



General Assembly

January Session, 2015

**Raised Bill No. 1096**

LCO No. 5164



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 Section 10-66aa of the general statutes is repealed and the  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, 2015*):

3 As used in [sections 10-66aa to 10-66ff] this section and sections 10-  
4 66bb to 10-66nn, inclusive, as amended by this act, and [sections 10-  
5 66hh to 10-66kk, inclusive] section 6 of this act:

6 (1) "Charter school" means a public, nonsectarian school which is  
7 (A) established under a charter granted pursuant to section 10-66bb, as  
8 amended by this act, (B) organized as a nonprofit entity under state  
9 law, (C) a public agency for the purposes of the Freedom of  
10 Information Act, as defined in section 1-200, and (D) operated  
11 independently of any local or regional board of education in  
12 accordance with the terms of its charter and the provisions of [sections  
13 10-66aa to 10-66ff] this section and sections 10-66bb to 10-66nn,  
14 inclusive, as amended by this act, and sections 3, 4 and 6 of this act,  
15 provided no member or employee of a governing council of a charter

16 school shall have a personal or financial interest in the assets, real or  
17 personal, of the school;

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

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

26 (4) "Charter management organization" means any [entity] not-for-  
27 profit organization that (A) is exempt from taxation under Section  
28 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent  
29 corresponding internal revenue code of the United States, as amended  
30 from time to time, (B) is a public agency for the purposes of the  
31 Freedom of Information Act, as defined in section 1-200, and (C)  
32 contracts with [that] a charter school [contracts with] for educational  
33 design, implementation or whole school management services; and

34 (5) "Whole school management services" means the financial,  
35 business, operational and administrative functions for a school.

36 Sec. 2. Section 10-66bb of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective July 1, 2015*):

38 (a) (1) On and after July 1, 1997, and prior to July 1, 2015, the State  
39 Board of Education may grant charters for local and state charter  
40 schools in accordance with this section. On and after July 1, 2015, such  
41 state board may grant initial certificates of approval for charters for  
42 local and state charter schools in accordance with this section, except  
43 that such state board shall not grant such initial certificates of approval  
44 for charters until the Commission of Education develops a  
45 comprehensive state-wide charter school plan and conducts a review

46 of charter schools in existence on July 1, 2015, and such plan and  
47 review are approved by the joint standing committee of the General  
48 Assembly having cognizance of matters relating to education. On or  
49 before February 1, 2017, the commissioner shall submit such plan and  
50 review to such joint standing committee. On or before April 1, 2017,  
51 such joint standing committee shall advise the commissioner of their  
52 approval, denial or modifications, if any, of such plan and review.

53 (2) The General Assembly shall review initial certificates of approval  
54 for charters and may appropriate funds for the expenses of the local  
55 and state charter schools. Upon such appropriation, the initial  
56 certificate of approval for charter for a local and state charter school  
57 shall be effective and such initial certificate of approval for a charter  
58 shall be deemed a charter.

59 (b) Any [person, association, corporation, organization or other  
60 entity] not-for-profit organization that is exempt from taxation under  
61 Section 501(c)(3) of the Internal Revenue Code of 1986, or any  
62 subsequent corresponding internal revenue code of the United States,  
63 as amended from time to time, public or independent institution of  
64 higher education, local or regional board of education or two or more  
65 boards of education cooperatively, or regional educational service  
66 center may apply to the Commissioner of Education, at such time and  
67 in such manner as the commissioner prescribes, to [establish] obtain an  
68 initial certificate of approval for a charter, [school,] provided no  
69 nonpublic elementary or secondary school may be established as a  
70 charter school and no parent or group of parents providing home  
71 instruction may establish a charter school for such instruction.

72 (c) On and after July 1, 2012, the State Board of Education shall  
73 review, annually, all applications and grant [charters] initial certificates  
74 of approval for a charter, in accordance with subsections (e) and (f) of  
75 this section, for a local or state charter school located in a town that has  
76 one or more schools that have been designated as a commissioner's  
77 network school, pursuant to section 10-223h, at the time of such

