to participate in the meeting.</li> <li>On a quarterly basis, the district must pay the charter school the difference between the reasonable cost of education for the student and the per-student amount the school receives from state, federal, local, or private grants.</li> <li>The charter school is responsible for ensuring the student receives services mandated by his or her individualized education program (IEP). <a href="#">(CGS § 10-66ee(d))</a></li> </ul> <p><i>Local charters</i></p> <ul style="list-style-type: none"> <li>The local district must pay the local charter the amount in the charter document for reasonable special education costs per student. <a href="#">(CGS § 10-66ee(b))</a></li> </ul>	<p>Same as state charter school requirements, except</p> <ul style="list-style-type: none"> <li>Payments from districts not required to be quarterly</li> <li>Magnet school only responsible for providing special education services if student attends magnet program full-time <a href="#">(CGS § 10-264(h))</a></li> </ul>	Same as the district's other schools
<b>Student Transportation</b>	<ul style="list-style-type: none"> <li>The district where the charter school is located must provide transportation to the charter school for students living in the district unless the charter school makes other arrangements.</li> <li>The district has the option of providing transportation to its students attending charter schools outside the district, if it does, costs are eligible for reimbursement in the regular school transportation grant. <a href="#">(CGS § 10-66ee(f))</a></li> </ul>	<ul style="list-style-type: none"> <li>Provided by the participating districts</li> <li>Same kind as provided to children enrolled in other public schools <a href="#">(CGS § 10-264(f))</a></li> </ul>	Same as the district's other schools
<b>School Transportation Funding</b>	<p>Provided to local and regional school districts through the normal school transportation grant program for charter school students transported within district where the charter school is located (mandated) and out-of-district (voluntary) <a href="#">(CGS § 10-66ee(f))</a></p>	<ul style="list-style-type: none"> <li>Provided through the normal school transportation grant program for students transported within the district <a href="#">(CGS § 10-264(f))</a></li> <li>Provided through a separate state grant for students transported out-of-district (expenditures over the state grant limits may be submitted for reimbursement in the following year in the normal school transportation grant): <ul style="list-style-type: none"> <li>Non-Sheff magnets: up to \$1,300 per student</li> <li>Sheff Magnets: up to \$2,000 per student <a href="#">(CGS § 10-264i)</a></li> </ul> </li> </ul>	Same as the district's other schools

Table 1 (continued)

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<p><b>School Construction Funding</b></p>	<p><i>State charters</i></p> <ul style="list-style-type: none"> <li>Schools are eligible for state grants for construction and capital improvements or to repay debts for capital projects.</li> <li>Grants start at \$250,000 and must be repaid if the charter school ceases to use the building for education purposes before the bonds are retired. (<a href="#">CGS § 10-66hh</a>)</li> <li>\$5 million in new bond authorization for grants must be effective by July 1, 2014. (<a href="#">CGS § 10-66jj</a>)</li> <li>Within appropriations, the state may provide a grant of up to \$75,000 for start-up costs for any new charter school that assists the state in meeting the goals of the 2013 <i>Sheff v. O'Neill</i> school desegregation court stipulation and order. (<a href="#">CGS § 10-66ee(l)</a>)</li> </ul> <p><i>Local charters</i></p> <ul style="list-style-type: none"> <li>While there is no explicit local charter school construction law provision, grants presumably fall under regular local school district construction provisions. (<a href="#">CGS § 10-283</a>)</li> <li>Grants exist for start-up costs of up to \$500,000 for newly established local charters. (<a href="#">CGS § 10-66nn</a>)</li> </ul>	<ul style="list-style-type: none"> <li>Must comply with regular school construction grant requirements, including General Assembly approval as part of the annual school construction priority list</li> <li>From July 1, 2003 to June 30, 2011, eligible for 95% funding of construction projects through the school construction grant program</li> <li>As of July 1, 2011 eligible for 80% funding of construction projects through the school construction grant program (<a href="#">CGS § 10-264h(a)</a>)</li> <li>Within appropriations, discretionary grant of up to \$75,000 for start-up costs for any new magnet school that assists the state in meeting the goals of the 2013 <i>Sheff</i> court stipulation (<a href="#">CGS § 10-264(c)</a>)</li> </ul>	<p>Same as the district's other schools</p>

Table 1 (continued)