78 application, or a town that has been designated as a low achieving  
79 school district, pursuant to section 10-223e, at the time of such  
80 application. (1) Except as provided for in subdivision (2) of this  
81 subsection, no state charter school shall enroll (A) (i) more than two  
82 hundred fifty students, or (ii) in the case of a kindergarten to grade  
83 eight, inclusive, school, more than three hundred students, or (B)  
84 twenty-five per cent of the enrollment of the school district in which  
85 the state charter school is to be located, whichever is less. (2) In the  
86 case of a state charter school found by the State Board of Education to  
87 have a demonstrated record of achievement, said board shall, upon  
88 application by such school to said board, waive the provisions of  
89 subdivision (1) of this subsection for such school. (3) The State Board of  
90 Education shall give preference to applicants for charter schools (A)  
91 whose primary purpose is the establishment of education programs  
92 designed to serve one or more of the following student populations: (i)  
93 Students with a history of low academic performance, (ii) students  
94 who receive free or reduced priced lunches pursuant to federal law  
95 and regulations, (iii) students with a history of behavioral and social  
96 difficulties, (iv) students identified as requiring special education, (v)  
97 students who are English language learners, or (vi) students of a single  
98 gender; (B) whose primary purpose is to improve the academic  
99 performance of an existing school that has consistently demonstrated  
100 substandard academic performance, as determined by the  
101 Commissioner of Education; (C) that will serve students who reside in  
102 a priority school district pursuant to section 10-266p; (D) that will serve  
103 students who reside in a district in which seventy-five per cent or more  
104 of the enrolled students are members of racial or ethnic minorities; (E)  
105 that demonstrate highly credible and specific strategies to attract,  
106 enroll and retain students from among the populations described in  
107 subparagraph (A)(i) to (A)(vi), inclusive, of this subdivision; or (F) that,  
108 in the case of an applicant for a state charter school, such state charter  
109 school will be located at a work-site or such applicant is an institution  
110 of higher education. In determining whether to grant [a] an initial  
111 certificate of approval for a charter, the State Board of Education shall

112 consider (i) the effect of the proposed charter school on the reduction  
113 of racial, ethnic and economic isolation in the region in which it is to be  
114 located, (ii) the regional distribution of charter schools in the state,  
115 [and] (iii) the potential of over-concentration of charter schools within  
116 a school district or in contiguous school districts, and (iv) the  
117 comments made at a public hearing conducted pursuant to  
118 subdivision (2) of subsection (e) of this section or subparagraph (B) of  
119 subdivision (2) of subsection (f) of this section.

120 (d) Applications pursuant to this section shall include a description  
121 of: (1) The mission, purpose and any specialized focus of the proposed  
122 charter school; (2) the interest in the community for the establishment  
123 of the charter school; (3) the school governance and procedures for the  
124 establishment of a governing council that (A) includes (i) teachers and  
125 parents and guardians of students enrolled in the school, and (ii) the  
126 chairperson of the local or regional board of education of the town in  
127 which the charter school is located and which has jurisdiction over a  
128 school that resembles the approximate grade configuration of the  
129 charter school, or the designee of such chairperson, provided such  
130 designee is a member of the board of education or the superintendent  
131 of schools for the school district, and (B) is responsible for the  
132 oversight of charter school operations, provided no member or  
133 employee of the governing council may have a personal or financial  
134 interest in the assets, real or personal, of the school; (4) the financial  
135 plan for operation of the school, provided no application fees or other  
136 fees for attendance, except as provided in this section, may be charged;  
137 (5) the educational program, instructional methodology and services to  
138 be offered to students; (6) the number and qualifications of teachers  
139 and administrators to be employed in the school; (7) the organization  
140 of the school in terms of the ages or grades to be taught and the total  
141 estimated enrollment of the school; (8) the student admission criteria  
142 and procedures to (A) ensure effective public information, (B) ensure  
143 open access on a space available basis, including the enrollment of  
144 students during the school year if spaces become available in the

145 charter school, (C) promote a diverse student body, and (D) ensure  
146 that the school complies with the provisions of section 10-15c and that  
147 it does not discriminate on the basis of disability, athletic performance  
148 or proficiency in the English language, provided the school may limit  
149 enrollment to a particular grade level or specialized educational focus  
150 and, if there is not space available for all students seeking enrollment,  
151 the school may give preference to siblings but shall otherwise  
152 determine enrollment by a lottery, except the State Board of Education  
153 may waive the requirements for such enrollment lottery pursuant to  
154 subsection (j) of this section; (9) a means to assess student performance  
155 that includes participation in mastery examinations, pursuant to  
156 section 10-14n; (10) procedures for teacher evaluation and professional  
157 development for teachers and administrators; (11) the provision of  
158 school facilities, pupil transportation and student health and welfare  
159 services; (12) procedures to encourage involvement by parents and  
160 guardians of enrolled students in student learning, school activities  
161 and school decision-making; (13) procedures to document efforts to  
162 increase the racial and ethnic diversity of staff; (14) a five-year plan to  
163 sustain the maintenance and operation of the school; and (15) a student  
164 recruitment and retention plan that shall include, but not be limited to,  
165 a clear description of a plan and the capacity of the school to attract,  
166 enroll and retain students from among the populations described in  
167 subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3) of  
168 subsection (c) of this section. Subject to the provisions of subsection (b)  
169 of section 10-66dd, an application may include, or a charter school may  
170 file, requests to waive provisions of the general statutes and  
171 regulations not required by sections 10-66aa to 10-66ff, inclusive, as  
172 amended by this act, and which are within the jurisdiction of the State  
173 Board of Education.

174 (e) An application for the establishment of a local charter school  
175 shall be submitted to the local or regional board of education of the  
176 school district in which the local charter school is to be located for  
177 approval pursuant to this subsection. The local or regional board of

178 education shall: (1) Review the application; (2) hold a public hearing in  
179 the school district on such application; (3) survey teachers and parents  
180 in the school district to determine if there is sufficient interest in the  
181 establishment and operation of the local charter school; and (4) vote on  
182 a complete application not later than sixty days after the date of receipt  
183 of such application. Such board of education may approve the  
184 application by a majority vote of the members of the board present and  
185 voting at a regular or special meeting of the board called for such  
186 purpose. If the application is approved, the board shall forward the  
187 application to the State Board of Education. The State Board of  
188 Education shall vote on the application not later than seventy-five days  
189 after the date of receipt of such application. Subject to the provisions of  
190 subsection (c) of this section, the State Board of Education may  
191 approve the application and grant the initial certificate of approval for  
192 a charter for the local charter school or reject such application by a  
193 majority vote of the members of the state board present and voting at a  
194 regular or special meeting of the state board called for such purpose.  
195 The State Board of Education may condition the opening of such  
196 school on the school's meeting certain conditions determined by the  
197 Commissioner of Education to be necessary and may authorize the  
198 commissioner to release the initial certificate of approval for the  
199 charter when the commissioner determines such conditions are met.  
200 [The state board may grant the charter for the local charter school for a  
201 period of time of up to five years and may allow the applicant to delay  
202 its opening for a period of up to one school year in order for the  
203 applicant to fully prepare to provide appropriate instructional  
204 services.]

205 (f) (1) Except as otherwise provided in subdivision (2) of this  
206 subsection, an application for the establishment of a state charter  
207 school shall be (A) submitted to the State Board of Education for  
208 approval in accordance with the provisions of this subsection, and (B)  
209 filed with the local or regional board of education in the school district  
210 in which the charter school is to be located. The state board shall: (i)

211 Review such application; (ii) hold a public hearing on such application  
212 in the school district in which such state charter school is to be located;  
213 (iii) solicit and review comments on the application from the local or  
214 regional board of education for the school district in which such  
215 charter school is to be located and from the local or regional boards of  
216 education for school districts that are contiguous to the district in  
217 which such school is to be located; and (iv) vote on a complete  
218 application not later than ninety days after the date of receipt of such  
219 application. The State Board of Education may approve an application  
220 and grant the initial certificate of approval for a charter for the state  
221 charter school by a majority vote of the members of the state board  
222 present and voting at a regular or special meeting of the state board  
223 called for such purpose. The State Board of Education may condition  
224 the opening of such school on the school's meeting certain conditions  
225 determined by the Commissioner of Education to be necessary and  
226 may authorize the commissioner to release the initial certificate of  
227 approval for the charter when the commissioner determines such  
228 conditions are met. [Charters shall be granted for a period of time of  
229 up to five years and may allow the applicant to delay its opening for a  
230 period of up to one school year in order for the applicant to fully  
231 prepare to provide appropriate instructional services.]

232 (2) [On] Subject to the provisions of subsection (a) of this section, on  
233 and after July 1, 2012, and before July 1, 2017, the State Board of  
234 Education shall not approve more than four applications for the  
235 establishment of new state charter schools unless two of the four such  
236 applications are for the establishment of two new state charter schools  
237 whose mission, purpose and specialized focus is to provide dual  
238 language programs or other models focusing on language acquisition  
239 for English language learners. Approval of applications under this  
240 subdivision shall be in accordance with the provisions of this section.