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<p><b>Operating Expense Funding</b></p>	<p><i>State charters</i></p> <ul style="list-style-type: none"> <li>State charter schools receive a state grant of \$11,000 per student per year for FY 15 and for each following fiscal year.</li> <li>The state pays no Education Cost Sharing (ECS) grants for students attending state charter schools, either to the school or to the student's home district.</li> <li>At the end of any year, a charter school may (1) use up to 10% of any unspent grant funds for expenses in the following year and (2) deposit up to 5% of unexpended funds in a reserve fund to finance a specific capital or equipment purchase; school must return any other unspent funds to the state. (<a href="#">CGS § 10-66ee(a),(d)&amp;(e)</a>)</li> </ul> <p><i>Local charters</i></p> <ul style="list-style-type: none"> <li>Local charters receive a state grant of up to \$3,000 per student, within available appropriations.</li> <li>The local board of education must pay a local charter school the amount specified in the school's charter (which must be approved by the local board of education), including reasonable costs for special education.</li> <li>Students enrolled in a local charter school are counted in the ECS formula in the district in which they reside. (<a href="#">CGS § 10-66ee(a),(b)&amp;(c)</a>)</li> </ul>	<ul style="list-style-type: none"> <li>State operating grants depend on whether or not (1) a school is run by a local school district ("host magnet") or a regional education service center or other entity (RESC magnet) and (2) whether it helps the state achieve the goals of the 2013 <i>Sheff</i> stipulation ("<i>Sheff</i> magnet") or not ("non-<i>Sheff</i> magnet"). Grants for FY 15 are:             <ul style="list-style-type: none"> <li>host magnet generally: \$7,085 for each student from outside the host district and \$3,000 for each student from the host district;</li> <li><i>Sheff</i> host magnet (hosted by Hartford or other <i>Sheff</i> district): \$13,054 for each student from outside host district and \$3,000 for each student from within the district;</li> <li>non-<i>Sheff</i> RESC magnet with 55% or less enrollment from a single town: \$7,900 per student;</li> <li>non-<i>Sheff</i> RESC magnet with 55% or more of enrollment from a single town: \$7,085 for each student from outside the dominant district and \$3,000 for each student from the dominant district (two of these magnets receive higher grants for students from their dominant districts); and</li> <li>RESC-run <i>Sheff</i> magnet: \$10,443 per student for a school enrolling less than 60% of its students from Hartford.</li> </ul> </li> <li>Part-time magnet school programs receive 65% of the above amounts if they operate at least half-time. (<a href="#">CGS § 10-264(i)(c)</a>)</li> <li>Many magnet schools receive per-student tuition from sending districts.</li> <li>Tuition varies based on the state grants the schools receive, but cannot exceed the cost of educating the student minus any state grants to the magnet. (<a href="#">CGS § 10-264(k)</a>)</li> <li>For ECS grants, magnet school students are counted as attending school in their home districts. (<a href="#">CGS § 10-262f(25)</a>)*</li> </ul>	<p>Innovation schools are funded the same as the district's other schools. Local schools are funded by local property taxpayers with support from state ECS and other state grants.</p>

Table 1 (continued)

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<p><b>Evaluation</b></p>	<ul style="list-style-type: none"> <li>• Charters must be renewed every five years. (<a href="#">CGS § 10-66bb(e)&amp;(f)</a>)</li> <li>• After receiving an application for a charter renewal, SBE may commission an independent appraisal of the school's performance, whose results SBE must then consider in determining whether to renew the charter.</li> <li>• SBE or the education commissioner may deny renewal, place on probation, or revoke a charter if it finds the school has failed to: (1) adequately demonstrate student progress, (2) abide by state laws or regulations, or (3) manage its public funds in a legal or prudent manner.</li> <li>• Renewal can also be denied if (1) the school fails to attract and retain students (a) with a history of low academic performance or behavioral or social problems, (b) eligible for FRPL, (c) eligible for special education, or (d) who are ELL or (2) the governing council has not been responsible for school operations.</li> <li>• A school can also be placed on probation if it fails to (a) comply with its charter; (b) make measurable progress in reducing racial, ethnic, and economic isolation; (c) maintain its nonsectarian status; or (d) have a governing council that is able to provide effective leadership.</li> <li>• A charter can also be revoked if the school fails to (a) comply with its charter or (b) comply with the terms of its probation. (<a href="#">CGS § 10-66bb(g),(h) &amp; (i)</a>)</li> <li>• Each year, the commissioner must randomly select one magnet school to for a comprehensive financial audit by an auditor the commissioner selects. (<a href="#">CGS § 10-66ll</a>)</li> </ul>	<ul style="list-style-type: none"> <li>• The education commissioner may conduct a comprehensive review of a magnet school's operating budget to verify its tuition rate.</li> <li>• RESC-operated magnet schools must submit an annual financial audit to the education commissioner.</li> <li>• Each year, the commissioner must randomly select one magnet school to for a comprehensive financial audit by an auditor the commissioner selects. (<a href="#">CGS § 10-264(n)</a>).</li> </ul>	<ul style="list-style-type: none"> <li>• District superintendent must conduct an annual evaluation to determine if the school has met the innovation plan's annual goals, which must include goals regarding, at a minimum: (1) attendance; (2) student safety and discipline; (3) promotion, graduation, and dropout rates; (4) performance on statewide mastery exams; (5) progress in areas of underperformance; (6) progress of subgroups including ELL students; and (7) reduction of the achievement gap.</li> <li>• Evaluations must be submitted to the local board of education and education commissioner.</li> <li>• A local or regional school board may take action if the superintendent finds that the school has substantially failed to meet its goals.</li> <li>• The action may be to terminate the school or amend or suspend one or more parts of the innovation plan. (<a href="#">CGS § 10-74h(d)</a>)</li> </ul>

\*PA 09-6, § 26, September Special Session, repealed the provision that reduced a town's ECS aid due to the number of students sent to magnet schools, thus making all magnet students count for purposes of calculating the ECS aid for their home district.

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