241 (g) Charters may be renewed, upon application, in accordance with  
242 the provisions of this section for the granting of such charters. Upon  
243 application for such renewal, the State Board of Education may

244 commission an independent appraisal of the performance of the  
245 charter school that includes, but is not limited to, an evaluation of the  
246 school's compliance with the provisions of this section. The State Board  
247 of Education shall consider the results of any such appraisal in  
248 determining whether to renew such charter. The State Board of  
249 Education may deny an application for the renewal of a charter if (1)  
250 student progress has not been sufficiently demonstrated, as  
251 determined by the commissioner, (2) the governing council has not  
252 been sufficiently responsible for the operation of the school or has  
253 misused or spent public funds in a manner that is detrimental to the  
254 educational interests of the students attending the charter school, (3)  
255 the school has not been in compliance with applicable laws and  
256 regulations, or (4) the efforts of the school have been insufficient to  
257 effectively attract, enroll and retain students from among the following  
258 populations: (A) Students with a history of low academic performance,  
259 (B) students who receive free or reduced priced lunches pursuant to  
260 federal law and regulations, (C) students with a history of behavioral  
261 and social difficulties, (D) students identified as requiring special  
262 education, or (E) students who are English language learners. If the  
263 State Board of Education does not renew a charter, it shall notify the  
264 governing council of the charter school of the reasons for such  
265 nonrenewal.

266 (h) The Commissioner of Education may at any time place a charter  
267 school on probation if (1) the school has failed to (A) adequately  
268 demonstrate student progress, as determined by the commissioner, (B)  
269 comply with the terms of its charter or with applicable laws and  
270 regulations, (C) achieve measurable progress in reducing racial, ethnic  
271 and economic isolation, or (D) maintain its nonsectarian status, or (2)  
272 the governing council has demonstrated an inability to provide  
273 effective leadership to oversee the operation of the charter school or  
274 has not ensured that public funds are expended prudently or in a  
275 manner required by law. If a charter school is placed on probation, the  
276 commissioner shall provide written notice to the charter school of the

277 reasons for such placement, not later than five days after the  
278 placement, and shall require the charter school to file with the  
279 Department of Education a corrective action plan acceptable to the  
280 commissioner not later than thirty-five days from the date of such  
281 placement. The charter school shall implement a corrective action plan  
282 accepted by the commissioner not later than thirty days after the date  
283 of such acceptance. The commissioner may impose any additional  
284 terms of probation on the school that the commissioner deems  
285 necessary to protect the educational or financial interests of the state.  
286 The charter school shall comply with any such additional terms not  
287 later than thirty days after the date of their imposition. The  
288 commissioner shall determine the length of time of the probationary  
289 period, which may be up to one year, provided the commissioner may  
290 extend such period, for up to one additional year, if the commissioner  
291 deems it necessary. In the event that the charter school does not file or  
292 implement the corrective action plan within the required time period  
293 or does not comply with any additional terms within the required time  
294 period, the Commissioner of Education may withhold grant funds  
295 from the school until the plan is fully implemented or the school  
296 complies with the terms of probation, provided the commissioner may  
297 extend the time period for such implementation and compliance for  
298 good cause shown. Whenever a charter school is placed on probation,  
299 the commissioner shall notify the parents or guardians of students  
300 attending the school of the probationary status of the school and the  
301 reasons for such status. During the term of probation, the  
302 commissioner may require the school to file interim reports concerning  
303 any matter the commissioner deems relevant to the probationary  
304 status of the school, including financial reports or statements. No  
305 charter school on probation may increase its student enrollment or  
306 engage in the recruitment of new students without the consent of the  
307 commissioner.

308 (i) The State Board of Education may revoke a charter if a charter  
309 school has failed to: (1) Comply with the terms of probation, including

310 the failure to file or implement a corrective action plan; (2)  
311 demonstrate satisfactory student progress, as determined by the  
312 commissioner; (3) comply with the terms of its charter or applicable  
313 laws and regulations; or (4) manage its public funds in a prudent or  
314 legal manner. Unless an emergency exists, prior to revoking a charter,  
315 the State Board of Education shall provide the governing council of the  
316 charter school with a written notice of the reasons for the revocation,  
317 including the identification of specific incidents of noncompliance with  
318 the law, regulation or charter or other matters warranting revocation  
319 of the charter. It shall also provide the governing council with the  
320 opportunity to demonstrate compliance with all requirements for the  
321 retention of its charter by providing the State Board of Education or a  
322 subcommittee of the board, as determined by the State Board of  
323 Education, with a written or oral presentation. Such presentation shall  
324 include an opportunity for the governing council to present  
325 documentary and testimonial evidence to refute the facts cited by the  
326 State Board of Education for the proposed revocation or in justification  
327 of its activities. Such opportunity shall not constitute a contested case  
328 within the meaning of chapter 54. The State Board of Education shall  
329 determine, not later than thirty days after the date of an oral  
330 presentation or receipt of a written presentation, whether and when  
331 the charter shall be revoked and notify the governing council of the  
332 decision and the reasons therefor. A decision to revoke a charter shall  
333 not constitute a final decision for purposes of chapter 54. In the event  
334 an emergency exists in which the commissioner finds that there is  
335 imminent harm to the students attending a charter school, the State  
336 Board of Education may immediately revoke the charter of the school,  
337 provided the notice concerning the reasons for the revocation is sent to  
338 the governing council not later than ten days after the date of  
339 revocation and the governing council is provided an opportunity to  
340 make a presentation to the board not later than twenty days from the  
341 date of such notice.

342 (j) (1) The governing council of a state or local charter school may

343 apply to the State Board of Education for a waiver of the requirements  
344 of the enrollment lottery described in subdivision (8) of subsection (d)  
345 of this section, provided such state or local charter school has as its  
346 primary purpose the establishment of education programs designed to  
347 serve one or more of the following populations: (A) Students with a  
348 history of behavioral and social difficulties, (B) students identified as  
349 requiring special education, (C) students who are English language  
350 learners, or (D) students of a single gender.

351 (2) An enrollment lottery described in subdivision (8) of subsection  
352 (d) of this section shall not be held for a local charter school that is  
353 established at a school that is among the schools with a percentage  
354 equal to or less than five per cent when all schools are ranked highest  
355 to lowest in school performance index scores, as defined in section 10-  
356 223e.

357 Sec. 3. (NEW) (*Effective July 1, 2015*) Each charter management  
358 organization of a state or local charter school or, if there is no charter  
359 management organization associated with a state or local charter  
360 school, the governing council of such charter school, shall submit  
361 annually, to the Commissioner of Education, (1) a certified audit  
362 statement of all revenues from public and private sources and  
363 expenditures, and (2) a complete copy of such organization's or  
364 council's most recently completed Internal Revenue Service form 990,  
365 including all parts and schedules.

366 Sec. 4. (NEW) (*Effective July 1, 2015*) The Commissioner of Education  
367 shall post any reports, certified audit statements and forms submitted  
368 to the Department of Education pursuant to section 10-66cc of the  
369 general statutes and section 3 of this act on the department's Internet  
370 web site not later than thirty days after receiving such reports,  
371 statements or forms. The commissioner shall identify any charter  
372 management organization or governing council of a charter school that  
373 did not submit a report, certified audit statement or form for the  
374 current reporting period and post such information on the

375 department's Internet web site, not later than thirty days after failing to  
376 receive such reports, statements or forms.

377 Sec. 5. Section 10-66ll of the general statutes is repealed and the  
378 following is substituted in lieu thereof (*Effective July 1, 2015*):

379 Annually, the [commissioner] Commissioner of Education shall  
380 randomly select one state charter school, as defined in subdivision (3)  
381 of section 10-66aa, as amended by this act, to be subject to a  
382 comprehensive financial audit conducted by an independent auditor  
383 selected and monitored by the [Commissioner of Education]  
384 commissioner. Except as provided [for] in subsection (d) of section 10-  
385 66ee, the charter school shall be responsible for all costs associated  
386 with the audit conducted pursuant to the provisions of this section.

387 Sec. 6. (NEW) (*Effective July 1, 2015*) (a) On and after July 1, 2015, the  
388 State Board of Education shall require members of the governing  
389 council of a state or local charter school and members of a charter  
390 management organization to submit to a records check of the  
391 Department of Children and Families child abuse and neglect registry,  
392 established pursuant to section 17a-101k of the general statutes, and to  
393 state and national criminal history records checks before the state  
394 board grants initial certificates of approval for charters pursuant to  
395 section 10-66bb of the general statutes, as amended by this act. The  
396 criminal history records checks required under this subsection shall be  
397 conducted in accordance with section 29-17a of the general statutes.

398 (b) On and after July 1, 2015, the governing council of a state or local  
399 charter school shall require each applicant for a position in a state or  
400 local charter school and each contractor doing business with a state or  
401 local charter school, who performs a service involving direct student  
402 contact, to submit to a records check of the Department of Children  
403 and Families child abuse and neglect registry, established pursuant to  
404 section 17a-101k of the general statutes, and to state and national  
405 criminal history records checks before such applicant may be hired or

406 such contractor begins to perform such service. The criminal history  
407 records checks required under this subsection shall be conducted in  
408 accordance with section 29-17a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	10-66aa
Sec. 2	<i>July 1, 2015</i>	10-66bb
Sec. 3	<i>July 1, 2015</i>	New section
Sec. 4	<i>July 1, 2015</i>	New section
Sec. 5	<i>July 1, 2015</i>	10-66ll
Sec. 6	<i>July 1, 2015</i>	New section

**Statement of Purpose:**

To place a moratorium on the approval of new charter schools by the Commissioner of Education and amend the requirements concerning the applications, reports and background checks to be completed by charter schools.

*[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.]*